

WILLIAM B. CHANDLER III
CHANCELLOR

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Submitted: January 24, 2005
Decided: February 7, 2005

Michael Hanrahan
Paul A. Fioravanti, Jr.
Prickett, Jones & Elliott, P.A.
P.O. Box 1328
Wilmington, DE 19801

Charles F. Richards, Jr.
Richards, Layton & Finger
P.O. Box 551
Wilmington, DE 19899

Re: *Belanger v. Fab Indus., Inc., et al.*
Civil Action No. 054-N

Dear Counsel:

Plaintiff's Motion for Expedited Proceedings filed on January 12, 2005, sought three forms of expedition. The first request is moot as defendants have responded to plaintiff's Amended First Request for Production of Documents. The third request for a hearing on plaintiff's Motion for Declaratory Judgment is unopposed. A hearing on that motion is scheduled for April 12, 2005, at 10 a.m. in Wilmington. The parties should endeavor to create a mutually acceptable briefing schedule based upon this date.

Defendants oppose plaintiff's request to require persons to appear for depositions upon notice by plaintiff or as otherwise reasonably agreed upon by counsel. Plaintiff noticed a series of depositions on January 12, 2005. Those depositions were noticed for dates on or after February 16, 2005. Clearly, more than a month is "reasonable notice" within the meaning of Court of Chancery Rule 30(b)(1). If defendants believe that depositions are inappropriate as to certain deponents or certain claims, defendants should move for a protective order under Court of Chancery Rule 26(c) instead of unnecessarily complicating the present motion to expedite.

A hearing on plaintiff's Motion for Declaratory Judgment will be held as scheduled above, and the depositions noticed by plaintiff will go forward as scheduled (or as that schedule is modified by agreement of the parties). Defendants may seek a protective order should they wish to do so.

IT IS SO ORDERED.

Very truly yours,

/s/ William B. Chandler III

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WBCIII:amf