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 9 Attorneys for Defendants/Counterclaimants  
 10 Regan Media, Inc. and Judith Regan

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF ARIZONA

13 JENNA MASSOLI p/k/a JENNA )  
 14 JAMESON, )  
 15 )  
 16 ) Plaintiff, )  
 17 )  
 18 ) vs. )  
 19 ) "REGAN MEDIA," and JUDITH )  
 20 ) REGAN, an individual, )  
 21 )  
 22 ) Defendants. )

No. CV 05-0854 PHX EHC

**STATEMENT OF MOVING  
 COUNSEL IN SUPPORT OF  
 DEFENDANT/  
 COUNTERCLAIMANT REGAN  
 MEDIA'S MOTION TO  
 COMPEL**

23 REGAN MEDIA, INC., a New York )  
 24 corporation, and JUDITH REGAN, an )  
 25 individual, )  
 26 )  
 27 ) Defendants/Counterclaimants, )  
 28 )  
 29 ) vs. )  
 30 ) JENNA MASSOLI p/k/a JENNA )  
 31 ) JAMESON, an individual, )  
 32 )  
 33 ) Plaintiff/Counterdefendant, )  
 34 )  
 35 ) and )  
 36 ) JAY GRDINA, an individual, )  
 37 )  
 38 ) Third-Party Counterdefendant. )

(Assigned to the Honorable  
 Earl H. Carroll)

1 Pursuant to Fed.R.Civ.P. 37(a)(2)(B) and Local Rule 7.2(j), counsel for  
2 Defendants/Counterclaimants submits this Statement of Moving Counsel in support of  
3 Defendant/Counterclaimant Regan Media's Motion to Compel. Undersigned counsel  
4 certifies that Counterclaimants have, after personal consultation and sincere efforts to do  
5 so, been unable to resolve this dispute with Counterdefendants.  
6

7 On or about December 5, 2005, counsel for Counterdefendants, Roger Hall,  
8 telephoned to request an extension of time for Counterdefendants to respond to Regan  
9 Media's First Request for Production of Documents. On December 9, 2005, counsel for  
10 Counterclaimants, David Bodney, sent a letter to Counterdefendants agreeing to extend the  
11 deadline to December 12, 2005.  
12

13 On December 14, 2005, Mr. Bodney sent an e-mail to Mr. Hall inquiring  
14 about the status of Counterdefendants' document production. On Tuesday, December 27,  
15 2005, when no response had been served, undersigned counsel telephoned Mr. Hall to  
16 inquire about Counterdefendants' response to Regan Media's document requests. Mr.  
17 Hall offered no excuse for his clients' failure to comply with this pending discovery  
18 request. Undersigned counsel informed Mr. Hall that Counterclaimants would be obliged  
19 to file a motion to compel if a response to the First Request for Production of Documents  
20 was not received by January 2, 2006. As of this writing, Counterdefendants still have not  
21 responded to Regan Media's November 4, 2005 First Request for Production of  
22 Documents.  
23  
24  
25  
26

1 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of January, 2006.

2 STEPTOE & JOHNSON LLP

3 By: /s/ Dennis K. Blackhurst

4 David J. Bodney  
5 Dennis K. Blackhurst  
6 Collier Center  
7 201 East Washington Street  
8 Suite 1600  
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10 Attorneys for Defendants/  
11 Counterclaimants Regan Media, Inc. and  
12 Judith Regan  
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CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of January, 2006, I caused the attached document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electric Filing to the following CM/ECF Registrants:

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I hereby certify that on the 5<sup>th</sup> day of January, 2006, I served the attached document by mail on the following, who are not registered participants of the CM/ECF System:

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/s/ Beth Gibson  
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