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 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

**REPLY 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 ) Defendants/Counterclaimants, )  
 27 )  
 28 ) vs. )  
 29 ) JENNA MASSOLI p/k/a JENNA )  
 30 ) JAMESON, an individual, )  
 31 )  
 32 ) Plaintiff/Counterdefendant, )  
 33 )  
 34 ) and )  
 35 ) JAY GRDINA, an individual, and )  
 36 ) DOLCE AMORE, INC., a Colorado )  
 37 ) corporation, )  
 38 )  
 39 ) Counterdefendants. )

(Assigned to the Honorable  
Earl H. Carroll)

1           In their Response, Plaintiffs “confess” that they have failed to produce  
2 documents that were requested by Regan Media, Inc. (“Regan”) and due the first week of  
3 December. [Plaintiffs’ Response, at 2.] As such, Plaintiffs concede that Regan’s Motion  
4 to Compel should be granted and the Court should enter an Order (1) compelling  
5 production of the requested documents on or before February 7, 2006, and (2) awarding  
6 Regan its reasonable attorneys’ fees incurred in bringing the Motion to Compel.  
7 Plaintiffs’ only explanation for their failure to produce even a written response to Regan’s  
8 First Request for Production of Documents is that they were too busy with other business  
9 affairs to fulfill their obligations in the litigation they initiated.  
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11  
12           Plaintiffs say they will produce responsive documents by February 7, 2006,  
13 15 days from the filing of their Response. [*Id.*, at 4.] Although this production will be  
14 more than two months overdue, production of the requested documents on February 7,  
15 2006 should allow enough time for Defendants to prepare for Plaintiffs’ depositions,  
16 which are currently scheduled for February 14 and 16. (At Plaintiffs’ request, the  
17 depositions of Plaintiff Counterdefendant Jenna Jameson and Counterdefendant Jay  
18 Grdina have been twice postponed already.) Any further delay by Plaintiffs, however, will  
19 prevent Defendants from preparing adequately for Plaintiffs’ upcoming depositions.  
20

21  
22           It merits note that Plaintiffs have failed to object to any of Defendants’  
23 document requests and have therefore waived any objections. *See Richmark Corp. v.*  
24 *Timber Falling Consultants*, 959 F.2d 1468, 1473 (9<sup>th</sup> Cir. 1992) (“It is well established  
25 that a failure to object to discovery requests within the time required constitutes a waiver  
26

1 of any objection”). Consequently, if Plaintiffs’ production is late again, or if Plaintiffs  
2 withhold the requested documents, then Defendants reserve their right to file a motion  
3 seeking Rule 37 sanctions, including dismissal of Plaintiffs’ claims.  
4

5  
6 Respectfully submitted this 30<sup>th</sup> day of January, 2006.

7 STEPTOE & JOHNSON LLP

8  
9 By: /s/ David J. Bodney

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18 Counterclaimants Regan Media, Inc. and  
19 Judith Regan  
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CERTIFICATE OF SERVICE

I hereby certify that on the 30<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 30<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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