

Beth M. Deere

From: Beth M. Deere
Sent: Tuesday, August 22, 2006 10:23 AM
To: 'Jonathan Rosen'
Cc: 'chancock@wlj.com'; Philip S. Anderson; Clayborne S. Stone
Subject: RE: Steinbuch v. Cutler et al

Mr. Rosen,

I am happy to extend professional courtesies to my colleagues, including reasonable requests for extensions of time. I think you will find that lawyers in Arkansas are uncommonly collegial as compared with lawyers other sections of the country. This includes working together cooperatively and communicating in a civil, respectful tone.

I do not recall that I have ever asked, or been asked, for an extension of two and one-half months beyond the time allowed under the rules to respond to a narrow motion to dismiss. Nonetheless, I am willing to go along with your request, without inquiring into your reason for needing three months to respond to straightforward motions based on a lack of personal jurisdiction, so long as my clients' legal rights are protected.

I am puzzled by your implication that "professional courtesy" includes placing a client in legal peril. If you proceed with substantive discovery during the next three months, my clients are put in an untenable position. They cannot participate in gathering discovery, i.e. propounding interrogatories or deposing your client, without risking waiver of the issue of personal jurisdiction. Thus, discovery would be entirely one-sided during that rather long stretch of time. This would be neither fair nor efficient.

If you would like a shorter, more reasonable period of time to respond to the motions without a stay of discovery, I will be happy to consider such a request.

Cordially,

Beth.

