



Lisa Borodkin <lborodkin@gmail.com>

AEI v. Xcentric -- Defendants FIRST Set of Discovery Requests

Lisa Borodkin <lborodkin@gmail.com>

Tue, Apr 27, 2010 at 10:04 AM

To: david@ripoffreport.com

Cc: Daniel Blackert <blackertesq@yahoo.com>, Maria Crimi Speth <mcs@jaburgwilk.com>

Hi David,

We can talk about all that at 3 p.m. **At that time we would appreciate your client's position on electronic discovery, preservation of evidence, the Sedona Conference, and other matters raised in our email of 4/22 as to which you have not responded.**

Based on your email of 4/22 and our response, we also thought we were in agreement that "Based on the court's order bifurcating this matter, Defendants believe that discovery should be initially focused on the matters set for trial in August." Because the Court bifurcated damages as well as defamation and your representations, that is why we thought we were in agreement that damages would not be a part of discovery. Despite this, numerous categories of your document requests seek information that are not part of the bifurcated trial.

In addition, Rule 26(d)(1) states that

"A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.

While we fully want to agree on a discovery plan with you in a reasonable and non-adversarial manner, your discovery requests prior to our Rule 26(f) conference this afternoon are premature. In this District the meet and confer process is to be done telephonically or in-person, not in writing. We will have to discuss whether your premature discovery requests are valid. We will be happy to discuss setting depositions and all other matters this afternoon, and would appreciate it if you could hold off making more demands for a written response until we have had a chance to confer as required by Rule 26(f).

Lisa

[Quoted text hidden]

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Lisa J. Borodkin

lisa@lisaborodkin.com

323-337-7933
