



Mon, May 3, 2010 at 10:54 AM

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We have 14 days after the Rule 26(f) conference to do Rule 26(a) initial disclosures.

Fed. R. Civ. P. 26(c).

If you have another way of computing the date, let us know. Otherwise please give us some breathing room to follow the Federal Rules.

Thanks for agreeing to meet and confer again as a courtesy after Mr. Magedson's deposition. If the depositions or other early discovery identify obvious triable issues of material fact that would defeat summary judgment, we should meet and confer on those.

My request for evidence on the MSJ meant evidence that you intend to use on your MSJ. I do not think you can move for summary judgment based on an absence of evidence in the record to support plaintiffs' claims, without giving plaintiff a chance to do such discovery.

We have a filing deadline today, so Dan and I get back to you on anything else that needs addressing.

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