

Dunn, Katharine N.

From: Dunn, Katharine N.
Sent: Thursday, June 23, 2011 8:48 AM
To: 'Cenar, Kara'; Colin Holley
Cc: Righettini, Justin; Pink, Jonathan Stuart; Seale, Merili
Subject: RE: Confiding Batts depositions

Kara,

Our position now remains as it was before and during the call yesterday. The depositions are going forward in the Pringle case. If the deponents do not appear for deposition in the Pringle case on July 22, 25, 26 and 27, we will seek appropriate sanctions.

Katharine

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-----Original Message-----

From: Cenar, Kara [mailto:Kara.Cenar@bryancave.com]
Sent: Thursday, June 23, 2011 7:30 AM
To: Dunn, Katharine N.; Colin Holley
Cc: Righettini, Justin; Pink, Jonathan Stuart; Seale, Merili
Subject: Confiding Batts depositions

Colin and Katharine

During our call yesterday you represented that you want the BEP dates for deposition in Batts

The earliest possible dates are July 22, 25, 26, and 28. Due to their tour schedule there is no other earlier date.

I strongly encourage you to depose these witnesses for your Batts case because you claim you need to take them for the Summary Judgment response Walter ordered you to provide.

Please advise me today as to whether these dates will be used for the Batts depositions.

Although we find it highly unlikely that you will take the seven hours with each of these witnesses you can take them for the time required on those dates.

We will be providing alternative dates for Pringle depositions of our Band members and will be seeking a protective order from the Court in Pringle. They are not available in August for professional reasons, but discovery does not close in the Pringle matter until mid November so we should find a date well before the close of discovery.

In the highly likely event that you complete your Batts depositions during the week of July 22-27, in less than 7 hours for the witness, then the witnesses can be deposed in the Pringle case on those same days.

We will continue to try to schedule another day for witnesses in the Pringle matter but due to their tour schedule it's not likely to be until the fall.

I understand from our call yesterday that you do not intend to have the band members appear for depositions on the conflicting corona del mar dates and locations but you won't withdraw the Notices. But your representation that you do not intend to take their depositions on those dates takes them off calendar. We have taken them off our calendar.

Since we are giving you the first available dates for the Batts case depositions, Jul 22, 25, 27, 29 I assume the motion to compel is Moot. Will you withdraw it?

We spoke during our meet and confer about our filing a motion for protective order we intend to file with the Pringle Court to seek relief from the Notice of Deposition for the Band members. The band members cannot appear for deposition on the dates noticed because they are being deposed in the Batts case. They are willing to be deposed on that day for Pringle too, as it is highly unlikely that the Batts depositions will take a full seven hours.

We are presently scheduling other dates for them to appear for deposition in the Pringle matter. Since they are in Europe on tour right now it might take a few weeks before I can confirm dates

Please let me know if we can handle the Pringle depositions in this manner by agreement, or whether it is necessary to file our Motion for Protective Order.

Kara

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