

EXHIBIT S

From: George Hampton
To: Genar, Kara
Cc: Pink, Jonathan Stuart; Righettini, Justin; Seale, Merrill; Ed McPherson; Linda Burrow; Barry Slotnick; gould@gouldlaw.com; Dickle@MillerCanfield.com; rgrealy@gouldlaw.com; Colin Holley; Koppenhoefer, Kathleen E.; Dunn, Katharine N.; Tracy Rane; Seale, Merrill
Subject: Depositions
Date: Monday, April 11, 2011 4:14:19 PM
Attachments: Image001.png

Kara,

Asking you to read my previous e-mail messages is growing old. I would encourage you to do so because they will undoubtedly be attached as exhibits to a motion to compel your clients to appear for a deposition in both the Pringle and Batts matters.

Since you will not agree to produce each of your clients for a 1 day (7 hour) deposition in EACH case, i.e. two days of depositions per deponent – 1 day for Batts and 1 day for Pringle, as allowed by the Federal Rules of Civil Procedure we have reached an impasse and no further response is necessary. Until and unless you are willing to make your clients available for their depositions pursuant to the Federal Rules of Civil Procedure, specifically a 1 day (7 hour deposition) in EACH case, on dates “certain” there is nothing more to discuss.

I note that notwithstanding my repeated requests you have NEVER offered any alternative dates “certain” for your clients’ depositions. In light of your anticipated motion for summary judgment in the Batts case and the scheduling orders in each case, the depositions need to occur far in advance of some tentative dates in July subject to your trial schedule.

George

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