

Meyer, Bill

From: Meyer, Bill
Sent: Wednesday, October 01, 2008 1:56 PM
To: 'Joseph A. Yablonski'
Cc: Hisham Amin; Nathan J. Oleson
Subject: RE: Re Proposed Resolution of Discovery Issues in Sagapolutele

Chip,

Thanks for your email. We agree with the framework of putting the depositions off until the Motion for Protective Order is resolved, but are averse to withdrawing our validly-issued and served subpoenas. We suggest the following:

1. Plaintiffs will suspend the depositions of the NFLMC and the NFLPA pending a decision by the Court on Defendants' Motion for Protective Order.
2. The parties will send a letter to Judge Nickerson describing the agreement to suspend depositions and requesting prompt resolution of the Motion for Protective Order.
3. Within one week of the Court's ruling of the motion, counsel for the parties, the NFLMC and the NFLPA will meet and confer about the any remaining issues concerning the subpoenas, including (a) scheduling of the depositions, and (b) any objections by the NFLMC and NFLPA to the subpoenas based on privilege, burden, relevancy, vagueness, or any other issue.
4. After the meet and confer, any remaining discovery disputes will be presented to Judge Nickerson for resolution.
5. Defendants will withdraw their Motion to Stay Discovery.

This is, in essence, your proposal with Plaintiffs suspending the depositions instead of withdrawing the subpoenas. It kicks the problem down the road until we know the scope of discovery, utilizes the meet and confer process to resolve any remaining disputes, and preserves everyone's rights.

Please call me to discuss.

Bill

EXHIBIT F



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From: Joseph A. Yablonski [mailto:chip@yablonskilaw.com]
Sent: Wednesday, October 01, 2008 1:22 PM
To: Meyer, Bill
Cc: Hisham Amin; Nathan J. Oleson
Subject: Re Proposed Resolution of Discovery Issues in Sagapolutele

Dear Bill:

As we discussed late this morning, I have reviewed your proposal with counsel for the Plan and the NFLMC, and Hisham, Nathan and I are prepared to discuss this with you later today. Since you undoubtedly will want to run my observations and suggestions by Mr. Smith before our conference call, here they are in writing:

1. I think plaintiffs' proposal is unworkable in the current setting. The current motion for a protective order does not address the multitude of different objections that the NFLPA has made based on privileges, burdensomeness, relevancy, vagueness and overbreadth, none of which has been briefed. The Management Council will likely have similar objections.

2. The prudent, efficient way of dealing with this situation – rather than the non-parties potentially filing motions to quash in two different courts, which I'm certainly prepared to do (and the NFLMC is as well) – is for plaintiffs to withdraw their subpoenas and agree to a schedule with the Plans concerning briefing the stay and discovery requests served upon them through a joint pleading to be filed by Plaintiffs and the Plans with the Court.

3. If the Court permits any discovery, the plaintiffs would then re-issue the subpoenas in conformity with the Court's Order (I'll accept service for the PA) and we can either work out our differences with the plaintiffs or proceed through either motions to quash or motions to compel.

Please give us Plaintiffs' reaction to these suggestions.

Chip Yablonski

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