

case no. 08-12-18280CV (Tex. 82d Dist.), may take Mr. Aguiar's deposition on jurisdictional issues in the same manner as Mr. Natbony was deposed. Any disputes concerning that deposition should be attempted to be amicably resolved, but if not, presented to the Texas state court for resolution.

2. In taking depositions in these cases, counsel shall make a good faith effort to coordinate with counsel in the Texas state court case, *Aguiar v. Pardus Petroleum, LP, et al.*, case no. 08-12-18280CV (Tex. 82d Dist.), in taking merits discovery of all witnesses to ensure that witnesses are deposed only once.

3. The parties stipulated to a special master, Jon Zeder, Esq., whose expenses shall be borne by them equally. The Special Master will rule on objections at the depositions, including the privilege objections, but attorney-client privilege will not be waived by responses following objections, and the Special Master's rulings are subject to review. Counsel for the witness may instruct the witness not to answer to preserve privilege on substantial issues. Sanctions may be awarded for such an instruction if it is not reasonable in light of the circumstances.

4. Based upon the stipulation made between counsel for Aguiar and counsel for Katten in open Court on June 5, 2009, and based on the discussion of counsel with the Court on June 11, 2009, Katten shall serve a single omnibus response, including documents and objections, to both the subpoena issued in the Leor case, as well as the request for production issued in the malpractice action, on or before June 18, 2009.

5. If Katten does not produce the documents referenced in paragraph 4 above by June 18, 2009, the depositions of Mr. McCawley and Mr. Aguiar will be postponed.

DONE AND ORDERED in Chambers in Miami, Florida, this **12th** day of June, 2009.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

cc:
U.S. District Judge Seitz
Counsel of Record