

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, )  
as Administrarix and Personal )  
Representative of the )  
ESTATE OF NANCY E. BENOIT, )  
 )  
Plaintiff, )

v. )

CIVIL ACTION  
FILE NO. 1:08-CV-0421-TWT

LFP PUBLISHING GROUP, LLC, )  
d/b/a Hustler Magazine, )  
MARK SAMANSKY, an Individual, )  
and other distributors and sellers of, )  
Hustler Magazine, as )  
Defendants X, Y, and Z, )  
 )  
Defendants. )

**AMENDED NOTICE OF DEPOSITION**

TO: LFP Publishing Group, LLC  
d/b/a Hustler Magazine  
c/o its attorney of record  
S. Derek Bauer, Esq.  
McKenna, Long & Aldridge  
303 Peachtree Street, N.E.  
Suite 5300  
Atlanta, GA 30308

Please take notice that the deposition of LFP Publishing Group, LLC  
d/b/a Hustler Magazine (hereinafter “Deponent”) will be taken by Maureen Toffoloni,

as Administratrix and Personal Representative of the Estate of Nancy E. Benoit, (hereinafter "Plaintiff"), at the offices of McKenna, Long & Aldridge, 300 South Grand Avenue, 14<sup>th</sup> Floor, Los Angeles, California 90071-3124, on the 14<sup>th</sup> day of April, 2010, beginning at 9:00 a.m. before an officer duly authorized by law to administer oaths. The deposition will continue from day to day until its completion.

This deposition will be taken pursuant to the Federal Rules of Civil Procedure Rule 30(b)(6) such that the Deponent shall designate one or more officers, directors, managing agents, or other persons authorized to testify on its behalf with respect to the matters set forth below and the matters alleged in the Complaint filed by Plaintiff and the Answer filed by Deponent in the above-referenced action.

Deponent shall notify Plaintiff in advance of the name and position of each individual that it is designating to testify with respect to each of the matters set forth below.

The deposition will be taken upon oral examination by Plaintiff, through counsel, for the purposes of discovery, use as evidence, and all purposes authorized by the Federal Rules of Civil Procedure. Deponent is by means of this Notice afforded the opportunity to be and appear at said deposition. The deposition will be recorded both stenographically and by video.

The matters with respect to which Deponent shall be deposed are as follows:

(1)

Each and every instance, including, but not limited to, magazines videos, DVDs, internet sites, content, movies, or any other medium in which the Defendant, or any parent company, partner, agent, affiliate, or licensee of any Defendant published, broadcast, displayed, or otherwise disseminated or made available to the public nude and/or partially nude images (hereinafter the “images”) of Nancy Elizabeth Benoit (hereinafter “Ms. Benoit”).

(2)

All money, revenue, fees, income or other things of value received by Defendant, as the result of sales or licenses of any media containing images of Ms. Benoit.

(3)

The net worth of Defendant LFP Publishing Group, LLC for the years ending 2006, 2007, 2008, and 2009.

(4)

Each and every instance in which Defendants' agents, employees, partners, or licensees discussed or communicated in any way about the subject of the Defendants' plans to publish or disseminate, and the publishing of the images of Ms. Benoit. This topic includes all internal and external emails, memoranda, facsimiles, and notes of oral discussions by, among, and between Defendants' agents, employees, partners, or licensees, wherever located, concerning the subject of Defendants' acquisition of, payment for, publication, licensing and/or revenues from and potential liability for the dissemination of nude and partially nude images of Ms. Benoit.

(5)

The amount of money or other things of value Defendant LFP Publishing Group, LLC or any related person or entity paid Mark Samansky for nude and/or partially nude images of Ms. Benoit.

(6)

Each and every instance in 2006, 2007, 2008 and 2009, when the Defendant LFP Publishing Group, LLC or any affiliated company, paid a model, celebrity, actor or other performer or private individual for the use of nude images of any such persons, and the amount paid to each such person.

(7)

Profit and loss and/or operating statements for LFP Publishing Group, LLC for each month in calendar years 2006, 2007, 2008, and 2009.

(8)

A statement of net worth or financial statement for LFP Publishing Group, LLC d/b/a “Hustler Magazine” for the years 2006, 2007, 2008, and 2009.

(9)

The financial and/or other compensation paid by Defendant LFP Publishing Group, LLC or any related or affiliated company for the 50 highest paid models, celebrities or private individuals for posing for nude images of said person, published in each edition of Hustler Magazine for 2006, 2007, 2008, and 2009.

(10)

The reasons for the difference between the Canada and American covers of Hustler Magazine, including the timing, strategy, etc. for the differences.

Respectfully submitted March 10, 2010.

*/s/ Richard P. Decker*

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RICHARD P. DECKER

State Bar of Georgia #215600

F. EDWIN HALLMAN, JR.

State Bar of Georgia #319800

RICHARD A. WINGATE

State Bar of Georgia #770617

ZACHARY M. WILSON III

State Bar of Georgia #559581

For HALLMAN & WINGATE, LLC

Attorneys for Plaintiff

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**CERTIFICATE OF SERVICE**

This is to certify that on March 10, 2010, I have electronically filed the foregoing Amended Notice of Deposition with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

James Clifton Rawls, Esq.  
S. Derek Bauer, Esq.  
Barry J. Armstrong, Esq.

Darrell Jay Solomon, Esq.  
Jeffrey F. Reina, Esq.  
Paul J. Cambria, Esq.

and by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

William M. Feigenbaum, Esq.  
Lipsitz, Green, Scime, Cambria, LLP  
42 Delaware Avenue, Suite 120  
Buffalo, NY 14202

*/s/ Richard P. Decker*  
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RICHARD P. DECKER  
State Bar of Georgia #215600

For HALLMAN & WINGATE, LLC  
Attorneys for Plaintiff

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