

their own interrogatories and document requests. But Fish apparently didn't have time to provide answers and produce documents, instead asking for two extensions of time which were agreed upon. Unfortunately, in the time period during which responses could have been prepared, Fish instead was consumed by doing the following:

- Sending numerous letters making petty and harassing requests regarding documents which were timely produced to Fish (each letter contained as many as ten enumerated requests and many of those also included subparts). For example, the letters:
 - demand that Harris and ICR produce copies of publicly available documents;
 - seek the reproduction of certain documents, which were already timely produced to Fish, because the fax transmittal line was cut off or blurred (as in the originals);
 - insist on the production of numerous attachments, many of which had already produced to Fish;
 - complain about redactions of privileged material from documents that were timely produced to Fish; and
 - demand production of documents legitimately withheld on grounds of privilege;
- Writing and serving yet another motion and brief under Rule 11;
- Filing motions and briefs totaling in excess of 70 pages;
- Preparing and serving the First Set of Requests For Admission to Scott Harris; and
- Preparing and serving subpoenas on Altitude Capital Partners and SCH Holdings.

The essence of Fish's request for more time is captured in paragraph 5 of its motion, namely, that its efforts to respond to the interrogatories and document requests "have been interrupted by other litigation activity related to this case." Fish's Motion For Protective Order at ¶5. That "other litigation activity" was largely of its own choosing. In

short, Fish is too busy to answer the third party defendants' essential discovery requests, but makes time to do what it wants and serve its purposes -- including legal research and briefs on how it should be allowed to demean the six third party defendants by calling them "shell entities."

This motion will be heard five days after the time that Fish was scheduled (after being granted two extensions of time) to answer the interrogatories and document requests served by the third party defendants. Moreover, because Fish's proposed third extension of time requests a deadline of June 13, 2008 (two days after the scheduled hearing of this motion) there is no point in demanding earlier responses, but this Court should know the kind of tactics that have been employed by Fish and its counsel this case – take but don't give, demand discovery but don't produce any in response.

Respectfully submitted,

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **THIRD PARTY DEFENDANTS' RESPONSE TO FISH'S MOTION FOR A PROTECTIVE ORDER OR IN THE ALTERNATIVE AN EXTENSION OF TIME** was electronically filed with the Clerk of Court using CM/ECF system, which will send notification by electronic mail to the following:

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On June 10, 2008.

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