

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EUGENE LIGER, ET AL,	*	CIVIL ACTION NO. 05-1969
Plaintiffs in a Collective Action	*	
	*	SECTION C
	*	
versus	*	MAGISTRATE 05
	*	
NEW ORLEANS HORNETS NBA LIMITED	*	
PARTNERSHIP,	*	
Defendant	*	
	*	
* * * * *		

PLAINTIFFS' MOTION TO COMPEL

NOW COME PLAINTIFFS, Eugene Liger, et al., (“Plaintiffs”), through undersigned counsel, and respectfully request the Court for an order compelling the Hornets to identify and produce a 30(b)(6) witness for deposition and to produce witnesses identified by the Hornets for deposition.

The Hornets refuse to respond to repeated requests for depositions in this case, including multiple requests for a 30(b)(6) deposition. The Hornets elected not to participate in a requested Rule 37.1 conference to discuss this matter and have not responded to any telephone calls or correspondence regarding these issues. Plaintiffs were forced to drop notice a 30(b)(6) deposition for 29 August 2007. Counsel for the Hornets now refuse to respond to repeated inquiries regarding the identity of the Hornets’ 30(b)(6) representative, identify the topics upon which the produced witness will testify, or to identify how many 30(b)(6) representatives will be produced.

On 23 August 2007, counsel for the Hornets unequivocally stated that they would not produce any defense witnesses or 30(b)(6) witnesses until all Plaintiffs are deposed.

Through the Hornets' avoidance of Court orders and refusal to voluntarily participate in discovery, Plaintiffs require the assistance of the Court to prevent irreparable harm to Plaintiffs case. Plaintiffs cannot timely prepare this matter for trial or meet the Court's Scheduling Order deadlines because of the sharp practices of the Hornets.

Wherefore, premises considered, Plaintiffs requests that the Hornets be compelled to produce witnesses for deposition, and that Plaintiffs be awarded attorneys fees and costs associated with the filing of this Motion.

Respectfully submitted,

By: /s/ Daniel E. Buras, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above motion as been sent to opposing counsel by placing a copy of same in the U.S. mail, properly addressed, postage prepaid, or by any other means authorized by law, this 23rd day of August 2007.

/s/ Daniel E. Buras, Jr.
DANIEL E. BURAS, JR.