

Francis J. Gorman

From: Dalinka, Alan S. [alan.dalinka@dlapiper.com]
Sent: Wednesday, November 22, 2006 4:07 PM
To: Francis J. Gorman
Cc: Marbury, Hugh J.; Medansky, Keith W.
Subject: RE: CoStar v. Resource Realty et al. -- Discovery

Mr. Gorman:

As we discussed, CoStar does not have an objection to the concept of extending discovery -- and, indeed, in light of the scheduling difficulties you have informed me of, we agree that additional time will be necessary to complete the depositions in this case. But, as I told you, because neither of the defendants have produced responses to discovery served by CoStar in September and because neither of the defendants have provided a date certain by which their discovery responses will be forthcoming, I have difficulty agreeing to a general extension to discovery without specific assurances that the long-outstanding responses will be produced in short order so that we can 1) know who defendants' witnesses are (since we do not have 26(a)(1) disclosures in this case); and 2) decide which witnesses to depose and schedule the depositions for convenient times and places. We have refrained from filing a motion to compel to this point as we have attempted to work through this issue with you and the other defendant's counsel.

As we have also discussed, though our settlement discussions are on-going, some of the materials requested in discovery will be required in order for CoStar to agree to final settlement terms.



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Thank you.

11/22/2006

Ex. A