

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSSTEPHANIE HOFER and
DOUGLAS HOFER,

Plaintiffs,

FEDERAL COURT

vs.

Case No. 05-40170 FDS

THE GAP, INC., EXPEDIA, INC.
and TURTLE BEACH TOWERS,Defendants.

NOTICE OF DEPOSITION DUCES TECUM DIRECTED TO PLAINTIFFS**TO: COUNSEL OF RECORD**

PLEASE TAKE NOTICE that the Defendant, The GAP, Inc., through its attorney, Scott D. Feringa, will take the oral deposition of **Plaintiff, Stephanie Hofer**, for discovery pursuant to the applicable Federal Rules of Civil Procedure, before an officer duly authorized to administer oaths at the offices of:

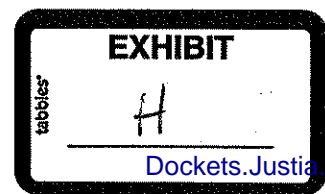
**Morrison Mahoney, LLP
250 Summer Street
Boston, MA 02210-1181
(617) 439-7500**

On: June 29, 2006 at 9:00 a.m.

The deposition will deal with facts and circumstances of the incident described in the Complaint, the damages being sought and all other matters not privileged.

Plaintiffs' counsel and Plaintiffs are required to bring the following documents, records and things to said deposition:

1. Any and all evidence logs documenting the evidence maintained by any consultants retained by plaintiffs in this matter.



2. Any and all photographs of the Old Navy sandals which are the subject matter of this litigation or any exemplar Old Navy sandal which is allegedly the subject matter of this litigation, including any and all photographs of any and all testing performed on said sandals or portions of said sandals.

3. Any and all videotapes, DVD's or other electronic recording of any images for any testing performed on said sandal or portions of said sandals.

4. Any and all notes, test protocol, test report, examination report , or any other document produced either in electronic or hard copy form which evidences any portion of an examination of an exemplar Old Navy sandal or any representative sample, including pieces of said sandal at any time or by any individual, or any assistant, consultant or other individuals who participated in such examination and/or testing at any consultant's request.

5. Any and all protocols utilized by any consultant in their testing of the Old Navy sandal, including an identification of each and every step undertaken by said consultant in his/her conducting of any such testing.

6. Any and all records, data, documents and things maintained by a consultant in reference to the Hofer litigation. If any portion of such files are claimed by plaintiffs' counsel to contain some privilege or work product claim, please specifically identify those documents, records or things so that those documents, records and things can be reviewed by a Court at an in camera hearing to determine the applicability of any such privilege or work product claim.

7. Any and all photographs taken of Stephanie Hofer during the Jamaica vacation of March, 2004, including but not limited to any digital photographs, hard copy prints, prints on CD, prints maintained in some electronic format, videotape or digital recording of Stephanie Hofer.

8. Any and all photographs taken by Stephanie Hofer or her friend, Ms. Carrie LaBelle (otherwise identified as Carrie LaBlanc) from the date of March 17 through March 21, 2004.

9. Any and all medical records of Stephanie Hofer including photographs taken by any medical personnel from March 18, 2004 to the present.

10. Any and all ambulance records, air ambulance records, fixed wing aircraft ambulance records, hospital records, physician records or any other documents in any way which evidence any medical care and treatment received by plaintiff for any such injuries.

11. Any and all employment records, including personnel and payment files from plaintiff's employers for the three years preceding the incident up to the present.

12. Any and all tax returns for Stephanie Hofer and/or Douglas Hofer (state, federal and local, including all attachments thereto) from the year 2000 to the present.

13. Please produce the actual sandals worn by plaintiff at the Turtle Beach Towers in Jamaica on March 18 and 19, 2004 which are the subject matter of this litigation.

14. Please produce the items identified in Plaintiffs' Rule 26 Disclosure (B)(6) which are identified as three pairs of identical Old Navy sandals, including the production of any and all sales receipts, credit card receipts or other documents evidencing such sales.

15. Any and all mental healthcare professional records concerning any care, treatment or examination or testing of Stephanie Hofer, including any and all raw test data, audiotapes and videotapes of such testing for the years 2000 to the present.

16. Produce any and all evidence of any payments for medical care, mental health care or treatment which the plaintiff maintains were incurred as a result of the incident as identified in Plaintiffs' Complaint.

17. Please produce any and all applications for any disability determination, including but not limited to all supporting documents for such applications.

18. Please produce any and all e-mails or electronic correspondence between Stephanie Hofer and the individual identified as Carrie LaBelle or Carrie LeBlanc for the time period March 1, 2004 to the present, identifying each individual's internet service provider (ISP) or e-mail provider.

19. Any and all documents, records and things that the witness has reviewed in preparation for the deposition, including any and all documents, records or things reviewed to refresh their recollection for the deposition.

Respectfully submitted,

**SULLIVAN, WARD,
ASHER & PATTON, P.C.**

By:



SCOTT D. FERINGA (P28977)
Attorney for Defendant The GAP, Inc.
1000 Maccabees Center
25800 Northwestern Highway
Southfield, MI 48075-1000
(248) 746-0700

Dated: 5/24/06

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Defendants.

PROOF OF SERVICE

Stacy A. Vergara says that on the 24th day of May, 2006, she served the Notice of Deposition Duces Tecum Directed to Plaintiff Stephanie Hofer and Proof of Service on counsel of record by placing same in envelope(s) properly addressed to:

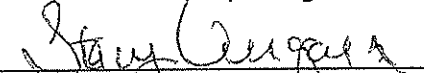
India L. Minchoff
Law Offices of Russo & Minchoff
123 Boston Street, 1st Floor
Boston, MA 02125

Stephen J. Kuzma
75 Federal Street, 17th Floor
Boston, MA 02110

Thomas T. Reith
Burns & Levinson LLP
One Beacon Street, 30th Floor
Boston, MA 02108

Sean J. Milano, Esq.
Morrison Mahoney, LLP
250 Summer Street
Boston, MA 02210-1181

and depositing the said envelope(s) in the United States mail, postage thereon fully prepaid.



Stacy A. Vergara