

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend of
JONATHAN BOND, a minor,

Plaintiff,

v.

Case No.: 05-CV-74253
Hon. Gerald E. Rosen
Magistrate Judge R. Steven Whalen

CITY OF DETROIT, a municipal corporation;
DETROIT POLICE CHIEF ELLA BULLY-CUMMINGS;
DEPUTY DETROIT POLICE CHIEF CARA BEST;
JOHN DOE POLICE OFFICERS 1-20; ASST.
DEPUTY POLICE CHIEF HAROLD CURETON;
COMMANDER CRAIG SCHWARTZ; POLICE LT.
BILLY JACKSON; MAYOR KWAME M. KILPATRICK,
CHRISTINE BEATTY, jointly and severally,

Defendants.

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**DEFENDANTS', CITY OF DETROIT, ELLA BULLY-CUMMINGS,
CRAIG SCHWARTZ, MAYOR KWAME M. KILPATRICK, AND
CHRISTINE BEATTY'S, REPLY BRIEF IN FURTHER SUPPORT OF
MOTION TO QUASH SECOND SUBPOENA TO BELL INDUSTRIES,
INC. F/K/A SKYTEL, INC. AND FOR A PROTECTIVE ORDER**

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ARGUMENT

In light of this Court's statements at the March 14, 2008 status conference (the "Status Conference") and the Court's forthcoming order with respect to the scope of discovery in this case as to time frame and subject matter and the protocols and safeguards discussed at the Status Conference, Defendants hereby preserve all objections to this discovery which shall be heard in connection with the Magistrate Judges' review of responsive materials for relevance. Defendants' objections include, but are not limited to, that the discovery should not be had based upon relevance, that the subpoena is harassing, burdensome and oppressive, that the responsive documents are more prejudicial than probative, and that the Subpoena seeks to invade various privileges and/or privacy rights such as the attorney-client privilege, work product doctrine, executive privilege and the non discoverability of stored electronic communications in a civil case pursuant to 18 USC § 2701, *et seq.* and supporting case law.

Respectfully submitted,
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Dated: March 17, 2008

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CERTIFICATE OF SERVICE

_____ I hereby certify that on March 17, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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