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*Attorneys for Plaintiff Linda Franulovic and the Class*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW JERSEY**

**Linda Franulovic**, individually and on behalf §  
 of a class of persons, §

Plaintiff, §

v. §

**The Coca-Cola Company**, §  
 Defendant. §

Civil Action No. 1:07-cv-00539-RMB-JS

**ORAL ARGUMENT REQUESTED**

**NOTICE OF LOCAL RULE 72.1(c)(1) APPEAL FROM  
 MAGISTRATE JUDGE’S DISCOVERY ORDER**

**TO:** Gita F. Rothschild, Esquire  
 Peter J. Boyer, Esquire  
 McCarter & English, LLP  
 Four Gateway Center  
 100 Mulberry Street  
 P.O. Box 652  
 Newark, NJ 07102-0652

**PLEASE TAKE NOTICE** that on December 7, 2007, the undersigned, Mark R. Cuker, Esquire, of the law firm of WILLIAMS CUKER BEREZOFSKY, co-counsel for Plaintiff Linda Franulovic and the Class, shall make application before the United States District Court for the District of New Jersey pursuant to Local Rule 72.1(c)(1) for an Order reversing the Magistrate Judge's October 5, 2007 discovery Order requiring production of "all of plaintiffs' medical and employment records for the past ten (10) years." In support of this Appeal, the undersigned shall rely upon the attached Affidavit submitted by Mark R. Cuker and appended exhibits, and the attached Memorandum of Law. A proposed form of Order is attached.<sup>1</sup>

**PLEASE TAKE FURTHER NOTICE** that the undersigned requests oral argument on the within application.

WILLIAMS CUKER BEREZOFSKY  
Counsel for Plaintiff Linda Franulovic and the Class

By: 

Mark R. Cuker

Dated: October 25, 2007

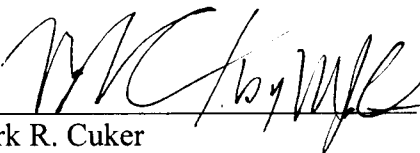
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<sup>1</sup> This case is consolidated for discovery with the cases of *Melfi v. The Coca-Cola Co., et al.* (No. 07-00828), and *Simmens v. The Coca Cola Co., et al.* (No. 07-3855). The Magistrate Judge's Order being appealed was issued in all three cases. Although the Plaintiffs in the three cases are filing separate appeals pursuant to the Court's instruction, the arguments raised and the relief sought in these appeals are substantively the same in all three cases.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Local Rule 72.1(c)(1) Appeal from Magistrate Judge's Discovery Order and all papers submitted in support thereof have been served upon Defendant via ECF upon the following counsel:

Gita F. Rothschild  
Peter J. Boyer  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 652  
Newark, NJ 07102-0652

  
\_\_\_\_\_  
Mark R. Cuker

Dated: October 25, 2007

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Civil Action No. 1:07-cv-00539-RMB-JS

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**ORDER ON APPEAL FROM MAGISTRATE  
JUDGE'S DISCOVERY ORDER**

**THIS MATTER** having come before the Court on the Appeal of Mark R. Cuker,  
Counsel for Plaintiff Linda Franulovic, and the Court having considered the appeal papers and  
supporting Memorandum of Law, and the Court having found for good cause shown.

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_;

**ORDERED** that paragraph 4 of the Magistrate Judge's October 5, 2007 Order requiring  
Plaintiff to produce "copies of all of [her] medical and employment records for the past ten (10)  
years" is hereby reversed, and Defendant is not permitted to obtain any of these records.

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U.S.D.C.J.

( ) Opposed

( ) Unopposed