

Subject: Re: Deposition dates**Date:** Friday, June 9, 2006 3:39 PM**From:** WylieLAW <wylie@wylielaw.com>**To:** Joe Labuda joel@mmmlaborlaw.com, Rob Sparer rsparer@cbdm.com, Scott.Constantine@ottingerfirm.com, More...**Cc:** "Daniel C. Moreland" dcmoreland@cbdm.com, "Sheryl E. Sorensen" sesorensen@cbdm.com

!0 am works for me.

Also, the date of June 27, 2006 should be kept open for the deposition of Alan Leiken. I am proposing that a reasonable fee be agreed upon for his appearance. Due to the late service of this expert report, clearly Plaintiffs have been prejudiced. However, in order to avoid a motion to quash the expert report, and based upon the language "manifest injustice" and "reasonable fee" in Rule 26, Plaintiff is willing to offer \$500 for a deposition that will be taken in Long Island and not be longer than four hours. If this offer is acceptable, then we should proceed. If this offer is not acceptable, then rather than researching and litigating 'manifest injustice' and 'reasonable fee' issues, we will research late service of expert reports.

Please advise.

wylie

On 6/9/06 11:40 AM, "Joe Labuda" <joel@mmmlaborlaw.com> wrote:

Is 10 am a good start time for 6/15 Negovan dep?

Joe

From: Robert A. Sparer [mailto:rsparer@cbdm.com]**Sent:** Thursday, June 08, 2006 4:51 PM**To:** WylieLAW; Joe Labuda; Scott.Constantine@ottingerfirm.com; robert ottinger; Michael Hardy**Cc:** Daniel C. Moreland; Sheryl E. Sorensen**Subject:** RE: Deposition dates