

68295-2
8/31/01

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE HERRICK COMPANY, INC. and
NORTON HERRICK,

Plaintiffs, : 94 Civ. 0905 (RPP)

-against- :

VETTA SPORTS, INC., et al. :

Defendants. :
-----X

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS' INTERROGATORIES ON THE
SUBJECT OF DIVERSITY JURISDICTION**

Non-party Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden"), by its attorneys Curtis, Mallet-Prevost, Colt & Mosle LLP, responds to the Interrogatories on the Subject of Diversity Jurisdiction served by Plaintiffs' attorneys, Rosenman & Colin LLP, as of August 1, 2001, as follows:

GENERAL OBJECTIONS TO INTERROGATORIES

The following objections are applicable to each Interrogatory:

1. Skadden objects to the Interrogatories to the extent they are overly broad, unduly burdensome, vague and/or ambiguous or call for information that is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Skadden objects to the Interrogatories to the extent they call for information protected by the attorney-client or other privilege, or which is otherwise immune or protected from disclosure.

2. Skadden objects to providing the requested information for *all* partners of Skadden who are U.S. citizens resident outside of the U.S., as requested in the Interrogatories, on grounds of overbreadth, undue burden, and relevance. Information as to *one* such partner should

be sufficient to resolve the jurisdictional issue. Nevertheless, pursuant to "meet and confer" discussions with counsel for Plaintiffs, and with full reservation of rights, Skadden produces responsive information for *two* such partners. Skadden reserves the right to object to providing information concerning other partners of Skadden, on any applicable ground.

3. Skadden reserves the right to revise, correct, amend or clarify any response set forth below.

INTERROGATORY 1

On February 14, 1994 (the "Filing Date"), were there any other partnerships, limited liability partnerships, or other entities (the "Skadden-Affiliated Partnerships") affiliated with Skadden, Arps, Slate, Meagher & Flom? If the answer is "yes," identify each such Skadden-Affiliated Partnership and list the offices in which each did business on the Filing Date.

RESPONSE 1

Skadden objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, irrelevant, and/or not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, Skadden states that the answer is "no."

INTERROGATORY 2

On the Filing Date, did Skadden have any partners (as opposed to individuals who were partners, members, or shareholders solely of Skadden-Affiliated Partnerships and not Skadden) who were United States citizens residing outside the United States? If the answer to the foregoing question is "no," Skadden need not answer any further Interrogatories.

RESPONSE 2

Yes. On the Filing Date, Christopher L. Baker and Bruce M. Buck were members of Skadden, the partnership named in the Complaint filed in this action, and were United States citizens residing outside the United States.

I.

**RESPONSES TO INTERROGATORIES
3 THROUGH 20 AS TO CHRISTOPHER L. BAKER**

INTERROGATORY 3

If the answer [to] the foregoing question is "yes," identify each such Skadden partner and give his or her date and place of birth, residence address as of the Filing Date, and the business address of the office in which he or she worked as of the Filing Date.

RESPONSE 3

Christopher L. Baker;
Born 02/14/58 Lake Forest, Illinois;
Residence address as of Filing Date: 1 rue Truffaut, Paris;
Business address as of Filing Date: 105 rue du Faubourg Saint-Honoré, 75008 Paris

INTERROGATORY 4

For each Skadden partner identified in response to Interrogatory 3, give the last United States residence address (prior to the Filing Date), and state the date on which he or she began residing outside the United States.

RESPONSE 4

Mr. Baker's last U.S. residence was at West 23rd Street in New York City, where he lived between approximately 1985 and 1986. He no longer recalls the precise address. Mr. Baker first moved to Paris with his parents as a child in 1963 (after living with them in Brussels from 1959 to 1963). Mr. Baker attended college and law school in the U.S., and worked in the U.S. for about three years (while also completing his L.L.M. in tax at N.Y.U.). He returned to

Paris in or around September 1986. He and his wife became citizens of France in 2001 (Mr. Baker retained his U.S. citizenship).

INTERROGATORY 5

For each Skadden partner identified in response to Interrogatory 3, list all residence addresses for each year from ten years prior to the Filing Date through the present, and state the date on which each such residence was first maintained.

RESPONSE 5

Between 1983 and approximately 1985, Mr. Baker lived on East 86th Street in New York City. Between 1985 and 1986 he lived on West 23rd Street in New York City. Around September 1986, Mr. Baker moved back to Paris. Between 1986 and 1990 he rented a residence in Paris at 223 rue de l'Université. In 1990, Mr. Baker bought a residence at 1 rue Truffaut, Paris, where he lived from 1990 until 1997. In late 1997, he bought a residence at 37 avenue Georges Mandel, Paris, and moved in in 1998. He presently lives there.

INTERROGATORY 6

For each Skadden partner identified in response to Interrogatory 3, list each Skadden or Skadden-Affiliated Partnership office to which he or she has been assigned since he becoming [sic] a Skadden partner, and the dates of each assignment.

RESPONSE 6

Mr. Baker has lived and worked in Paris continuously since 1986, first with Coudert Brothers, then with Skadden. He has been assigned to Skadden's Paris office since he joined Skadden as an associate in 1990. He became a partner of Skadden in 1993 and has remained assigned to the Paris office.

INTERROGATORY 7

For each Skadden partner identified in response to Interrogatory 3, give his or her current business address.

RESPONSE 7

105 rue du Faubourg Saint-Honoré, 75008 Paris, France.

INTERROGATORY 8

For each Skadden partner identified in response to Interrogatory 3, identify (including giving the address) all real property owned as of the Filing Date, and all cooperative housing corporations in which he or she owned shares as of the Filing Date.

RESPONSE 8

As of the Filing Date, Mr. Baker owned his Paris residence at 1 rue Truffaut. He also may have had an indirect beneficial interest in his parents' summer home at Spring Point, North Road, Chilmark, Massachusetts 02535 on the basis of his parents' estate plan.

INTERROGATORY 9

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property owned as of the date of these Interrogatories, and all cooperative housing corporations in which he or she owns shares as of the date of these Interrogatories.

RESPONSE 9

Currently, Mr. Baker owns two properties in Paris: 1 rue Truffaut, and 37 avenue Georges Mandel. He also owns a country home at 3 Chemin de la Pointe, Plougasnon, France. He may, in addition, have an indirect beneficial interest in his parents' summer home at Spring Point, North Road, Chilmark, Massachusetts 02535 on the basis of his parents' estate plan.

INTERROGATORY 10

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property leased by such Skadden partner as of the Filing Date.

RESPONSE 10

None.

INTERROGATORY 11

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property leased by such Skadden partner as of the date of these Interrogatories.

RESPONSE 11

None.

INTERROGATORY 12

As to the Skadden partners identified in response to Interrogatory 3, state whether, at any time from the time he or she first moved to his or her country of residence as of the Filing Date through the earlier of the time he or she moved back to the United States or the date of these Interrogatories, any such Skadden partner made a statement or report of his or her domicile in any lawsuit or other filing or response to request for information. If the answer is "yes," identify each such Skadden partner, identify and attach a copy of the document in which he or she made such statement or report, and state what domicile he and/or she stated or reported.

RESPONSE 12

Skadden objects to the Interrogatory and the request for production of documents on the grounds of overbreadth, undue burden, and relevance. Subject to and without waiving any

objections, Skadden responds as follows: Mr. Baker does not believe he made any such statement or report in any lawsuit or other filing or response to request for information.

INTERROGATORY 13

As to each Skadden partner listed in response to Interrogatory 3, identify any spouse (other than spouse from whom he or she was legally separated) or minor children (other than those living with a former spouse or a spouse from whom the Skadden partner was legally separated) who resided in the United States on the Filing Date.

RESPONSE 13

Mr. Baker was unmarried and had no minor children on the Filing Date.

INTERROGATORY 14

Did any of the Skadden partners identified in response to Interrogatory 3 vote in any federal, State, or local election in the United States from 1990 through 1996, inclusive? If the answer is "yes," identify each such Skadden partner and state, as to each, the years in which he or she voted and, for each such year, whether the Skadden partner voted in a federal, State, or local election and identify the federal, State, or local election in which he or she voted.[Footnote omitted].

RESPONSE 14

Mr. Baker did not vote in any U.S. federal, state or local election during the indicated period. He was not registered to vote in any jurisdiction in the United States during the indicated period.

INTERROGATORY 15

For each Skadden partner identified in response to Interrogatory 3, without disclosing the amounts, list (by identifying to whom such taxes were paid and the nature of such

taxes) all federal, State, and local taxes paid to the United States and any State and/or local governmental units therein in each year in which the Skadden partner resided outside of the United States from 1994 to the present

RESPONSE 15

Mr. Baker has not filed any resident tax returns in any state during the indicated time period. He has filed non-resident returns in all states in which Skadden has an office since he became a Skadden partner in 1993. He has filed non-resident federal tax returns.

INTERROGATORY 16

For each Skadden partner identified in response to Interrogatory 3, state the issuing entity of each driver's license held during each year from 1994 to the present, and the locality in which each such Skadden partner registered any vehicle during each year from 1994 to the present.

RESPONSE 16

Since 1994, Mr. Baker has held only a French driver's license. As of 1994, Mr. Baker owned a vehicle registered in Paris. He later sold the vehicle. In 1999 he purchased a different vehicle, which is registered in Paris.

INTERROGATORY 17

For each Skadden partner identified in response to Interrogatory 3, state the location of all bank accounts maintained in the United States on the Filing Date.

RESPONSE 17

On the Filing Date, Mr. Baker had a bank account at Citibank, 153 East 53rd Street, New York, NY.

INTERROGATORY 18

For each Skadden partner identified in response to Interrogatory 3, state the location of all brokerage accounts maintained in the United States on the Filing Date.

RESPONSE 18

On the Filing Date, Mr. Baker had a brokerage account with Charles Schwab on Madison Avenue in New York, NY.

INTERROGATORY 19

For each Skadden partner identified in response to Interrogatory 3, state all bar memberships (whether within the United States or outside them) maintained during the years from 1992 to the present, and list the years of initial admission.

RESPONSE 19

Mr. Baker has been a member of the New York bar since 1984. Since 1989, he has also been a member of the Conseil Juridique in Paris. Mr. Baker has been an "Avocat" in the Paris Bar since 1993.

INTERROGATORY 20

For each Skadden partner identified in response to Interrogatory 3, state all bars (whether within the United States or outside them) to which he or she paid registration fees for each year from 1992 to the present.

RESPONSE 20

During the identified time period, Mr. Baker has paid the appropriate fees to the New York and Paris bars.

II.

RESPONSES TO INTERROGATORIES 3 THROUGH 20 AS TO BRUCE M. BUCK

INTERROGATORY 3

If the answer [to] the foregoing question is "yes," identify each such Skadden partner and give his or her date and place of birth, residence address as of the Filing Date, and the business address of the office in which he or she worked as of the Filing Date.

RESPONSE 3

Bruce M. Buck;
Born 2/13/45 New York City;
Residence address as of Filing Date: 44 Chelsea Square, London, SW3 6LH, England
Business address as of Filing Date: 25 Bucklersbury, London

INTERROGATORY 4

For each Skadden partner identified in response to Interrogatory 3, give the last United States residence address (prior to the Filing Date), and state the date on which he or she began residing outside the United States.

RESPONSE 4

Mr. Buck's last U.S. residence was at 1365 York Avenue, New York, NY. He began residing outside the U.S. on or about July 1, 1983.

INTERROGATORY 5

For each Skadden partner identified in response to Interrogatory 3, list all residence addresses for each year from ten years prior to the Filing Date through the present, and state the date on which each such residence was first maintained.

RESPONSE 5

Between 1984 and 1988, Mr. Buck resided at three different locations, all in London. Two of Mr. Buck's residences during that period were owned by White & Case, and

rented by Mr. Buck from White & Case. The third residence was rented by Mr. Buck. The addresses of the three residences are 14 Wilton Street; 53 Egerton Crescent; and 20 Carlyle Square. Since March 1988, Mr. Buck has resided at the home he owns at 44 Chelsea Square, London SW3 6LH.

INTERROGATORY 6

For each Skadden partner identified in response to Interrogatory 3, list each Skadden or Skadden-Affiliated Partnership office to which he or she has been assigned since he becoming [sic] a Skadden partner, and the dates of each assignment.

RESPONSE 6

Mr. Buck has been assigned to Skadden's London office since he joined Skadden as a partner in 1988.

INTERROGATORY 7

For each Skadden partner identified in response to Interrogatory 3, give his or her current business address.

RESPONSE 7

One Canada Square, Canary Wharf, London E14 5DS

INTERROGATORY 8

For each Skadden partner identified in response to Interrogatory 3, identify (including giving the address) all real property owned as of the Filing Date, and all cooperative housing corporations in which he or she owned shares as of the Filing Date.

RESPONSE 8

On the filing date, Mr. Buck owned his London residence at 44 Chelsea Square, London, SW3 6LH, and a vacation home at Red House Hill, Sharon, Connecticut.

INTERROGATORY 9

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property owned as of the date of these Interrogatories, and all cooperative housing corporations in which he or she owns shares as of the date of these Interrogatories.

RESPONSE 9

Currently, Mr. Buck owns his London residence at 44 Chelsea Square, London, SW3 6LH, and a recreation condominium at 0600 Snowmass Club Circle, Snowmass Village, Colorado.

INTERROGATORY 10

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property leased by such Skadden partner as of the Filing Date.

RESPONSE 10

None.

INTERROGATORY 11

For each Skadden partner identified in response to Interrogatory 3, identify (including by giving the address) all real property leased by such Skadden partner as of the date of these Interrogatories.

RESPONSE 11

None.

INTERROGATORY 12

As to the Skadden partners identified in response to Interrogatory 3, state whether, at any time from the time he or she first moved to his or her country of residence as of the Filing Date through the earlier of the time he or she moved back to the United States or the date of these Interrogatories, any such Skadden partner made a statement or report of his or her domicile in any lawsuit or other filing or response to request for information. If the answer is "yes," identify each such Skadden partner, identify and attach a copy of the document in which he or she made such statement or report, and state what domicile he and/or she stated or reported.

RESPONSE 12

Skadden objects to the Interrogatory and the request for production of documents on the grounds of overbreadth, undue burden, and relevance. Subject to and without waiving any objections, Skadden responds as follows: Mr. Buck recalls being deposed once during the course of litigation, and has also had occasion to provide affidavits in connection with various matters. While Mr. Buck does not believe he was ever asked about his "domicile," he is certain that he would have given his London address at the deposition when asked about his "residence," and in connection with any affidavit in which such information was provided.

INTERROGATORY 13

As to each Skadden partner listed in response to Interrogatory 3, identify any spouse (other than spouse from whom he or she was legally separated) or minor children (other than those living with a former spouse or a spouse from whom the Skadden partner was legally separated) who resided in the United States on the Filing Date.

RESPONSE 18

None.

INTERROGATORY 19

For each Skadden partner identified in response to Interrogatory 3, state all bar memberships (whether within the United States or outside them) maintained during the years from 1992 to the present, and list the years of initial admission.

RESPONSE 19

Mr. Buck has been a member of the New York bar since 1971.

INTERROGATORY 20

For each Skadden partner identified in response to Interrogatory 3, state all bars (whether within the United States or outside them) to which he or she paid registration fees for each year from 1992 to the present.

RESPONSE 20

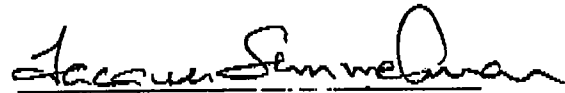
During the identified time period. Mr. Buck has paid the appropriate fees to the New York bar.

Dated: New York, New York
August 31, 2001

As to objections:

CURTIS, MALLET-PREVOST,
COLT & MOSLE LLP

By:



Jacques Semmelman (JS 5020)
101 Park Avenue
New York, New York 10178
(212) 696-6000

TO: Rosenman & Colin LLP
575 Madison Avenue
New York, NY 10022
Att: Gerald Walpin, Esq.

Gregory P. Joseph Law Offices
805 Third Avenue
New York, NY 10022
Att: Gregory P. Joseph, Esq.

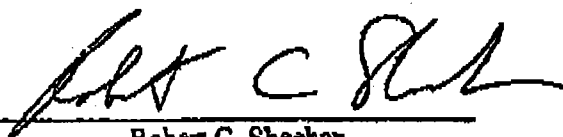
VERIFICATION

ROBERT C. SHEEHAN declares as follows under penalty of perjury:

I am Executive Partner of Skadden, Arps, Slate, Meagher & Flom LLP. I have read the foregoing responses dated August 31, 2001 to the Interrogatories served by Plaintiffs.

The responses to Interrogatories 1 and 2 are true and correct.

Dated: August 31, 2001

A handwritten signature in black ink, appearing to read "R. C. Sheehan", is written over a horizontal line.

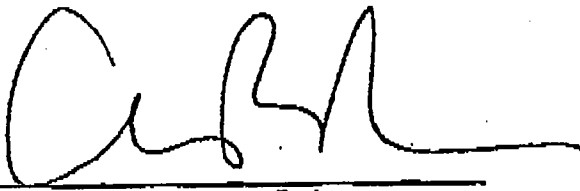
Robert C. Sheehan

VERIFICATION

CHRISTOPHER L. BAKER declares as follows under penalty of perjury:

I am a member of Skadden, Arps, Slate, Mcagher & Flom LLP. I have read the foregoing responses dated August 31, 2001 to the Interrogatories served by Plaintiffs. The responses to Interrogatories 3 through 20 provided under Roman Numeral I as to Christopher L. Baker are true and correct.

Dated: August 31, 2001



Christopher L. Baker

VERIFICATION

BRUCE M. BUCK declares as follows under penalty of perjury:

I am a member of Skadden, Arps, Slate, Meagher & Flom L.L.P. I have read the foregoing responses dated August 31, 2001 to the Interrogatories served by Plaintiffs. The responses to Interrogatories 3 through 20 provided under Roman Numeral II as to Bruce M. Buck are true and correct.

Dated: August 31, 2001


Bruce M. Buck

AFFIDAVIT OF SERVICE BY HAND

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

KATHLEEN MANETTA, being duly sworn, deposes and says:

1. That deponent is over the age of eighteen years and is not a party to this action.

2. That on August 31, 2001, deponent caused to be served by hand a copy of the attached **SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S INTERROGATORIES ON THE SUBJECT OF DIVERSITY JURISDICTION** on:

Gregory P. Joseph Law Offices
805 Third Avenue
New York, NY 10022
Att: Gregory P. Joseph, Esq.

Rosenman & Colin LLP
575 Madison Avenue
New York, NY 10022
Att: Gerald Walpin, Esq.

Kathleen Manetta
KATHLEEN MANETTA

Sworn to before me this
6th day of September 2001

Linda L. Froccaro
Notary Public

LINDA L. FROCCARO
Notary Public, State of New York
No. 51-6241000
Qualified in New York County
Commission Expires May 31, 2008