

Wilson, Nicole

From: Daniel Haude [dhaude@reminger.com]
Sent: Wednesday, October 27, 2004 2:15 PM
To: Wilson, Nicole; Robert.Hanna@TuckerEllis.com
Cc: tcannon@csalawgroup.com; mporter@mhbh.com
Subject: Malkamaki (10/27/04)

Nicole, I received your fax this afternoon regarding Nick Maltickek's deposition. While it is certainly my desire to cooperate with everyone to schedule this deposition, you have no basis to object to the deposition occurring next week. First, the Court order dated 9/23/04 specifically states that "discovery is ongoing." Second, pursuant to Civ.R. 56(f), we would have the right to take Mr. Maltickek's deposition after you file your dispositive motion anyway.

So, Mr. Maltickek's deposition will take place on 10/3/04 at 10:00 a.m. here at Reminger. The witness, Rob Hanna, a Tackla court reporter and the witness will be here and we hope to see you as well. The witness has agreed to appear without the necessity of another subpoena. Thanks.