

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN et al.,

Defendants.

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**DEFENDANTS' NOTICE OF HEARING**

In accordance with the Court's Discovery Procedures, ECF No. 48, Defendants James Risen, Houghton Mifflin Harcourt Publishing Company ("HMH"), and Houghton Mifflin Harcourt Company ("HMHC") (collectively, "Defendants"), hereby give notice that a hearing will be held before U.S. Magistrate Judge Jonathan Goodman on September 11, 2015, at 5:30 p.m. The discovery matter to be heard concerns Defendants' objections to Plaintiff's seeking to depose Linda K. Zecher, the "President, Chief Executive Officer and Director of Houghton Mifflin Harcourt"; William Bayers, the "Executive Vice President and General Counsel of Houghton Mifflin Harcourt"; and HMHC, "Orlando Office." The discovery matter to be heard also concerns Plaintiff's seeking to depose the 30(b)(6) representatives of HMH and HMHC with regard to matters 8 and 9 listed on Exhibit A to each of HMH's and HMHC's deposition notices.

**Certificate of Good-Faith Conference;  
Conferred but Unable to Resolve the Issues Presented in the Motion**

In accordance with Local Rule 7.1(a)(3)(A), the undersigned certifies that Defendants' counsel has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good-faith effort to resolve the issues but has been unable to resolve the issues.

s/Brian W. Toth

Dated: September 1, 2015

Respectfully submitted,

s/Brian W. Toth  
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*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I certify that on September 1, 2015, I filed this document with the Clerk of Court using CM/ECF, which will serve this document on all counsel of record.

s/Brian W. Toth