

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. 123, Defendants James Risen, Houghton Mifflin Harcourt Publishing Company ("HMH"), and Houghton Mifflin Harcourt Company ("HMHC"), improperly sued as HMH Holdings, Inc. (collectively, "Defendants"), hereby give notice that a hearing will be held before U.S. Magistrate Judge Jonathan Goodman on October 16, 2015, at 4:30 p.m. In accordance with Federal Rule of Civil Procedure 37(b), Defendants seek an order sanctioning Plaintiff for failing to comply with paragraphs 5 and 6 of the Court's Post-Discovery Hearing Order. ECF No. 107.

**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 28, 2015

Respectfully submitted,

s/Brian W. Toth
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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on September 28, 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