

Sepp, Matthew

From: peter nolin [pnolin@sfhglaw.com]
Sent: Wednesday, January 23, 2002 11:48 AM
To: Rush, Mark
Subject: RE: SSAI - Mtn to Compel

Mark I strongly object to your filing any motion in violation of the rules without first having a good faith conference. It is telling that your first call to me is after it is filed and you want to talk about scheduling the motion. Please withdraw it immediately!

Yes we will maintain our objections but I will also get responses in formal terms for you as soon as practicable. phrased, I believe our response will be "none known" to all these requests. Mr. Shenker tells me he has no clue what you are asking about and hence this answer. If you want to try to clarify what is sought, discuss rephrasing them, or give us some insight into what is being sought so my client can focus on and try to get you a more particular answer, I would be happy to discuss it with you after I receive notice that your motion has been withdrawn. That is the whole point of the good faith conference.

I suspect that you did not want to call because then we would need to discuss why WWFE is not supplementing its responses with the numerous documents it has withheld and we would need to discuss why you are not producing witnesses for depositions. Your claim in a recent letter that you were working on getting me dates in January is surprising since I heard nothing from you about deposition dates between November 29th 2001 and January 16th 2002, when I renoticed the long delayed depositions. I stand ready to talk about all discovery issues in accordance with the rules when you are, but please be prepared to address all the issues. including your objections and non-production. I can be available for such a conference, if the motion is withdrawn, on the 28, 29, or 30th of January.

This New York approach to discovery is hardly productive. Let's make sure we each have the documents that exist and let's move forward with the depositions.

-----Original Message-----

From: Rush, Mark [mailto:mrush@kl.com]
Sent: Wednesday, January 23, 2002 11:16 AM
To: Peter Nolin (E-mail)
Cc: Feczko, Mark; Smith, Kevin; Barrette, Amy L.; McDevitt, Jerry
Subject: SSAI - Mtn to Compel

Peter

As a follow-up to my voice mail, we filed on Friday a Motion to Compel Answers to WWFE's Third set of interogs and 2nd request for the production of documents. I understand that local counsel mailed you a copy of the Motion on Friday. I'm writing to inquire as to whether you continue to object to these requests and if so to request a date that your response will be ready to file. The rule provides for 15 days. If you need a few more days please let me know. I await your response. Thanks.

Mark

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05/24/2002

