

Hank Burgoyne

From: Jason Singleton [lawgroup@sbcglobal.net]
Sent: Wednesday, April 25, 2007 10:08 AM
To: Hank Burgoyne
Subject: Re: Settlement Offer; Responses to Your Questions

Dear Hank,
Unless the Court orders otherwise, we will proceed with Mr. McVey or alternatively Mr. Mathis deposition as you have outlined below. I can't see why Mr. McVey cannot be produced the next day or the day after if he is unavailable on the 23rd. I believe the court will so order, given the effort necessary to travel to NY.

My last email to you addressed additional issues which I have not heard back on.

Is Azoogole willing to stipulate to push all CMC dates back 90 days? If not, so state, so that I can say Plaintiff requested such a stipulation, and it was denied, in the upcoming CMC statement.

Also, are you going to draft a stipulation regarding Azoogole's opt in list? If not, so state.

Finally, again, there is a considerable amount of discovery that your office stated in its discovery responses it would produce, as well as some additional discovery that you agreed to supplement at our meet and confer March 20th. Can you please advise when this material will be produced?

I look forward to hearing from you.

Jason.

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

From: Hank Burgoyne
To: 'Jason Singleton'
Cc: 'Jeff Rosenfeld'
Sent: Tuesday, April 24, 2007 12:45 PM
Subject: RE: Settlement Offer; Responses to Your Questions

Jason,

Friday evening, you (through your staff) accepted our offer to depose Mathis on the 23rd and McVey on the 24th. The idea of back-to-back depositions, suggested by you, was intended to minimize cost and inconvenience.

Now, one business day later, you (again) renege on that agreement and (again) demand something entirely different. Do you really expect us to take anything you say seriously? Or the Court to uphold your never-ending gamesplaying?

As I mentioned in my correspondence of last week, if you didn't accept the compromise I offered (Mathis on the 23rd and McVey on the 24th), we'd hold you to your original agreement (to take Azoogole depositions two weeks after summary judgment). That's where we are now.

Nevertheless, in good faith an in the spirit of compromise (apparently unknown to Plaintiff), we offer the following: Either McVey or Mathis on the 23rd – McVey if there are no issues relating to his family, and Mathis if there are. We will prepare both, so that you have someone to depose on that day. The 23rd is the only day depositions will be held, as counsel's schedules will not be held hostage to your threats and to other circumstances beyond anyone's control.

If that's not satisfactory, then all Azoogole depositions will be held no sooner than two weeks after summary

