

Lisa A. Wafer

From: Lisa A. Wafer [LWafer@FerronLaw.com]
Sent: Wednesday, August 16, 2006 11:52 AM
To: 'Christina Marshall'
Cc: 'Marisa Bartlette Willis'
Subject: RE: Ferron v. VC E-Commerce, et al.

Christina:

I apologize if my prior email was not clear. For the sake of clarity, I assume that your clients have, over the past thirty days, gathered information responsive to Plaintiff's First Requests for the Production of Documents. I am asking that you forward the information your clients have already gathered in a timely fashion so that we may begin to review it without further delay.

As you know, Mr. Ferron's Complaint names several John Doe Defendants that he anticipates identifying in discovery, and then naming as Defendants in this lawsuit. We have about six weeks to identify these individuals and/or entities and seek leave to add them as parties. Therefore, it is critical that we limit delays during initial discovery so that we may comply with the Court's Preliminary Pretrial Order with respect to the joinder of parties. I am sure that you recall that Magistrate Judge Abel informed us that any modifications to the Pretrial Order would be very unlikely after Judge Frost issued his Scheduling Order, which he has now done.

Also, I note that you never offered an explanation about why your clients are not able to respond to Plaintiff's discovery requests within the thirty days provided in the Civil Rules. Because this is an explanation you would undoubtedly need to provide to the Court if you were to file a motion requesting an extension, I do not understand why you would not provide such an explanation to me.

Again, I am asking that you let me know what information your clients can produce in good faith at this time if we agree to a two week extension with respect to your client's formal discovery responses and other records they are still gathering.

Please understand that I am not trying to be difficult. My general practice is to extend professional courtesy to opposing counsel by agreeing to reasonable extensions that are not prejudicial to my clients. I am sure that you remember that I consented to an extension of time for your clients to file Answers to the Complaint, agreed to your appearance by telephone at the Pretrial Conference and forwarded a courtesy electronic copy of Plaintiff's discovery requests in MS Word format to your paralegal upon her request. However, in this instance, I do have a reasonable and appropriate expectation that Defendants will respond to Plaintiff's discovery requests in a timely fashion. This is especially true considering the deadlines set forth in the current case scheduling order.

Thank you.
Lisa A. Wafer
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From: Christina Marshall [mailto:cmarshall@sutter-law.com]
Sent: Wednesday, August 16, 2006 10:57 AM
To: Lisa A. Wafer
Cc: Marisa Bartlette Willis

8/18/2006

Subject: RE: Ferron v. VC E-Commerce, et al.

Lisa:

My clients are in the process of responding to your requests, but will not be able to produce the documents by tomorrow's deadline—which is the reason I have requested the extension of time. I find it odd that you ask me to produce documents before considering whether to grant an extension of time, since that certainly defeats the purpose of asking for the additional time. Nevertheless, I am making a good faith attempt at resolving this discovery issue with you before requesting intervention by the Court.

Please let me know today if you will agree to a 2-week extension of time.

Thank you,

Christina

From: Lisa A. Wafer [mailto:LWafer@FerronLaw.com]
Sent: Wednesday, August 16, 2006 10:37 AM
To: Christina Marshall
Cc: 'Marisa Bartlette Willis'
Subject: RE: Ferron v. VC E-Commerce, et al.

Christina:

I would think that your clients could provide some of the information requested by Plaintiff's First Request for the Production of Documents in a timely fashion. After all, the parties' Initial Disclosures are due to be exchanged on Monday. Therefore, I am sure that your clients have already begun to evaluate what information they possess that may be relevant to Plaintiff's claims in this case.

Please let me know what information your clients are able to produce tomorrow, and then I will ask Mr. Ferron if he will agree to a two week extension. We are anxious to obtain Defendants' discovery responses and begin moving this case along. Therefore, I do not think Mr. Ferron will agree to an extension of an entire month.

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From: Christina Marshall [mailto:cmarshall@sutter-law.com]
Sent: Wednesday, August 16, 2006 10:22 AM
To: Lisa A. Wafer
Cc: Marisa Bartlette Willis
Subject: Ferron v. VC E-Commerce, et al.

Lisa:

I am writing to request an additional 30 days to respond to your client's First Request for Production of Documents on behalf of VC E-Commerce and Optinrealbig.com. Please let me know if you will agree to this, or if there is some other agreement for extension of time that we can arrange which is acceptable to you.

Thank you.

8/18/2006

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