

Ex. CC

Subject: 3ABN v. Pickle & Joy
From: "Greg Simpson"
Date: Thu, 23 Oct 2008 17:55:53 -0500
To: "G. Arthur Joy", "Bob"
CC: "Lizette Richards", "John Pucci", "Chris Penwell"

Bob & Arthur-

In light of Plaintiffs' motion to voluntarily dismiss the lawsuit, I am cancelling your depositions as currently scheduled. I will reschedule them if necessary.

I request that you voluntarily withdraw your motions that were filed today, since our motion to dismiss the case makes them moot. Please advise of your position immediately so that I can determine whether I must file a response.

Finally, I will not be providing a response to your amended document requests because our motion to dismiss makes the pending discovery requests moot, and because I have also moved to stay discovery pending resolution of our motion to dismiss.

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