

Jerrie Hayes

From: J. Lizette Richards [richards@fierstpucci.com]
Sent: Friday, January 04, 2008 1:13 PM
To: Jerrie Hayes; GerryDuffy; John P. Pucci
Subject: Fwd: Status of 3abn's response to requests to produce

-Lizette

Authentication-Results: ent-atty.com
smtp.mail=bob@pickle-publishing.com; spf=neutral
Authentication-Results: ent-atty.com
header.from=bob@pickle-publishing.com; domainkeys=neutral (not signed);
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Date: Fri, 04 Jan 2008 13:06:17 -0600
From: Bob <bob@pickle-publishing.com>
User-Agent: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.8.1.8)
Gecko/20071009 SeaMonkey/1.1.5
To: Lizette Richards <richards@fierstpucci.com>
Subject: Status of 3abn's response to requests to produce

Ms. Richards:

As you know, I served requests to produce upon 3ABN on November 29, 2007, and upon Danny Shelton on December 7, 2007. While I would not necessarily yet expect a response to my request to Danny Shelton, it is now January 4 and I have yet to receive a response to my request to 3ABN, though it is now 36 days later. What would be the status of plaintiff 3ABN's response?

Obviously, given the plaintiffs' motion for a protective order, some parts of my request are objected to or considered privileged by 3ABN, but 3ABN still has a responsibility to respond in a timely manner and to produce whatever documents are not objected to. See Rule 34(b)(2)(C). Additionally, Judge Saylor made it quite clear in our status conference of December 14, 2007, that discovery would continue despite a pending motion for a protective order.

Documents that clearly could be produced despite the plaintiffs' motion would include the annual financial statements and auditor's reports. Since 3ABN files these documents annually with the Illinois Attorney General, and since 225 ILCS 460 § 2(f) requires these documents to be open to public inspection, they really can't be classified as top secret business materials. I can't think of a reason why the flight records of the corporate jets, and a number of other types of documents would be top secret either.

5/22/2008



Now if the plaintiffs are taking the position that everything is a trade secret or confidential, a position that is clearly untenable, or if for some reason their response is not going to be timely, or if objection is going to be made to the larger portion of my requests, then I would request that we have a discovery conference in order to narrow the issues prior to our filing an appropriate motion.

Sincerely,

Bob Pickle, *pro se*

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