

November 16, 1989

VIA HAND DELIVERY

Peggy A. Leen, Esq.
THORNDAL, BACKUS, MAUPIN
& ARMSTRONG
1100 E. Bridger Avenue
Las Vegas, Nevada 89101

Dear Ms. Leen:

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The purpose of this letter is to clarify some matters with regards to the deposition scheduled in the upcoming weeks. On November 14, 1989, I spoke to David Clayson about switching the dates for Mr. Fabbi and Mr. McCarthy's depositions. ^g Under the present schedule, Mr. Fabbi is scheduled to be deposed on November 27, 28 and 29, with Mr. McCarthy being deposed on November 30 and December 1. ^h Unfortunately, Mr. Fabbi cannot attend the November 29, 1989 deposition and Mr. McCarthy cannot attend the December 1, 1989 deposition. In order to make things flow smoothly, we propose that Mr. McCarthy's deposition be reset from December 1 to November 29 and Mr. Fabbi's deposition be ~~rescheduled~~ from November 29 to December 1. Consequently, Mr. Fabbi would be deposed on November 27, 28 and December 1 and Mr. McCarthy would be deposed on November 29 and 30, 1989. This should prove to be no additional burden on anyone. When I spoke to Mr. Clayson, he stated that he would run this by everyone involved and would contact me if there were any objections. Since I have not heard from him in a couple of days, I am operating under the assumption that the above changes are acceptable to all of the Defendants.

In addition to the above, there is yet one more aspect of the depositions scheduled that must be addressed. This concerns Mr. Arthur Pierson. I found out this morning from Mr. Gene

As per your request, he following on the phone

Not available →

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Mituchi that Mr. Pierson is scheduled for a colon cancer operation next week. Consequently, we would request that you not depose Mr. Pierson pursuant to our schedule. In essence, there are two options available, you could either depose Mr. Pierson at a significantly later date, the specification of which will depend upon Mr. Pierson's recovery, or you could not depose Mr. Pierson at all. It is our position, that Mr. Pierson cannot and will not testify to anything that the other Person. Consequently, we would prefer that you not depose Mr. Pierson at all. Person

An additional matter is the Stipulation with regards to the Protective Orders and confidentiality agreements on the materials in the possession of Mr. Katowsky. Yesterday, I spoke to Mr. Katowsky with regards to the Stipulation. While we are not opposed to stipulating to the discovery of such documents, I would request that you speak to Mr. Katowsky personally in order to clarify and specify the exact extent of discovery and the language of any stipulation that would be signed. Since Mr. Katowsky is the party to those agreements and protective orders, I cannot and will not independently enter into a Stipulation with you.

Thank you for your attention to this matter.

Sincerely yours,

JONES, JONES, CLOSE
& BROWN, CHARTERED

Nik Skrinjaric, Esq.

NS/sar/0640U/VII