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Via Facsimile and U.S. Mail

The Honorable Stacey K. Hydrick
State Court of DeKalb County
DeKalb County Courthouse
556 North McDonough Street, Suite 2210
Decatur, GA 30030

Re: *Patrick C. Desmond and Mary C. Desmond, Individually, and Mary C. Desmond, as Administratrix of the Estate of Patrick W. Desmond v. Narconon of Georgia, Inc., Narconon International, Delgado Development, Inc., Sovereign Place, LLC, Sovereign Place Apartment Management, Inc., Lisa Carolina Robbins, M.D., and The Robbins Group, Inc.;*
State Court of DeKalb County; Civil Action File No. 10A28641-2

Dear Judge Hydrick:

We do not want to overburden this Court with letter briefs. However, we feel compelled to respond to Plaintiffs' counsel's letter of August 9th relating to allegations concerning the behavior of Ms. Whitlock in the Lynne Reynolds v. Prinsell case, which was litigated in Cobb County State Court nearly twenty years ago. What did or did not happen in Reynolds is not an issue pending before this Court.

Narconon has never argued or asserted that there is no authority for the proposition that attorneys' deposition conduct can be limited as this Court has said it will be limited from here on out in this case. In fact, Narconon cited the Hall case in its letter requesting reconsideration and, of course, the parties discussed Judge Lopez' order at the hearing. Narconon's point was and is that there was no Georgia authority regarding the proper format for objections based on form. As the Court said at the hearing, there is room for disagreement. For that reason, the Court's direction is very helpful.

Furthermore, Narconon was able to find no interpretation of the rule regarding the length of depositions. The rule says, "a deposition is limited to one day of seven hours." It does not say whether the seven hours is of testimony or of the day. Narconon's counsel thus expressed

her concern to Plaintiffs' counsel that they had reached the eight hour mark during the deposition of Mary Rieser. Plaintiffs' counsel did not at that time state her position that they were entitled to 420 minutes of testimony. She noted only that a lunch break had been taken. Narconon's counsel thus took the lunch break into consideration and allowed the deposition day to last for eight and a half hours. In any event, the Court has made clear that it agrees with Plaintiffs' position and adequately addressed this concern by ordering another full day of deposition testimony.

Narconon regrets that the deposition of Mary Rieser was concluded while a question was pending. This error was addressed by the Court's order allowing further examination of Ms. Rieser during which this question, and seven additional hours' worth of questions, can be asked.

The only times Narconon's counsel instructed Ms. Rieser not to answer a question was when a privilege issue came up. Once was in connection with a federal privacy statute, which Plaintiffs' counsel agreed on the record was a fair objection. The second was in connection with the "KR" reports. Ms. Rieser testified at the deposition that, during the break while copies were being made, she did not view the exhibit about which Plaintiffs' counsel was about to inquire. Ms. Whitlock further stated in her place in open court at last week's hearing that she did not review or discuss the document with the witness during that break. The third and last time was with respect to the relationship between Narconon and counsel in an unrelated matter. In an effort to understand the information Plaintiffs sought to obtain while at the same time protect her client's interests, Narconon's counsel asked for an explanation as to the relevance and stated her concern about the privileged nature of the information sought. These two combined concerns, which courts have recognized as legitimate concerns for counsel, are what caused counsel to take the position that she did. See, *Acri v. Golden Triangle Management Acceptance Co.*, 142 Pitts. L.J. 225, 228 (C.P Allegheny Co. 1994).

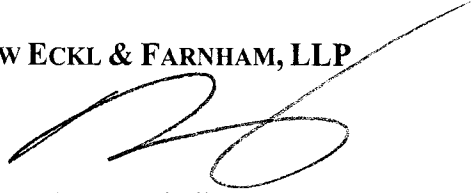
Finally, as to Plaintiffs' contention that the other parties in this case are not entitled to examine Ms. Rieser at deposition if Plaintiffs serve the notice as to it, Narconon shows that O.C.G.A. §9-11-30(c)(1) allows all parties to examine any deponent. Narconon was unable to find any authority explaining how this rule is to be reconciled with Uniform State Court Rule 5.3, which limits depositions to one day of seven hours, regardless of the number of parties in the case. Hence, the request for guidance from this Court.

In short, Narconon submits that guidance from this Court to all counsel is needed before a second deposition of Mary Rieser begins. Further, we respectfully request a re-examination of the imposition of costs against Narconon in light of the other remedies fashioned by the Court (including a second full day deposition of Ms. Rieser and a very detailed order regarding counsel's future conduct at depositions). We submit that these remedies adequately address the concerns raised by Plaintiffs' counsel in the Motion for Sanctions. We therefore respectfully request that the Court reconsider its decision requiring the payment of costs under these circumstances.

Thank you for your consideration.

Respectfully submitted,

DREW ECKL & FARNHAM, LLP



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