



4. Since December 2008, there has never been an issue of whether or not Plaintiffs could depose Ed Johnson and Plaintiffs only recently requested his deposition.

5. Defendant believes that the scope of the deposition should be restricted to Ed Johnson's personal knowledge of activities within Defendant's office.

6. No order of the Court is necessary to require Defendant to produce Mr. Johnson and the Federal Rules of Civil Procedure are adequate to control the relevant areas of inquiry in the deposition.

### III. Conclusion

7. Defendant requests that the deposition be allowed to go forward as scheduled by the parties and that the Federal Rules of Civil Procedure control the conduct of the deposition.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of September, 2009, a true and correct copy of the foregoing pleading was served in accordance with the Federal Rules of Civil Procedure:

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