

CAUSE NO. CC-08-01067-B

ICON BENEFIT ADMINISTRATORS
II, L.P. and AMERICAN
ADMINISTRATIVE GROUP, INC.
Plaintiffs

§ IN THE COUNTY COURT
§
§
§
§
§ AT LAW NO. 2
§

v.

JOELLA MULLIN, STANLEY SELF,
ANDREA DAVENPORT, LEE ANN
DUMBAULD, SCOTT SNIDER, LEISA
HUTCHESON, AND UNKNOWN
OTHERS

Defendants

§ DALLAS COUNTY, TEXAS

**DEFENDANTS' MOTION FOR COURT INTERVENTION TO COMPEL DATES
FOR SCHEDULING OF DEPOSITIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW LEE ANN DUMBAULD, SCOTT SNIDER, LEISA HUTCHESON and
DAVID MILLER, Defendants in the above cause of action, and files this their *Motion for Court
Intervention to Compel Dates for Scheduling of Depositions*, and in support thereof respectfully
shows the Court the following:

I.

The Court is aware of the past inability of the Parties to cooperate in obtaining discovery and
depositions in the above matter. Scheduling attempts are ongoing, but it seems every attempt results
in a contentious waste of time. This case now has a November trial setting which allows
approximately four months (June-September) to obtain and/or complete numerous depositions,
including some in the past that have been begun and not finished.

II.

Counsel for Defendants have requested on numerous occasions deposition dates from counsel for Plaintiffs; however, counsel for Plaintiffs refuse to cooperate in furnishing future or alternative acceptable dates and times for depositions. The deposition process has disintegrated into a near constant exchange of Notices of Depositions followed by Motions to Quash.

III.

Defendants cannot properly prepare their defenses without conducting additional depositions. Unless remedied, this situation will result in undue prejudice to the defense of all named Defendants and very well constitute harmful error at time of trial or alternatively, necessitate the trial date be continued yet again.

IV.

Defendants seek the Court's intervention to set and enforce deposition dates to ensure participation by the parties and counsel in the deposition process so that this case may be properly prepared for trial. Counsel for Defendants request that this Motion be set for hearing and that at hearing, Counsel for all parties provide the following to the Court followed by Court Order:

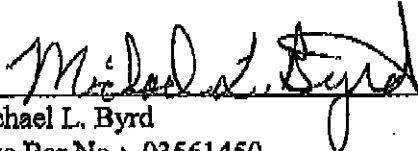
1. Supply the Court open dates for depositions for the months of June, July, August, and September;
2. Supply the Court with names of all presently known witnesses/persons each party desires to depose, either by completion of prior deposition or new deposition, including fact witnesses, expert witnesses and parties, if any; and
3. As the Court was required to do on prior occasion, order deposition dates for fact witnesses, expert witnesses and party depositions, if any.

PRAYER

For the reasons stated above, Defendants request that the Court set this matter for hearing, intervene in the deposition scheduling process, and grant the relief requested, and for such other and further relief, at law or in equity, to which Defendants may be justly entitled.

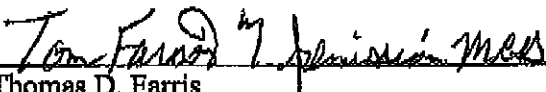
Respectfully submitted,

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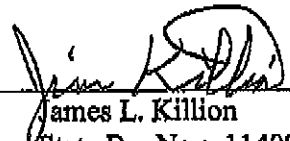
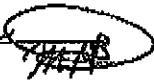
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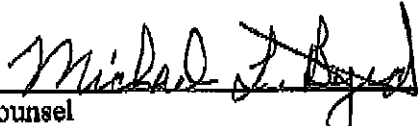
Attorneys for Defendant, Scott Snider

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing *Defendants' Motion for Court Intervention to Compel Dates for Scheduling of Depositions* was served in the manner indicated below on the following attorneys of record on this, the 2nd day of June, 2010:

*Via Facsimile: 214-943-0048
and First Class Mail*
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