

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

THE SOCIETY OF LLOYD’S,

Plaintiff,

v.

**ROBERT W. FUERST, HORD HARDIN,
HAROLD F. ILG, WALTER A. KLEIN,
MEADE M. McCAIN, JOHN J.
SHILLINGTON, CYNTHIA J.
TODOROVICH and MICHAEL B.
TODOROVICH**

Defendants.

Case No. 4:03CV1113 HEA

PLAINTIFF’S MOTION FOR A PROTECTIVE ORDER

Plaintiff the Society of Lloyd’s (“Lloyd’s”) by its attorneys, moves, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, for a protective order quashing defendants’ notice for deposition of Nicholas P. Demery. In support, Lloyd’s states as follows:

1. Counsel for defendants Robert Fuerst, Walter Klein, Meade McCain, Hord Hardin, Michael Todorovich and Cynthia Todorovich have sent a Notice of Deposition for Nicholas Demery, an employee of Lloyd’s, to Lloyd’s Chicago counsel. (A copy is attached to Lloyd’s supporting memorandum as Exhibit A.) Defendants’ Notice of Deposition for Mr. Demery states that it is set for February 20, 2004, in St. Louis.

2. Lloyd’s counsel has refused to produce Mr. Demery for a deposition on the proposed date because his deposition is premature, unnecessary and defendants’ counsel has not provided reasonable notice to Lloyd’s Chicago counsel or to Mr. Demery, who resides in England. Additionally, Lloyd’s is requesting a protective order

because defendants are not entitled to conduct discovery about well-established facts in an attempt to re-litigate issues which have already been decided by the English Courts.

3. Lloyd's counsel has conferred with defendants' counsel, in an attempt to resolve this discovery dispute and to date, the parties' counsel have failed to reach any agreement. (See, Affidavit of Nicholas A. Pavich submitted with this Motion.) A supporting memorandum is also submitted by Lloyd's with its Motion.

WHEREFORE, , the Society of Lloyd's respectfully requests that the Court enter a protective order preventing defendants Robert Fuerst, Walter Klein, Meade McCain, Hord Hardin, Michael Todorovich and Cynthia Todorovich from conducting a deposition of Nicholas Demery.

Respectfully submitted,

/s/ Nicholas A. Pavich
Nicholas A. Pavich

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CERTIFICATE OF SERVICE

I certify that on the 19th day of February, 2004, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: Ted F. Frapolli, Esq., 275 North Lindbergh, Suite F, St. Louis, MO 63141, Attorney for Certain Defendants; Alan C. Kohn, Esq., One US Bank Plaza, Suite 2410, St. Louis MO 63101, Attorney for Defendant Shillington and Harold F. Ilg, 100 L'Ambiance Circle, Unit 202, Naples, FL 34108 and 16401 Ranchester Drive, Chesterfield, MO 63005.

/s/ Nicholas A. Pavich
Nicholas A. Pavich