

**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

AFFIDAVIT OF NICHOLAS A. PAVICH

Nicholas A. Pavich, being first duly sworn on oath, deposes and states:


1. I am submitting this Affidavit in support of The Society of Lloyd’s Motion For a Protective Order.
2. I am an attorney in this case and I have been involved in the discussions between the parties’ counsels regarding the proposed deposition of Nicholas P. Demery. Lloyd’s refuses to produce Mr. Demery for his deposition, unless ordered to do so by this Court.
3. I certify that I have conferred with Ted Frapolli, counsel for defendants Robert Fuerst, Walter Klein, Meade McCain, Hord Hardin, Michael Todorovich and Cynthia Todorovich, in an attempt to resolve the dispute regarding defendants’ proposed deposition of Nicholas P. Demery.

4. I affirm that the parties have not reached an agreement regarding Mr. Demery's proposed deposition and, therefore, am submitting this Affidavit and Lloyd's Motion For a Protective Order pursuant to Federal Rule 26.



NICHOLAS A. PAVICH

Subscribed and Sworn to before me
this 19th day of February, 2004.



NOTARY PUBLIC

