

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

The Society of Lloyd's)	
)	
Plaintiff)	Case No. 4:03CV01113HEA
)	
Robert W. Fuerst, Hord Hardin II, Harold)	(Judge Autrey)
F. Ilg, Walter A. Klein, Meade M. McCain,)	
John J. Shillington, Cynthia J. Todorovich)	
and Michael B. Todorovich,)	
)	
Defendants.)	

**RESPONSE TO PLAINTIFF'S MOTION REGARDING
DISCOVERY OF DEFENDANT ROBERT W. FUERST**

COMES NOW, Defendant Robert W. Fuerst and for his response to Plaintiff's First Request for Production of Documents state as follows:

Lloyd's has filed a lengthy, unnecessary and moot motion and memorandum regarding Mr. Fuerst's deposition and production of documents. Lloyd's counsel, Michael Hannafan, (who seems to have a habit of requesting and threatening sanctions) failed to advise the Court that the undersigned counsel for Mr. Fuerst advised him he would review the question of the deposition location with Mr. Fuerst's Florida counsel. The undersigned counsel advised Mr. Hannafan that he would give him an answer by Monday June 6, 2005 as to whether Mr. Fuerst would appear in St. Louis for a deposition, or stand on his demand to be deposed

where he lives in Florida¹. Despite the fact that counsel has worked diligently with Mr. Hannafan to arrange depositions to fit Mr. Hannafan's schedule, Lloyd's filed a premature motion which impermissibly lacks the certificate of reasonable efforts required by Local Rule 37-3.04.

Mr. Fuerst is willing to appear in St. Louis on June 21, 2005 at the offices of his counsel. He is willing to provide documents in response to the document request.

Although there is no controversy at issue to resolve, the Court should note that the initial document requests were objected to in full and in part, and no discovery motion was ever propounded by Lloyd's counsel. Further the Court did not give Lloyd's a *carte blanche* in view of the right to invoke the privilege against self incrimination, only some guidelines. Lloyd's motion should be denied as moot. Mr. Fuerst will *not* ask for sanctions against Lloyd's for failing to comply with Local Rule 37-3.04.

¹Whether the Missouri Rules of Civil Procedure which govern post judgment discovery in this Court through FRCP 69 allow for a deposition of a now out of state defendant is a complicated issue which Mr. Fuerst does not chose to litigate at this time. As Mr. Hannafan is a resident of Chicago and must fly to St. Louis in order to depose Mr. Hannafan, it does not seem like a large burden to the world's largest insurance underwriter to have its lawyer fly an extra hour to Florida. Any execution against Mr. Fuerst or other judgment collection proceeding will necessarily occur there in Florida. Nevertheless, Mr. Fuerst is willing appear for a deposition for a reasonable length of time and produce documents in his possession which meet the request for production. He is not willing to be intimidated or treated rudely at a deposition by Mr. Hannafan. Mr. Fuerst suggests that the Court on its own motion appoint a master for the deposition to get it concluded promptly.

GOLDSTEIN & PRESSMAN, P.C.

By: /s/ Norman W. Pressman

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CERTIFICATE OF SERVICE

I certify that on the 6th day of June, 2005, the foregoing served by electronic mail to : Martin J. Buckley, Attorney for Plaintiff, 1139 Olive Street, Suite 800, St. Louis, Missouri 63101; Blake T. Hannafan, Esq., Michael T. Hannafan & Associates, Ltd., One East Wacker Drive, Suite 1208, Chicago, IL 60601

/s/Norman W. Pressman