

Wheeler, Alusheyi (CFPB)

From: Profita, Hillary S. <HSProfit@Venable.com>
Sent: Wednesday, February 17, 2016 4:15 PM
To: Morris, Deborah (CFPB); Cowie, Craig (CFPB); Wheeler, Alusheyi (CFPB); Weinberg, Wendy (CFPB); Chum, Vivian (CFPB)
Cc: Frechette, Peter S.; Baker, Allyson B.; Boyd, Joanna P.
Subject: Expert Deposition dates

Dear Counsel:

We would like to set up a date to depose your expert, Manoj Hastak. We would like to propose a date between March 7 and March 10. While this is beyond the current date set by the ALJ (March 3) we are requesting that you stipulate to such an extension, as this revised timeline will still be consistent with the 12 CFR 1081.210(d), which provides:

“A party may depose any person who has been identified as an expert whose opinions may be presented at trial. Unless otherwise ordered by the hearing officer, a deposition of any expert witness shall be conducted after the disclosure of a report prepared by the witness in accordance with paragraph (a) of this section, and **at least seven days prior to the deadline for submission of rebuttal expert reports**. A deposition of an expert witness shall be completed no later than 14 days before the hearing unless otherwise ordered by the hearing officer. No expert deposition shall exceed eight hours on the record, absent agreement of the parties or an order of the hearing officer for good cause shown. Expert depositions shall be conducted pursuant to the procedures set forth in § [1081.209\(g\)](#).”

As you know, our rebuttal expert report is due on March 17. Thus, if the deposition of Dr. Hastak takes place by March 10, we will still be in line with this rule.

Accordingly, please let me know if you would be amenable to such a stipulation.

Thanks,
Hillary

Hillary S. Profita, Esq. | Venable LLP
t 212.503.0645 | f 212.307.5598 | m 201.446.8882
1270 Avenue of the Americas, New York, NY 10020

HSProfit@Venable.com | www.Venable.com

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