

1 It is the Court's understanding based
2 on the representations made by the defense that the
3 defendant will make no attempt to introduce evidence
4 inconsistent with the responses they have given to
5 the requests for admissions, and the Court will so
6 order. I assume that the -- that is a correct
7 representation of the defense's position as stated.

8 MR. SHARPE: Your Honor, that is
9 correct subject to the fact that if during the
10 discovery we learn that one of those answers or
11 requests can be answered. We will, of course, at
12 that time immediately supplement our answers, and if
13 we supplement the answers where proof would be
14 appropriate, then, of course, if it's timely
15 supplemented then, yes, we would offer evidence.
16 But otherwise, no, we would not. You are correct.

17 THE COURT: And the Court obviously
18 takes very seriously the issue of timeliness
19 relative to any attempt to amend the responses in
20 light of this issue being so thoroughly briefed and
21 argued by the parties and being brought to a head at
22 this point in time.

23 MR. SHARPE: We take it seriously,
24 too, Your Honor.

25 THE COURT: Let's move to the next

1 issue. The Defendant's Motion to Strike Experts.
2 Again, I have considered the arguments and written
3 submissions of the parties. The defendant's motion
4 is denied.

5 I move to the next issue, and that is
6 the issue of the Motion to Stay. And taking into
7 consideration not only the written submissions of
8 the parties and the argument of counsel, but also
9 the rulings that I'm making today and the impact
10 that that will have on the necessary discovery
11 timetable, I think that the motion for stay should
12 be denied.

13 The Court notes that the written
14 discovery propounded by the plaintiffs in part was
15 one mechanism that could have reduced the number of
16 expert witnesses that might be necessary in the
17 case, and would probably have reduced the timetable
18 necessary for discovery. In light of the positions
19 of the parties and the rulings that have been made
20 by the Court, I think that it would be inappropriate
21 to stay discovery under the circumstances.

22 Next let's move to the objections.
23 Did the defense receive a copy of a letter that has
24 been filed by counsel for the plaintiff? I show
25 that copies were provided.