

From: [Carl Hartmann](#)
To: ["Charles Lockwood"](#)
Cc: [Kim Japina](#); ["David Muhammad"](#)
Bcc: ["holtvi@aol.com"](#)
Subject: Email 2 of 2: Expedited depositions of Haskell Employees in Florida / Letters Rogatory
Date: Friday, March 26, 2021 6:08:00 PM

Good Afternoon:

I would like to take pre-Rule 16/26 depositions to preserve testimony of the Florida-based Haskell employees mentioned in the Complaint. This would be easiest and least expensive if your client would stipulate to this rather than requiring a Rule 27(c) motion and a request for letters rogatory to the Florida court. If your client will do so, and the employees will agree to their individual depositions being taken (as this is not a 30(b)(6) request), we can proceed. I would like to take the depositions via Zoom, but would agree to do so in Florida if you prefer. Due to Covid restriction I would not fly commercially, but would be willing to drive or fly myself. If your client is agreeable but the individuals will not also agree, I will obtain letters rogatory and approach the Florida court. Please note that I am trying to avoid running up unnecessary costs and attorney fees for your client(s), but a lack of cooperation will hamper this effort.

The basis of this request is that these are employees of a non-registered foreign corporation who have clearly been active, and, I believe, doing business in the USVI. As such there is no control over or knowledge of the company: Thus, its employees might depart at any time to any place—or even be something other than employees as the represented themselves. Moreover, as you have not yet agreed to accept service, Haskell is (as of now) unrepresented in this jurisdiction. Finally, I believe these individuals are Haskell and not URC employees (or joint employees paying USVI unemployment taxes, etc.) but not even that is clear to me from their communications. It is important for Rule 11-like purposes that I ascertain their status before I amend the complaint – at which point, based on their testimony, I may also find it necessary to proceed against Cruzan as well.

If I do not hear from you within seven days, I will proceed to address these issues unilaterally. This email is for notice purposes and should not be considered privileged or confidential – and may be appended to the above motions, or to any ultimate requests for fees/costs.

Respectfully,

Carl Hartmann

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