

210 Lake Drive East, Suite 200
Cherry Hill, NJ 08002-1163
TEL 856.761.3400
FAX 856.761.1020
www.ballardspahr.com

Roberto A. Rivera-Soto
Direct: 856.761.3416
riverasotor@ballardspahr.com

VIA ELECTRONIC MAIL

May 26, 2016

Andrew L. Schlafly, Esq.
939 Old Chester Rd.
Far Hills, New Jersey 07931

Re: ***AM. BD. OF INTERNAL MED. V. JAIME SALAS RUSHFORD, M.D.***
Civil Action No. 2:14-cv-06428-KSH-CLW
United States District Court for the District of New Jersey

Dear Mr. Schlafly:

This firm represents plaintiff/counterclaim defendant the American Board of Internal Medicine and third-party defendants Richard Baron, M.D., Christine K. Cassel, M.D., Lynn O. Langdon, Eric S. Holmboe, M.D., David L. Coleman, M.D., Joan M. Feldt, M.D., and Naomi P. O'Grady, M.D. (collectively, "ABIM") in the above referenced case.

As you know, the deposition of defendant Jaime A. Salas Rushford, M.D. has been noticed for Tuesday, May 27, 2016; the notice of deposition required that defendant produce documents on or before today and, as noted in my May 5 and 25, 2016 letters to you, defendant has yet to comply with his *Rule 26* discovery obligations in respect of his counterclaims.

The litany of defendant's contempt of valid court processes is remarkable: defendant has failed to produce required *Rule 26* information for months, despite repeated requests; he has interposed meritless and, candidly, almost childish objections to the scheduling of his deposition; he has failed to seek a protective order, as is his obligation; he has failed to produce the noticed documents by today's deadline; and, as his counsel of record, your unexplained and unfathomable failure to respond to any one of several inquiries made of you leave a great deal to be desired. Based on that course of conduct, we must demand that defendant confirm, by no later than noon tomorrow, whether he is appearing at his deposition as scheduled and when he will comply with both the *duces tecum* provisions of his notice of deposition and his *Rule 26* disclosure requirements. We have set a noon deadline because we all face a holiday weekend -- and the family obligations those holidays imply -- and defendant's dilatory actions will require that deposition preparation occur then.


A PA Limited Liability Partnership | John Bernard Kearney, Managing Partner

Andrew L. Schlafly, Esq.
May 26, 2016
Page 2

Defendant should carefully think better of the delay tactics he has employed to date. Unless defendant's demeanor changes to conform to what is expected of any litigant -- much less of a purportedly well-educated person -- we no longer will treat defendant with the professional courtesy we have to date, and instead we will invoke the Court's coercive powers to receive what is a matter of right of any litigant. We trust this will not prove necessary.

Very truly yours,

BALLARD SPAHR LLP

By: 

Roberto A. Rivera-Soto