

From: [Brian R. Elias](#)
To: [Wally Zimolong](#)
Cc: [Nicholas Barry](#); [James Fitzpatrick](#); [Christina R. Gallagher](#)
Subject: Re: Benjamin M. Auslander v. TESD and Arthur J. McDonnell, USDC EDPA, Docket No. 22-01425
Date: Thursday, July 28, 2022 8:28:53 AM

We are not agreeing to produce those two witnesses. Thanks.

Brian R. Elias, Esquire
Wisler Pearlstine, LLP
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On Jul 28, 2022, at 8:21 AM, Wally Zimolong <wally@zimolonglaw.com> wrote:

Mr. Elias:

There is no reason for a call. We do not show a “need” for a deposition under the Federal Rules of Civil Procedure. Towle and Torres are identified on your clients’ initial disclosures as having discoverable information. Towle sent emails to PEG and otherwise communicated with them. We need to know today if you are agreeing to produce Towle and Torres. If not, I am going to request another conference with the Judge. We have a tight window to complete discovery.

Wally Zimolong, Esquire
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353 West Lancaster Avenue, Suite 300, Wayne, PA 19087
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From: Brian R. Elias <belias@wispearl.com>
Sent: Thursday, July 28, 2022 6:54 AM
To: Wally Zimolong <wally@zimolonglaw.com>
Cc: Nicholas Barry <nicholas.barry@aflegal.org>; James Fitzpatrick <james@zimolonglaw.com>; Christina R. Gallagher <cgallagher@wispearl.com>
Subject: Fwd: Benjamin M. Auslander v. TESD and Arthur J. McDonnell, USDC EDPA, Docket No. 22-01425

Good morning, Wally.

Can we discuss this request today or tomorrow? We need to understand the need for the depositions of Drs. Towle and Torres before agreeing to the depositions.

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Begin forwarded message:

From: Susan Silenzi <admin@zimolonglaw.com>
Date: July 27, 2022 at 2:13:27 PM EDT
To: "Gina E. Avitello" <gavitello@wispearl.com>
Cc: Wally Zimolong <wally@zimolonglaw.com>, Jay Freebery <jfreebery@chathambay.com>, 5c16ae101@maildrop.clio.com, "Brian R. Elias" <belias@wispearl.com>, James Fitzpatrick <james@zimolonglaw.com>
Subject: Benjamin M. Auslander v. TESD and Arthur J. McDonnell, USDC EDPA, Docket No. 22-01425

Gina:

It was a pleasure speaking with you. As I explained in my telephone call, I am the paralegal for Walter S. Zimolong and James J. Fitzpatrick regarding the above-captioned matter. Our firm represents Benjamin M. Auslander and we would like to take the deposition of the following witnesses: Arthur McDonnell, Mary Minicozzi, Dr. Wendy Towle and Dr. Oscar Torres. The depositions will be taken in person at our firm, 353 W. Lancaster Avenue, Suite 300, Wayne, PA 19087. I have the following dates available in August: 9, 10, 17, 18, and 24.

Once you have had a chance to speak with Mr. Elias and the parties, please let me know what dates work for Wisler Pearlstine. The depositions will begin at 10:00 a.m. Once we have the dates, I will send out the deposition notices.

Susan Silenzi, Paralegal
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