

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

NOV 03 1997

JAMES W. MCCORMACK, CLERK  
By: *[Signature]* DEP. CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

PAULA JONES,

Plaintiff,

v.

WILLIAM JEFFERSON CLINTON  
and DANNY FERGUSON,

Defendants.

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CIVIL ACTION NO. LR-C-94-290

Judge Susan Webber Wright

(Under Seal)

**PLAINTIFF'S RESPONSE TO DANNY FERGUSON'S  
MOTION FOR RELIEF FROM DEPOSITION SCHEDULE**

Plaintiff Paula Jones responds to Danny Ferguson's Motion for Relief from Deposition Schedule as follows:

**I.**

**THE DISCOVERY SCHEDULE SET BY  
THE COURT IS SHORT AND INTENSE**

When this Court entered its scheduling order, it should have been apparent to all parties that the discovery in this case would be conducted intensely over a relatively short time. All counsel should have been well aware that discovery depositions would probably occur almost every day until the close of the discovery period. Mr. Ferguson's counsel, however, now contends that he has no one to help him and many other responsibilities. Mr. Bristow states that he has multiple conflicts between now and the close of discovery, with possibly more conflicts forthcoming. He requests all of the parties to schedule around his

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many conflicts. These limits make it impossible for Plaintiff, but curiously not Defendant Clinton, to complete discovery during the time this Court has allotted.

## II.

### OBJECTIONS TO MR. FERGUSON'S MOTION

Mr. Ferguson's motion is submitted to the Court without the required certificate of conference because in fact, Mr. Bristow never attempted to confer with Plaintiff's counsel concerning the scheduling or rescheduling of any of these depositions. The Federal Rules and Local Rules of this Court clearly require such a conference. Further, this motion is submitted on less than 24 hours notice and should be deferred until such a conference occurs. If the conference is unsuccessful, Plaintiff should be allowed sufficient time to fully respond.

## III.

### DEFENDANTS FERGUSON AND CLINTON SEEK TO PRECLUDE PLAINTIFF FROM HAVING A FAIR CHANCE TO DEPOSE WITNESSES IN THIS MATTER

Days following this Court's order authorizing the withdrawal of Plaintiff's prior counsel, Defendants embarked on a base tactical scheme to trump the discovery schedule in this case by issuing subpoenas for fourteen oral depositions, serving interrogatories and requests for production, and subpoenaing documents from many third parties. The undersigned counsel entered their appearance in this matter on October 1. Taking note of the Court's stringent discovery schedule, the Court's oft stated intention of holding the parties to the current schedule, and the obvious commitment that this case requires, Plaintiff has only sought to reschedule one of the fourteen oral depositions noticed unilaterally by

Defendants, that being the deposition of Paula Jones. Six of those depositions have already been completed. Seven more are scheduled.

When Plaintiff then began issuing notices of deposition, Defendant Clinton immediately sought to block any discovery and Defendant Ferguson has claimed unavailability of counsel. By their actions, the Defendants have jointly worked to almost entirely preclude Plaintiff any opportunity to take oral depositions prior to the Court's deadline to file a witness list on December 5. Attached hereto as Exhibit 1 are calendars showing the depositions noticed by any party and currently-available dates (the dates crossed-out are those that Mr. Ferguson's counsel requests to be unavailable). Conveniently, Mr. Ferguson's counsel is available for every deposition sought to be taken by either Defendant. Mr. Ferguson is unavailable for all four depositions already scheduled by Plaintiff and leaves exactly eight days open to conduct those depositions and any other witnesses prior to the December 5 deadline.

With so few dates available, assuming even perfect flexibility of the witnesses' schedule, Plaintiff has too few open dates to complete any reasonable amount of discovery into Defendant Clinton's pattern and practice of sexual harassment,<sup>1</sup> and other relevant issues.

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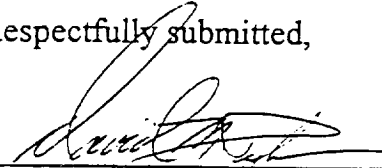
<sup>1</sup>Mr. Ferguson's counsel does offer a few dates in which he claims that the deposition scheduled by Defendants will not take a full day; however, these depositions are scheduled in Jonesboro and Fayetteville, Arkansas, or Fort Worth, Texas. Given that the witnesses in this case are spread throughout the country, the likelihood that Plaintiff will be able to identify a witness that would be available on those dates and in those cities is highly unlikely.

IV.

CONCLUSION

In summary, Plaintiff Paula Jones requests that Danny Ferguson's motion be denied.

Respectfully submitted,



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Donovan Campbell, Jr.

State Bar of Texas No. 03725300

James A. Fisher

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 1997, a true and correct copy of the foregoing document (including the accompanying exhibits and attachments, if any) was served on all parties by first-class U. S. mail, postage prepaid, (or as shown below) addressed to the attorneys of record at the addresses set forth below, in compliance with FED. R. CIV. P. 5.

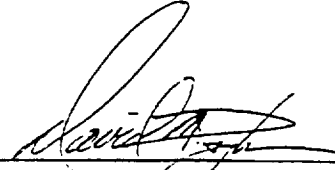
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\_\_\_\_\_  
David M. Pyke

# NOVEMBER 1997

For Duke David M. Blank Calendar

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

						1
2	3	<del>4</del> 9:30 a.m. Larry Patterson (trooper) in Little Rock	<del>5</del> 9:30 a.m. L.D. Brown (trooper) in Little Rock	<del>6</del> 9:30 a.m. Roger Perry (trooper) in Little Rock	7	8
9	10 $\Delta$ 9:30 a.m. David Young 2:00 Rusty Garner (Back in Little Rock)	11 $\Delta$ 4:30 Jerry Odom in Little Rock	12 $\Delta$ Unidentified Defense Depo	13	<del>14</del> 9:00 Jennifer Flowers in Dallas	15
16	17 $\Delta$ 9:30 Mark Eubanks in Jonesboro	18	19	<del>20</del>	<del>21</del>	22
23	24 $\Delta$ 9:30 J... P. Jansen in Fayetteville	<del>25</del>	26	27 Thanksgiving	28	29
30						

**EXHIBIT**  
1

October 1997

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

December 1997

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

ider, Campbell, Fisher & Pyke, P.C  
**DECEMBER 1997**

For Duke David M. Blank Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 9:30 Susan Carpenter-Memillan in Ft. Worth TX	2 9:30 Steve Jones in Ft. Worth TX	3	4	5 Witness List in SD Filed	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25 Christmas	26	27
28	29	30	31 New Year's Eve			

November 1997

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2	3	4	5	6	7	8
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23	24	25	26	27	28	29
30						

December 1997

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21	22	23	24	25	26	27
28	29	30	31			

January 1998

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

der, Campbell, Fisher & Pyke, P.C

# JANUARY 1998

For Duke David M. Blank Calendar

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 9:30 Danny Ferguson in Little Rock	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

S	M	T	W	T	F	S
	1	2	3	4	5	6
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14	15	16	17	18	19	20
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28	29	30	31			

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15	16	17	18	19	20	21
22	23	24	25	26	27	28