

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

FILED

NOV 05 1997

PAULA CORBIN JONES, :
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 Plaintiff, :
 :
 v. :
 :
 WILLIAM JEFFERSON CLINTON :
 :
 and :
 :
 DANNY FERGUSON, :
 :
 Defendants. :

JAMES W. MCCORMACK, CLERK
By: *[Signature]*
CIVIL ACTION DEPT. CLERK
NO. LR-C-94-290

Judge Susan Webber Wright

(UNDER SEAL)

PRESIDENT CLINTON'S RESPONSE TO PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER CONCERNING PLAINTIFF'S DEPOSITION

President Clinton, through counsel, hereby submits this response to plaintiff's motion for protective order concerning the place of her deposition. As set forth below, none of the reasons advanced by plaintiff's counsel to change the place of her deposition withstand scrutiny.

Plaintiff contends that the Court should order her deposition to occur in a public hotel as opposed to the private office of President Clinton's counsel: (i) so that plaintiff can avoid the media; and (ii) because plaintiff now alleges a "hostile environment" at Wright, Lindsey & Jennings because witnesses in this case gave testimony that upset plaintiff.

As a threshold matter, Wright, Lindsey & Jennings has been extremely gracious in accommodating every need of plaintiff and her entourage at all of the depositions taken to date.

During the week of October 12, 1997, plaintiff brought assorted friends and family members to the depositions including her husband and Debra Ballentine. Plaintiff, her counsel and her entourage were provided a private conference room, beverages and snacks. In addition, when we learned that the media were waiting to speak to persons involved with the case, we offered to obtain sandwiches for plaintiff, her lawyers and entourage so that they would not have to leave the building at the lunch break. They declined. Accordingly, we arranged for a building security guard to escort plaintiff and the others through a back exit to try to avoid the media.

The following week, plaintiff's entourage included Susan Carpenter McMillan who also was provided with a private conference room at Wright, Lindsey & Jennings. Ms. McMillan smoked in the offices notwithstanding the firm's no-smoking policy and being requested not to do so. More importantly, Ms. McMillan *invited members of the media into the private conference room of Wright, Lindsey & Jennings where she proceeded to conduct a press conference in the offices of counsel for the President.* Thus, plaintiff's objection that a reporter "penetrated into the reception area of the Wright, Lindsey & Jennings office before being stopped" (Plaintiff's Motion at 4) is disingenuous in the extreme. Indeed, it demonstrates that we tried to minimize the media disturbance while plaintiff and her entourage were busy fomenting it.

Plaintiff, her lead counsel and Ms. McMillan also apparently agreed to be interviewed and photographed in front of the Doubletree Hotel for an Arkansas Gazette newspaper article published on October 23, 1997. Similarly, Ms. McMillan agreed to be interviewed for a feature on Local Channel Seven on October 22, 1997. Thus, plaintiff's protestations that she now wishes to be sequestered from the media are contradicted by the conduct of plaintiff, her lawyers, and her "Litigation Communications Representative" -- Ms. McMillan.

In addition, the suggestion that it would be possible to keep secret plaintiff's proposed alternative place for her deposition unless defendants disclose it is silly. Representatives of the Arkansas Gazette or other media could ascertain this "secret location" merely by following plaintiff, her entourage or counsel to it. Moreover, plaintiff is readily recognizable, certainly by anyone in Little Rock, and there can be no guarantee that hotel personnel, hotel guests or passersby will not recognize plaintiff and make it known she is at this secret location.

With respect to plaintiff's attacks on the notice itself, we are not aware of a "universal practice" of conducting the deposition of a plaintiff who filed suit in Little Rock in the offices of that plaintiff's out-of-town lawyers. Plaintiff's Motion at 2. Moreover, contrary to plaintiff's assertion, we can hardly have "disregarded" this alleged practice since the Rader Firm in Dallas neither entered an appearance in the case nor informed us that they would do so until approximately two weeks

after the notice was issued. Likewise, contrary to plaintiff's assertion, the notice was not issued the day after plaintiff's former counsel withdrew from the case. (Plaintiff's Motion at 2). Rather, it was not issued until approximately a week later when no counsel had entered an appearance in the case for plaintiff and the Court had ordered that all deadlines would remain in place.

Finally, plaintiff's "hostile environment" claim, that she was upset by the testimony of other witnesses in this case, does not warrant changing the place of her deposition. Moreover, we will agree to provide a conference room with an opaque door for plaintiff and her entourage to occupy on breaks to address plaintiff's objections to a conference room with a glass door. We have no objection to the Court's provision of Federal Marshalls, however, we do not believe the media have threatened the safety of anyone involved in this case.

For all of the foregoing reasons, we respectfully request that plaintiff's motion be denied and that plaintiff's deposition proceed pursuant to the notice of deposition.

Respectfully submitted,

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Dated: Washington, D.C.
November 5, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 1997, a true and correct copy of President Clinton's Response To Plaintiff's Motion for Protective Order Concerning Plaintiff's Deposition was served via facsimile and first class United States Mail postage prepaid to:

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