

09-122  
Pl.

# deGravelles, Palmintier, Holthaus & Frugé L.L.P.

ATTORNEYS AT LAW

618 Main Street  
Baton Rouge, Louisiana 70801-1910  
(225) 344-3735  
Telecopier (225) 408-5339  
www.dphf-law.com

Randolph W. Hunter  
Joshua M. Palmintier  
J. Neale deGravelles

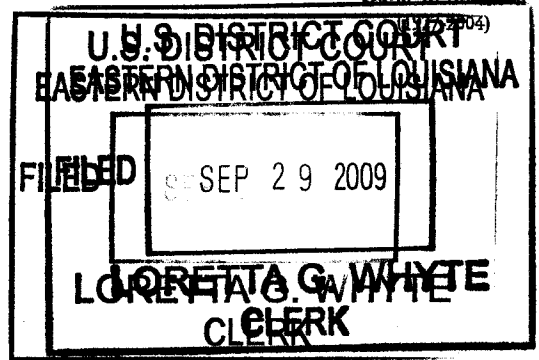
September 17, 2009

John W. deGravelles, L.L.C.<sup>1,2</sup>  
www.degravelles.com  
Michael C. Palmintier, P.L.C.  
C. Frank Holthaus, P.L.C.<sup>3</sup>  
Scott H. Frugé, P.L.C.

Of Counsel  
David W. Robinson

<sup>1</sup> ALSO ADMITTED IN COLORADO AND TEXAS  
<sup>2</sup> BOARD CERTIFIED - CIVIL TRIAL ADVOCACY  
National Board of Trial Advocacy  
<sup>3</sup> BOARD CERTIFIED - CRIMINAL TRIAL ADVOCACY  
National Board of Trial Advocacy

Hon. Sarah Vance  
Chief Judge  
United States District Court  
Eastern District of Louisiana  
500 Poydras Street  
New Orleans, LA 70130



Re: *Jeff Smith v. Dikar, S. Coop. Ltd. and D.C. 1980 Inc.,  
Eastern District of Louisiana  
Docket Number: 09-4501 R  
Our File No.: 09-122*

Dear Judge Vance:

The above captioned matter is currently set on your docket call for 10:00 o'clock a.m. on Wednesday, October 14, 2009. I am advised that an answer will be filed by DC 1980, Inc. this week, which should moot the docket call. However, inasmuch as the foreign manufacturer, Dikar, is being served pursuant to the provisions of the Hague Convention, they, more probably than not, will not be before this Court until early 2010.

We wish to avoid unnecessary docket calls and premature scheduling conferences, until the foreign manufacturer is properly served, enters its appearance, and files appropriate responsive pleadings.

This has been discussed with the attorneys for D.C. 1980, Inc., who will also be the attorneys for Dikar. We are proceeding forward with limited depositions and discovery pursuant to agreement of the parties while we await service and answer by Dikar.

Your law clerk suggested that I send this letter. I had already discussed this type of letter with opposing counsel.

With best wishes and kindest personal regards, I am

Sincerely yours,

Randolph W. Hunter

RWH/jwm

cc: Steven B. Witman, Esq. (By e-mail [switman@witmanlaw.com](mailto:switman@witmanlaw.com) and U.S. Mail)  
James E. Singer (By e-mail [JES@boviskyle.com](mailto:JES@boviskyle.com) and U.S. Mail)

Fee \_\_\_\_\_  
Process \_\_\_\_\_  
 Dkt'd \_\_\_\_\_  
CtRmDep \_\_\_\_\_  
Doc. No. \_\_\_\_\_