







notice, we will move to compel so we can take the deposition that the hearing officer authorized in denying the DPS's 2016 motion to quash.

So this issue can be dealt with both reasonably and timely, I'd like to work on an agreement for a briefing schedule on the motion and set a date for the depo in the event that the HO rules in respondent's favor. If the DPS is not compelled to produce a witness for the deposition, we can cancel the date. But this way we can all be prepared for the hearing in February that the parties agreed to. I can have a motion and accompanying counsel's affidavit prepared by Monday if this is the route we are going (possibly by tomorrow, but more likely Monday). Please let me know how you'd like to proceed. If I do not hear from you today, I will assume that you are not going to reconsider your position and I will begin drafting the motion to compel. I'm in the office all day today, with a brief excursion about mid-day. I'll be available by phone.

Thanks again for working through this with us. Best, Leslie

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