

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEVON IT, INC., et al.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 10-2899
IBM CORP., et al.	:	
	:	
Defendants.	:	

STIPLUATION REGARDING THE DEPOSITION OF ROBERT MOFFAT, JR.

Plaintiffs, Devon IT, Inc., Devon AD Tech, Inc., and Devon IT (Europe), Ltd.,
Defendants International Business Machines Corporation a/k/a IBM Corporation, Thomas M.S.
Bradicich, Bernard S. Meyerson, James A. Gargan, and Rodney C. Adkins, and Deponent Robert
Moffat, Jr. by and through their undersigned counsel, agree upon the following:

1. Plaintiffs shall notice and conduct the videotape deposition of Robert Moffat, Jr. on May 26, 2011 at the offices of Mitts Milavec, LLC, Two Logan Square, 12th Floor, Eighteenth and Arch Streets, Philadelphia, PA 19103.¹
2. On May 19, 2011, and subject to the entry of an appropriate confidentiality order, Defendants shall respond to Plaintiffs' April 25, 2011 email request for "Mr. Moffat's personnel file and any files regarding any internal investigations of Mr. Moffat during his employment with IBM" through the

¹ On April 18, 2011, this Court granted Plaintiffs' request to conduct Robert Moffat, Jr.'s deposition while he remained incarcerated. The parties have agreed to take Mr. Moffat's deposition outside incarceration with the above stipulations and protections in place, and without otherwise prejudicing the parties' rights under the Federal Rules of Civil Procedure. This location is subject to approval by the probation department. In the event this location is not approved, Plaintiffs shall conduct the deposition on a date agreeable to all counsel—but in any event prior to June 1, 2011—at a location that is approved by the probation department.

production of responsive documents and the assertion of objections, including any applicable privileges.

3. Kerry Lawrence, counsel for Mr. Moffat, shall retain possession of Mr. Moffat's passport until his deposition is complete.

/s/ Maurice R. Mitts

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Counsel for Robert Moffat, Jr.

APPROVED AND SO ORDERED :
APRIL 27, 2011



Honorable Joel H. Slomsky