

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: BAUSCH & LOMB INC. CONTACT
LENS SOLUTION PRODUCTS LIABILITY
LITIGATION**

MDL DOCKET NO. 1785

C/A NO. 2:06-MN-77777-DCN

**THIS DISCOVERY RELATES TO: ALL
CASES**

CROSS-NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that the deposition of the following person will be taken upon oral examination as set out below:

Deponent: **Jerry Warner**
Date: **May 30, 2007**
Time: **9:00 a.m.**
Location: **Nixon Peabody, LLP
1100 Clinton Square
Rochester, NY 14604**

This deponent will appear pursuant to the Florida Rules of Civil Procedure at the time and place specified above to give testimony in *Wade v. Bausch & Lomb, Inc.*, Case No. 06-893-GCS, In the Circuit Court of the Tenth Judicial Circuit, in and for Highlands County, Florida. This deposition is cross-noticed in the above-captioned matter for any and all purposes permitted by the Federal Rules of Civil Procedure, and any state or local rules that apply to this action, and the deposition will be taken in accordance with these rules. In addition, the deposition will be taken in the presence of a certified court reporter and videographer provided by Plaintiffs.

SHOOK, HARDY & BACON L.L.P.

By: 
Eric M. Anielak

2555 Grand Blvd.
Kansas City, Missouri 64108-2613
Telephone: 816.474.6550
Facsimile: 816.421.5547

O'MELVENY & MEYERS LLP

John H. Beisner
Jessica Davidson Miller
1625 Eye Street, N.W.
Washington, DC 20006

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

Michael T. Cole
151 Meeting Street / Sixth Floor
P.O. Box 1806 (29402)
Charleston, SC 29401-2239

**ATTORNEYS FOR DEFENDANT BAUSCH
& LOMB INCORPORATED**

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2007, a true and correct copy of the foregoing document was served via electronic mail on:

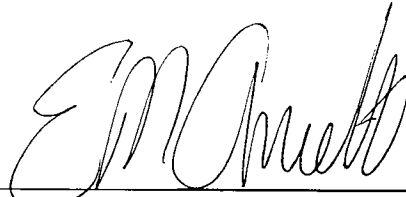
H. Blair Hahn, Esq.
RICHARDSON PATRICK WESTBROOK & BRICKMAN, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mt. Pleasant, SC 29464
(843) 727-6500
bhahn@rpwb.com

Mitchell M. Breit, Esq.
WHATLEY, DRAKE & KALLAS, LLC
2323 2nd Avenue North
Birmingham, AL 35203
(205) 328-9576
mbreit@whatleydrake.com

Wendy R. Fleishman, Esq.
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
780 Third Avenue, 48th Floor
New York, NY 10017-2024
(212) 355-9500
wfleishman@lchb.com

Daniel E. Becnel, Jr., Esq.
BECNEL LAW FIRM, LLC
P.O. Drawer H
106 W. Seventh St.
Reserve, LA 70084
(985) 536-1186
dbecnel@becnellaw.com

Gedney M. Howe, III
P.O. Box 1034
Charleston, SC 29402
(843) 722-8048
cgear@gedneyhowe.com



ATTORNEY FOR DEFENDANT BAUSCH & LOMB
INCORPORATED