

# Nelson Mullins

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October 9, 2007

### Via Electronic Mail

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RE: Bausch & Lomb Inc. Contact Lens Solution Product Liability Litigation  
MDL Docket No. 1785

Dear Counsel:

Attached please find the amended cross notice for the deposition of Andy Amor on October 29, 2007. Documents used in this deposition may be subject to a Protective Order entered in this case or by the MDL Court. Anyone attending this deposition must agree to be bound by such a protective order. If you plan to attend, please contact Sherry Durgan at 816-474-6550 to

MDL Counsel  
October 9, 2007  
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coordinate and to address any issues specific to the protective order. The call-in number for this deposition will be (888) 331-4920, Conference Code 5568743311.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eli Poliakoff". The signature is fluid and cursive, with a large, stylized initial "E".

Eli A. Poliakoff

EAP:ep2

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

In re: Bausch & Lomb Contact Lens )  
Solution Products Liability Litigation ) MDL No: 1785  
)  
) C/A No. 2:06-MN-77777-DCN  
)  
)  
This Notice Relates To: All Cases )  
)  
)  
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**AMENDED 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: **Andy Amor**  
Date: October 29, 2007, and from day to day until completed  
Time: 10:00 a.m.  
Location: Nixon Peabody  
1100 Clinton Square  
Rochester, NY 14604

This deponent will appear pursuant to the Federal Rules of Civil Procedure at the time and place specified above to give testimony in *Ruiz v. Bausch & Lomb, Inc., et al.*, Case No. 06-21447CA-08, Circuit Court of the Eleventh Judicial Circuit In and For Miami-Dade 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 may be videotaped.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ELI A. POLIAKOFF

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John H. Beisner, Esq.  
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1625 Eye Street, N.W.  
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SHOOK HARDY & BACON L.L.P.

Harvey Kaplan, Esq.  
Marie Woodbury, Esq.  
2555 Grand Boulevard  
Kansas City, MO 64108

*Attorneys for Bausch & Lomb Incorporated*

October 9, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **CROSS NOTICE OF DEPOSITION OF Andy Amor** has been served upon the parties to this action by sending copies thereof via electronic mail addressed to:

Gedney Howe  
PO Box 1034  
Charleston, SC 29402  
cgear@gedneyhowe.com

Jesse Kirchner  
Thurmond Kirchner & Timbes PA  
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October 9, 2007

s/ ELI A. POLIAKOFF  
Eli A. Poliakoff

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN AND  
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.:06-21447CA-08

JANE RUIZ,

Plaintiff,

v.

BAUSCH & LOMB INCORPORATED, a  
New York Corporation for profit and  
NAVARRO DISCOUNT PHARMACIES  
NO.15, LLC, a Florida Limited Liability  
Corpration for Profit,

Defendants.

**RE-NOTICE OF TAKING DEPOSITION DUCES TECUM  
BY VIDEOTAPE**

PLEASE TAKE NOTICE that the undersigned hereby notices the taking of the deposition of the following person, upon oral examination before U.S. Legal notaries public, or any other notary public or officer authorized by law to take depositions in the State of New York, at the address listed below. The oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial or for such other purposes as are permitted under the applicable Statutes or the Rules of Court. The Deponent is requested to bring the items listed in the attached schedule "A".

NAME: Andy Armor  
DATE & TIME: Monday, October 29, 2007 at 10:00 A.M.  
LOCATION: Nixon Peabody  
1100 Clinton Square  
Rochester, NY 14604  
585-263-1600

**CERTIFICATE OF SERVICE**

IT IS HEREBY certified that a true and correct copy of the foregoing has been sent via Facsimile and U.S. Mail to HILDY M. SASTRE, ESQ., Shook, Hardy & Bacon, LLP, 201 S. Biscayne Blvd, Suite 2400 Miami, FL 33131-4332, this 5<sup>th</sup> day of October, 2007.

THE ALVAREZ LAW FIRM  
Attorneys for Plaintiffs  
355 Palermo Avenue  
Coral Gables, Florida 33134  
Phone: (305) 444-7675  
Fax: (305) 444-0075

BY: 

\_\_\_\_\_  
ALEX ALVAREZ  
Florida Bar No.: 946346

cc: Nely - U.S. Legal  
FAX: 305-358-1427