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October 17, 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 cross notice for the deposition of Scott Rogers on November 29, 2007. Documents used in this deposition may be subject to a Protective Order entered 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 coordinate and

MDL Counsel
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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 A. Poliakoff". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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)
)
)
)
_____)

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: **Scott Rogers**
Date: November 29, 2007, and from day to day until completed
Time: 10:00 a.m.
Location: Huseby, Inc.
1200 Woodruff Road, Bldg. A
Greenville, SC 29607

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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O'MELVENY & MYERS LLP

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

Attorneys for Bausch & Lomb Incorporated

October 17, 2007

CERTIFICATE OF SERVICE

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

Gedney Howe
PO Box 1034
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cgear@gedneyhowe.com

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October 17, 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, L.L.C., a Florida Limited Liability
Corporation 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 Huseby, Inc., notaries public, or any other notary public or officer authorized by law to take depositions in the State of Florida, 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: Scott Rogers

DATE & TIME: Thursday, November 29, 2007 at 10:00 A.M.

LOCATION: Huseby, Inc.
1200 Woodruff Rd., Bldg. A
Greenville, SC 29607
864-297-9776

CERTIFICATE OF SERVICE

IT IS HEREBY certified that a true and correct copy of the foregoing has been sent via U.S. Mail to Hildy M. Sastre, Esq., Shook, Hardy & Bacon, LLP, 201 S. Biscayne Blvd, Suite 2400 Miami, FL 33131-4332, this 5th 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 - US Legal
FAX: 305-358-1427