

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 05-2013-CA-33457

SCOTT ELLIS, in his official capacity as
Brevard County Clerk of the Circuit Court,

Plaintiff,

vs.

BLUEGEM, LLC, a Florida limited liability
company,

Defendant.

BLUEGEM, LLC, a Florida limited liability
company,

Counter-Plaintiff,

vs.

SCOTT ELLIS, in his official capacity as
Brevard County Clerk of the Circuit Court.

Counter-Defendant.

**MOTION FOR APPOINTMENT OF COMMISSIONER
TO TAKE DEPOSITION IN THE STATE OF MICHIGAN**

Plaintiff, SCOTT ELLIS, in his official capacity as Brevard County Clerk of the Circuit Court (Clerk's Office), by and through undersigned counsel, hereby moves this Court for the appointment of a commissioner in Wexford County, Michigan, to administer oaths and take the testimony of NICHOLAS GEANEY, a resident of Cadillac, Michigan, and as grounds therefor, states:

1. The Clerk's Office finds it necessary to take the deposition of Nicholas Geaney, who resides in Cadillac, Wexford County, Michigan, because Mr. Geaney has significant information that is material to the resolution of issues in this litigation.

2. It is necessary for the Clerk's Office to secure the appointment of a commissioner located in Wexford County, Michigan, for the taking of Mr. Geaney's deposition.

3. The commissioner sought to be appointed by the Clerk's Office is Network Reporting, 2604 Sunnyside Drive, Cadillac, MI 49601, (800) 632-2720, in Cadillac, or such other person or entity as is authorized to administer oaths and take depositions in the State of Michigan.

WHEREFORE, the Clerk's Office hereby requests that this Court grant its Motion and appoint a commissioner for the purpose of administering oaths and taking depositions in the State of Michigan, and for such other relief as this Court deems appropriate under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via E-Service to Michael Gay, Esq., Foley & Lardner LLP, Attorneys for Defendant/Counter-Plaintiff: mgay@foley.com; TCargill@foley.com; SLBradley@foley.com, this 3 day of September 2013.

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