

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

DESTINATION MATERNITY
CORPORATION,

Plaintiff,

v.

TARGET CORPORATION, CHEROKEE
INC., and ELIZABETH LANGE LLC,

Defendants.

CASE NO. 2:12-cv-05680-AB

HON. ANITA B. BRODY

DEFENDANT TARGET'S NOTICE OF THE DEPOSITION OF
PLAINTIFF DESTINATION MATERNITY CORPORATION
PURSUANT TO FED. R. CIV. P. 30(b)(6)

Pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, counsel for the defendants will take the deposition of Destination Maternity Corporation ("DMC"), through those witnesses whom it identifies, on September 23, 2013 at the offices of Lavin, O'Neil, Ricci, Cedrone & Disipio; 190 North Independence Mall West; 6th and Race Streets, Suite 500; Philadelphia, Pennsylvania 19106 beginning at 9:00 AM EST and continuing day-to-day until completed. DMC is required to designate one or more officers, directors, managing agents, executive officers, or other persons duly authorized and consenting for examination on matters known or reasonably available pertaining to the subjects and topics set forth in the attached Exhibit A. The deposition will be taken before an officer authorized to administer oaths and will be recorded stenographically and by videotape. You are invited to attend and cross-examine.

Dated: September 4, 2013

Respectfully submitted,

/s/ Andrew F. Johnson

Target Corp.

EXHIBIT

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Counsel for Defendant Target Corporation

CERTIFICATE OF SERVICE

Pursuant to FED. R. CIV. P. 5(a)(1)(C), 5(b)(1), and 5(b)(2)(E), as well as the parties' agreement to service by e-mail, *see* Joint Proposed Discovery Plan, at 3 (ECF No. 30, Jan. 18, 2013), the undersigned hereby certifies that on the date set forth above, a true and correct copy of the foregoing document was served by means of e-mail, as a PDF file attachment, upon counsel of record in this matter as set forth below.

/s/ Andrew F. Johnson

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***Counsel for Plaintiff, Destination
Maternity Corporation***

EXHIBIT A

When interpreting any part of this Rule 30(b)(6) Notice or any of the individual Topics for Examination herein, apply the Constructions set forth in Part I, below, and the Definitions set forth in Part II, below.

I. CONSTRUCTIONS

The following constructions shall apply throughout this Rule 30(b)(6) Notice:

A. Defined words and terms, and the words that comprise defined phrases, are capitalized. If a word that would otherwise constitute a defined word or term, or a constituent of a defined phrase, is not capitalized, then that word should be accorded its ordinary meaning in view of the context in which it is used. All other words, whether or not capitalized, should be accorded their ordinary meaning in view of the context in which they are used.

B. All definitions pertain equally to the singular, plural, and possessive forms of the defined words, terms, and phrases.

C. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary in order to bring within the scope of Any request herein Any responses that might otherwise be construed to be outside the scope of such request.

II. DEFINITIONS

The following definitions shall apply throughout this Discovery Request:

A. The words “Any” and “All” may be used interchangeably herein and mean “any,” “all,” “each and every,” as well as “any one.”

B. The terms “Relate to,” “Related to,” “Relating to,” “in Relation to,” “Relate,” and “Related” mean comprising, mentioning, describing, underlying, containing, enumerating, involving, regarding, or in Any way concerning, identified in, pertaining, corresponding, or

referring to, being connected with, reflecting on or resulting from, in whole or in part, directly or indirectly, the stated subject matter.

C. The terms “This Matter,” “This Lawsuit,” and “This Action” are used interchangeably herein and mean and Relate to the case in which this Discovery Request is being served, *Destination Maternity Corporation v. Target Corporation, Cherokee Inc., and Elizabeth Lange LLC*, No. 2:12-cv-5680-AB (E.D. Pa. filed Oct. 4, 2012).

D. The terms “Destination Maternity Corporation,” “DMC,” “Plaintiff,” “You,” “Your,” and “Yours” mean and Relate to the plaintiff in This Matter, Destination Maternity Corporation, and include Mothers Work, Inc. and Cave Springs Inc., as well as Destination Maternity Corporation’s present and former divisions; subsidiaries; affiliates; parents; predecessors, successors, and assigns (by operation of law or otherwise); officers; directors; principals; employees; representatives; investors; sureties; indemnitors; insurers; inspectors; agents; attorneys; auditors; accountants; consultants; advisors; investigators; and Any other Person acting or purporting to act on its behalf, presently or in the past.

E. The terms “Target Corporation,” “Target,” “Defendant,” and “Requesting Party” are used interchangeably herein and mean and Relate to defendant Target Corporation, the defendant in This Matter who has served this Deposition Notice on You.

F. The term “Cherokee” means and refer to defendant Cherokee, Inc, a defendant in This Matter.

G. The term “ELL” means defendant, Elizabeth Lange LLC, a defendant in This Matter.

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