

United States District Court
Southern District of New York

Virginia L. Giuffre,

Plaintiff,

Case No.: 15-cv-07433-RWS

v.

Ghislaine Maxwell,

Defendant.

**PLAINTIFF'S NOTICE OF NADIA MARCINKOVA'S FAILURE TO APPEAR
AT HER DEPOSITION**

Plaintiff, Virginia Giuffre, by and through her undersigned counsel, hereby files this Notice of Nadia Marcinkova's Failure to Appear at Her Deposition, and states as follows.

After Nadia Marcinkova's failure to appear at her first noticed deposition on July 21, 2016. Therefore, on September 15, 2016, this Court entered an Order regarding that failure to appear. The Court's Order stated, *inter alia*, that Nadia Marcinkova is directed to appear for deposition; that Nadia Marcinkova pay costs and reasonable attorney's fees associated with bringing the motion; and that Nadia Marcinkova is ordered to pay a civil penalty of \$200 per day for each day after which she fails to appear at the rescheduled deposition. *See* Exhibit 1, September 15, 2016, Memo of Endorsement (DE 433) at 2.

Pursuant to this Court's June 20, 2016, Order (DE 164), Ms. Giuffre caused Ms. Marcinkova to be served with a subpoena, and set her deposition for October 12, 2016. *See* Exhibit 2, Subpoena issued to Nadia Marcinkova. The subpoena directed Ms. Marcinkova to appear at the offices of Boies, Schiller & Flexner in New York on October 12, 2016, for her deposition.

Ms. Marcinkova failed to appear for her deposition. *See* Exhibit 3, October 12, 2016,

Marcinkova Depo. Tr. (wherein Ms. McCawley reads into the record a notice of failure to appear, and recounts the procedural history and service history).

Based upon the foregoing, and pursuant to this Court's September 15, 2016, Order, Ms. Giuffre hereby gives notice to the Court of Ms. Marcinkova's failure to appear at her October 12, 2016, deposition, at which time the civil penalty of \$200 per day commenced.

October 24, 2016

Respectfully Submitted,

BOIES, SCHILLER & FLEXNER LLP

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¹ This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah for this private representation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 24, 2016, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system. I also certify that the foregoing document is being served to all parties of record via transmission of the Electronic Court Filing System generated by CM/ECF.

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I also certify that the foregoing document is served to Nadia Marcinkova via United States Mail at the addresses below and via email to the email addresses below.

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/s/ Meredith Schultz
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