

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: * CASE NO. 06-10179 (B)
OCA, INC., et al * CHAPTER 11
* * * * *

RESPONSE TO PROPOSED DISCOVERY TIMELINES

Gary D. Sexson and Sexson Orthodontics Ltd. ("Sexson") is the only practice represented by undersigned counsel. However, the schedule proposed by the debtors promises to overwhelm the ability of counsel to participate therein and to deny Sexson the due process right to meaningful discovery.

Sexson originally propounded interrogatories and requests for production in August, 2006. Other than the generalized document productions made by the debtors without reference to specific doctor requests, the only response has been objections. Sexson suggests that it is not unreasonable to require responses to the outstanding written discovery in advance of the commencement of depositions and that at least 5 business days be allowed from the point of response so that Sexson can meaningfully review and analyze that which has been produced.

Moreover, the proposal by the Debtors does not appear to contemplate calendar conflicts that will occur. While Sexson is certainly willing to participate with other practices having inquiries in the same subject areas, either the depositions on those subject areas must be scheduled at times convenient to all

counsel or the debtor must be prepared to accept the possibility for some duplications. And if the Debtors propose to respond to written discovery in a sequential manner, Sexson should not be expected to participate in multi-track depositions before written discovery is received or to sit through other doctor specific discovery that may address a similar issue, but in the context of a completely different practice.

There has been slippage in the discovery process, both because of stays sought by the Debtors and because discovery in the pending cases was put to one side during the process of plan confirmation hearings. But the proper response is not to ignore legitimate discovery interests in pursuit of a March trial deadline where no prejudice can be shown by a possible extension.

/s/Daniel A. Smith
DANIEL A. SMITH (Bar #12157)
MARIE HEALEY (Bar #6708)
Of
HEALEY & SMITH
650 Poydras Street, Suite 2345
New Orleans, Louisiana 70130
Telephone: (504) 581-6700

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Response to Proposed Discovery Timeline was duly served on the parties listed

in the matrix annexed hereto by placing a copy with the United States Postal Service this 15th day of November, 2006.

/s/Daniel A. Smith
DANIEL A. SMITH

MATRIX

William H. Patrick, III
Heller, Draper, Hayden, Partick & Horn LLC
650 Poydras Street, Suite 2500
New Orleans, Louisiana 70130

Marguerite K. Kingsmill
Kingsmill Riess, L.L.C.
201 St. Charles Avenue, Suite 3300
New Orleans, Louisiana 70170-3300