

Wendi Temkin

From: Charles Lee Mudd Jr. [cmudd@muddlaw.pro]
Sent: Wednesday, July 29, 2009 3:26 PM
To: Wendi Temkin
Cc: Thomas Howard; Sabrina Haurin
Subject: Confirmation of Conversation Regarding Depositions

Wendi:

This email confirms my understanding of our conversation regarding the noticing of depositions. You and I agreed that neither party shall be prejudiced by the other party for noticing depositions subsequent to this Friday. Specifically, we discussed potential depositions of Allison, Wise, Montoro, Lemke, and Vela. Because we are working out the location of the depositions, whether depositions of Lemke and Vela will occur, and dates, the actual noticing (or re-noticing) of the depositions may occur subsequent to this Friday which currently represents the end of fact discovery.

Please confirm that this reflects your understanding.

I will also get back to you with dates on the two individuals identified by Defendants. I will also get back with you on our position for the location of Allison's deposition after speaking with my client.

Cheers
Charles

Charles Lee Mudd Jr.
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EXHIBIT 1

9/23/2009

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Wendi Temkin

From: Charles Lee Mudd Jr. [cmudd@muddlawoffices.com]
Sent: Friday, July 31, 2009 4:37 PM
To: Wendi Temkin
Cc: Sabrina Haurin; Thomas Howard
Subject: Re: Depositions to be Noticed
Follow Up Flag: Follow up
Flag Status: Red

Wendi:

I understand that we have agreement as to witnesses (A)-(F) identified in the Defendants' Amended 26(a)(1) Disclosures. I do not perceive your agreement as to individuals (D)-(F) as a waiver of any objections to witnesses (G)-(S). At the same time, Defendants reserve their rights as to witnesses (G)-(S).

With respect to (T), Mr. Kevin Brett, my law clerk, he will be solely available to authenticate documents reviewed and saved from the Internet. I presume there also will not be an objection to him. And, I can state that your confirmation of this will likewise not be perceived as any waiver to (G)-(S).

Charles

On Jul 31, 2009, at 4:16 PM, Wendi Temkin wrote:

Charles,

While we will be objecting to the additional witnesses you disclosed in your supplemental 26(a)s as untimely, we will agree that you have a right to notice the depositions of individuals D-F provided such concession is not treated as a waiver of any kind with respect to the other witnesses identified in that document. Please confirm that you will not treat this as a waiver with respect to the other witnesses.

Wendi

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<image001.jpg>

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9/23/2009

From: Charles Lee Mudd Jr. [<mailto:cmudd@muddlaw.pro>]
Sent: Friday, July 31, 2009 11:51 AM
To: Wendi Temkin
Cc: Sabrina Haurin; Thomas Howard
Subject: Depositions to be Noticed

Wendi:

Based on our agreement yesterday with noticing the depositions subsequent to today, I need to reserve the ability to notice those individuals identified by Plaintiff and added to our initial disclosures as individuals D-F. Please confirm that this will be amenable to you in accordance with our discussions on the issues of depositions.

Charles

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