From: Mongan, Michael  
Sent: Thursday, April 24, 2014 8:35 PM  
To: Andrew Bridges; Kathleen Lu; mitch@eff.org; corynne@eff.org; davidhalperindc@gmail.com; jgratz@durietangri.com; mlemley@durietangri.com  
Cc: jkfee@morganlewis.com; mclayton@morganlewis.com; jrubel@morganlewis.com; jbucholtz@kslaw.com; jwetzel@kslaw.com; ksteinthal@kslaw.com; azee@kslaw.com; Klaus, Kelly; Blavin, Jonathan  

Counsel:

We had agreed on our call on Monday that the plaintiffs would get back to you on our position regarding your proposal to add Mr. Malamud to the list of individuals with access to “Highly Confidential” information. Now that we’ve had some time to consider this proposal, I wanted to respond and let you know that plaintiffs do not agree to this modification. We don’t expect that there will be many documents in this case that warrant a “Highly Confidential” designation. To the extent there are such documents, and you strongly believe that Mr. Malamud must be able to see them to effectively try this case, we think it makes the most sense to discuss those issues on an ad hoc basis in the future. We look forward to seeing your proposed revisions to the protective order.

Best,  
Mike

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From: Mongan, Michael  
Sent: Tuesday, April 22, 2014 9:21 AM  
To: Andrew Bridges; Kathleen Lu; mitch@eff.org; corynne@eff.org; davidhalperindc@gmail.com; jgratz@durietangri.com; mlemley@durietangri.com  
Cc: jkfee@morganlewis.com; mclayton@morganlewis.com; jrubel@morganlewis.com; jbucholtz@kslaw.com; jwetzel@kslaw.com; ksteinthal@kslaw.com; azee@kslaw.com; Klaus, Kelly; Blavin, Jonathan  

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Best,  
Mike

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Thank you for making the time to speak with us yesterday. I wanted to recap a few of the points that we discussed.

- With respect to the protective order, Public.Resource will circulate a redline version with any proposed modifications. At the same time, Plaintiffs will consider and provide a response to Public.Resource’s proposal that certain non-legal officers, principals, directors, or employees (including Mr. Malamud) be allowed access to “Highly Confidential” information.

- We agreed that all parties would exchange letters on May 2 raising any questions or concerns about other parties’ discovery responses.

- We tentatively agreed that we would have a follow-up call to discuss these issues on May 7 at 1:30 p.m. pacific. To the extent that time or date presents a problem for any of us, we will let you know in the next few days.

Please let us know if you disagree with our characterization of any of these points.
Best,
Mike

Counsel:

I write on behalf of the plaintiffs to request a meet-and-confer telephone conference regarding discovery. Among other things, we would like to discuss entering a stipulated protective order (a draft of which we will circulate shortly), as well as a timeframe for the mutual exchange of search protocols by the parties.

Would you be available for this call at 1:30 p.m. pacific on Monday, April 21? Please let us know if any of that time works for you, and we can circulate dial-in information.

Best,
Mike

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