

EXHIBIT A

From: Petrocelli, Daniel
Sent: Thursday, October 27, 2011 7:18 PM
To: Marc Toberoff
Subject:

Marc,

This is to confirm that as part our agreement not to oppose your request for a 45-day extension to file plaintiff's opening appeal brief, you will not oppose our request for a parallel extension of the deadline for filing our respondents' brief and cross-appeal brief. This means that we would have 45 days added to the 30 days already provided by FRAP 28.1(f)(2) -- or until March 6, 2012 -- to file our briefs.

Thanks.

Dan