

Exhibit H

Hagan, Patrick

From: Hunnius, Patrick
Sent: Thursday, March 04, 2010 3:53 PM
To: Freeborne, Paul (CIV); Parker, Ryan (CIV)
Cc: Woods, Dan; Fujii, Lauren; Hagan, Patrick
Subject: LCR v. US

Paul:

On Friday, March 5, 2008, Plaintiff Log Cabin Republicans intends to file and serve an *ex parte* application seeking an order compelling the government to designate a witness pursuant to the Rule 30 (b)(6) Notice previously served by Plaintiff. The application will argue that such an order is appropriate for the following reasons, *inter alia*: the Notice was validly issued and served and the government did not seek or obtain relief from the Notice via a protective order or otherwise; the government failed to produce a witness pursuant to the Notice; the government's objections to the Notice were untimely; the government's objections to the Notice are unfounded; and the information sought to be discovered is clearly relevant to this case. *Ex parte* relief is necessary in light of: the rapidly approaching discovery cutoff; the government's failure to respond to Plaintiff's prior reasonable proposal to brief and hear these issues prior to the discovery cutoff; and the government's intransigent refusal to designate a witness on any topic specified in the Notice.

In addition, Plaintiff will also file and serve an *ex parte* application seeking an order that the following Requests from Plaintiff's First Set of Requests for Admissions be deemed admitted: 3, 4, 5, 10, 13, 14, 15, 25, 26-32, 48, 50-51, 53-60, 81-117 and 119. The application will argue that such an order is appropriate for the following reasons, *inter alia*: the government failed to respond to Plaintiff's request for a meet and confer regarding these Requests; the government's objections to the Notice are unfounded; the government did not conduct a reasonable inquiry regarding its responses to the Requests; and the information sought to be discovered is clearly relevant to this case. *Ex parte* relief is necessary in light of the rapidly approaching discovery cutoff and the government's failure to comply with the Local Rules regarding meeting-and-conferring.

Pursuant to Local Rule 7-19.1, Plaintiff must inform the Court in writing whether Defendants oppose either of these applications and/or whether the government requests to be present when the applications are presented to the Court. Please let me know at your earliest convenience whether the government will oppose either application.

Regards,

[Patrick O. Hunnius](#)

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