

EXHIBIT B

Tanigawa, Pamela

From: Wilson, Suzanne
Sent: Wednesday, February 16, 2011 2:46 PM
To: Fritz Clapp
Cc: Poorman, Jacob K.
Subject: Notice of Ex Parte Application

Contacts: Fritz Clapp

Dear Mr. Clapp,

We have been unable to reach you over the last week. I have left you several telephone messages on your office phone number and I have tried to reach you by e-mail since last Wednesday, February 9. During the first week of February, we agreed to talk by the end of last week regarding the parties' draft settlement. The last email I received from you was on Tuesday, February 8, 2011, communicating some edits to the draft settlement agreement.

Defendants' time to respond to the Complaint is currently set for Tuesday, February 22, 2011. Accordingly, since we are concerned about our inability to communicate with you over the last week, we are seeking *ex parte* relief from the Court to request an additional extension of time to respond to the Complaint. We intend to request an extension to **March 22, 2011**. Because we are not sure when we might be in touch with you again, we want to make sure the parties have enough time to finalize a settlement prior to the next deadline to respond to the Complaint.

If you receive this email, please contact me since we are concerned about the lack of communication from you over the last week. Also, please let me know if you object to the requested *ex parte* relief. I will also leave the same message on your telephone voicemail. We will serve you with a copy of our *Ex Parte* Application when it is completed.

Best regards,

Suzanne V. Wilson

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