

Exhibit A

From: Rifkin, Mark <rifkin@whafh.com>
Sent: Monday, March 03, 2014 1:13 PM
To: Klaus, Kelly
Cc: Manifold, Betsy; 'Randall S Newman'; Landes, Beth; Baghban, Giti
Subject: RE: Happy Birthday Litigation

That's fine.

Mark C. Rifkin | Wolf Haldenstein Adler Freeman & Herz LLP | 270 Madison Avenue, New York, NY 10016
firm: 212.545.4600 | direct: 212.545.4762 | fax: 212.545.4653 | rifkin@whafh.com

From: Klaus, Kelly [<mailto:Kelly.Klaus@mto.com>]
Sent: Monday, March 03, 2014 3:50 PM
To: Rifkin, Mark
Cc: Manifold, Betsy; 'Randall S Newman'; Landes, Beth; Baghban, Giti
Subject: RE: Happy Birthday Litigation

Can you give me until March 21 to serve the written objections to the document requests and then the rest of our deal is as set forth?

From: Rifkin, Mark [<mailto:rifkin@whafh.com>]
Sent: Monday, March 03, 2014 12:48 PM
To: Klaus, Kelly
Cc: Manifold, Betsy; 'Randall S Newman'; Landes, Beth; Baghban, Giti
Subject: RE: Happy Birthday Litigation

Actually, your first comment about point 1 is exactly the problem we were trying to avoid. If you object to producing whole categories of documents, there is no reason to delay that dispute. Let us know which categories you object to by March 14 when the responses are due. You said you needed extra time to collect documents from your client's office. All well and good, we take you at your word that you need that time. But you never said that you needed Adam around to help you figure out what categories of documents you would be objecting to rather than looking for. That seems to be easy enough for you to do in his absence in 30 days, given that we have served only 12 document requests, practically all of which are based on the categories of documents identified in the early disclosures. We deliberately sought not to burden you with an excessive number of document requests right away, so there is no reason why we cannot move forward at least on your objections while you collect the documents you are going to produce on April 11. Of course, we agree you have an ongoing obligation to supplement your production if and when you locate additional responsive, non-privileged documents.

I hope this accommodates your scheduling needs. Please let us know otherwise.

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From: Klaus, Kelly [<mailto:Kelly.Klaus@mto.com>]
Sent: Monday, March 03, 2014 3:05 PM
To: Rifkin, Mark

Cc: Manifold, Betsy; 'Randall S Newman'; Landes, Beth; Baghban, Giti
Subject: RE: Happy Birthday Litigation

Hi Mark –

Thanks for your email. I appreciate the courtesy. Regarding point 1, just to be clear, our agreement is to produce the responsive, non-privileged documents that we agree to produce by April 11. If we object to producing certain categories of documents in whole or in part, then we won't be producing those by April 11. Of course you may move on our objections, and of course this all may be a non-issue. Also, our agreement does not preclude the possibility that we may locate additional documents after April 11 that we would produce as part of the supplemental discovery obligations under the Federal Rules. Again, I don't think there should be any issue there, but I wanted to be clear.

Again, I appreciate your courtesy in granting this request.

Best,
Kelly

From: Rifkin, Mark [<mailto:rifkin@whafh.com>]
Sent: Monday, March 03, 2014 11:05 AM
To: Klaus, Kelly
Cc: Manifold, Betsy; 'Randall S Newman'; Landes, Beth; Baghban, Giti
Subject: Happy Birthday Litigation

Kelly, we agreed this afternoon to your request to extend the due date for defendants' responses to plaintiffs' first set of discovery to April 11, 2014, on the following conditions:

1. Defendants will produce all responsive, non-privileged documents with their written responses to the discovery requests on or before April 11, 2014.
2. Defendants have agreed that plaintiffs' response date for any discovery defendants serve upon them will not be before April 11, 2014. Defendants have also agreed to grant plaintiffs a reasonable extension of time to respond to written discovery (interrogatories or requests for admission) if requested by plaintiffs.
3. Defendants will attempt, in good faith, to begin producing responsive, non-privileged documents on a rolling basis before April 11, 2014.
4. Defendants will promptly respond to plaintiffs' proposed protective order so that the issue of a protective order will not delay the production of documents or the answers to any other written discovery beyond April 11, 2014.

We look forward to your response on the protective order and to receiving documents and responses to the discovery from you in the near future.

Best, Mark

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