

# **EXHIBIT E**

**Tosh Lane, Tracy**

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**From:** Nicole Hamilton [nicole@nicolehamilton.com]  
**Sent:** Friday, February 06, 2009 8:11 PM  
**To:** Tosh Lane, Tracy  
**Cc:** 'Singla, Rohit'  
**Subject:** RE: Other documents  
**Attachments:** 2009-02-05-SubpoenaForTerminationDocuments.pdf

[adding Rohit back]

I have no interest whatsoever in the outcome of the litigation between Real and MPAA and I do not care what is or is not produced along the way. I do care when someone sullies my name and professional reputation with false and irresponsible claims of misconduct, especially when they do that in public filings before a court and even more especially when it happens in litigation to which I am not even a party simply because it's convenient to throw me under a bus.

The original archive files, in their original DES-encrypted TAR format are still on my personal hard drive, which has been stored in a fire-resistant "media storage box" inside the 1,475-lb high-security safe in my basement. It is not connected to any computer. I do not possess nor have I ever made any other copies except the one you now have on DVD, which I made by transforming those archives in an automated fashion to a WinZip DVD format and mailed to Peter Chu on December 26. I have not examined nor have I used the material in any way.

- I appreciate your helpful offer to destroy evidence but mindful of your insistence that your copy is unreadable, I am understandably reluctant to destroy the only copy that is readable, especially as the possibility exists that these files may be evidence not just in your litigation with MPAA but also in another possible action which I am not presently willing to discuss. Once it becomes clear that the files can safely be deleted without risking claims of spoliation, you can be sure they will be and in a manner that prevents any possible recovery. In the meantime, absent an order to the contrary, they will stay in my safe.

Finally, you are mistaken in your understanding that Rohit is no longer requesting any documents from me. I have attached a PDF of a subpoena just served on me a few minutes ago requesting all documents relating to my termination of employment from Real and all documents relating to any communications between me and Real since my termination. I accept this subpoena without objections and I intend to comply by Wednesday, February 11, 9:30 am, exactly as requested, unless ordered otherwise by a competent court between now and then.

Regards,  
Nicole

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Nicole Hamilton  
16645 NE 46th Street  
Redmond, WA 98052-5441  
H: 425-702-8184  
C: 425-765-9574  
nicole@nicolehamilton.com

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**From:** Tosh Lane, Tracy [mailto:TTosh@wsgr.com]  
**Sent:** Friday, February 06, 2009 6:26 PM  
**To:** Nicole Hamilton  
**Subject:** RE: Other documents

Nicole,

I am not sure there is anything to be gained from continuing the below discourse, particularly since I understand from Rohit

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that the Studios are no longer requesting any documents from you and agree that they will seek any documents which may have been responsive to the subpoenas from Real.

Further, I thought that I understood from Peter Chu that you no longer retained any Real information, but based on some of your comments yesterday, I am concerned that you still have Real information on your personal hard drive. If this is the case, Real would like to have it returned ASAP. We can arrange a way to remove it from your personal hard drive if that is a concern of yours.

Thank you.

Tracy

2/24/2009