

BINGHAM

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March 18, 2009

Via Email

Benjamin Aaron Shapiro
 12330 Magnolia Blvd., No. 114
 Valley Village, CA 91607

Re: Brave New Films v. Weiner et al: Discovery Requests To OTRN

Dear Ben:

I am writing to memorialize our telephone conversation of Tuesday, March 17, 2009 regarding the outstanding discovery served on OTRN in the abovementioned matter. In that conversation we agreed to the following:

- OTRN will provide responses to Brave New Films' first set of Requests For Admissions and Interrogatories by Tuesday, March 31, 2009 at 6:00 p.m.
- OTRN will produce responsive documents and objections to Brave New Films' first set of Requests For Production of Documents by Friday, April 10, 2009.
- OTRN objects to the scope of several document requests. At this time, however, Brave New Films agreed only to limit the scope of Request Number 7 to: "ALL DOCUMENTS BETWEEN YOU and SAVAGE RELATING TO the TAKEDOWN LETTER *prior to the filing of the COMPLAINT.*" Brave New Films reserves the right to seek additional documents if the initial review indicates broadening the scope is warranted.

Additional topics discussed:

Protective Order

OTRN raised concerns that some of the documents responsive to Brave New Films' requests may contain highly confidential information. We agreed that Benjamin Shapiro will draft a protective order based on the guidelines set forth by the Northern District. The draft will be circulated to all counsel for comments.

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In Camera Review of Documents

OTRN proposed appointing a third-party neutral (perhaps a magistrate judge) to review documents for the purpose of determining relevance. Brave New Films did not agree to the proposal, but did agree to confer off-line with co-counsel and follow up with OTRN.

Summary Judgment Motions

Brave New Films indicated that it would like to get its motion for partial summary judgment back on calendar as soon as possible as it does not require discovery for support. OTRN indicated that it would be willing to re-notice its motion for summary judgment a week after it produces documents. OTRN would like both parties' motions to be heard on the same date. No agreement was reached. The issue will be re-visited within the next couple of days and Brave New Films is checking the Court's calendar for availability.

Please let me know if I have misstated or omitted anything.

Sincerely yours,

Sheila M. Pierce

cc: Ronald H. Severaid