

EXHIBIT A

Dalton, Amy

From: Avalos, Julio
Sent: Wednesday, October 13, 2010 11:32 AM
To: 'Brian Hancock'
Cc: Gray, Thomas; Dalton, Amy
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Brian,

My Outlook says that I replied to you yesterday at 3:10 p.m. PST, but I don't see the e-mail in my sent mail. I apologize if you're receiving a duplicate e-mail.

We have sent our proposed markup of the protective order to the client and are awaiting their sign-off. The major edit that we have made to the order relates to creating different categories of protected documents. So for instance we're proposing that rather than having one catch-all category, we would have a base level of protection for documents marked CONFIDENTIAL and then a higher-level of protection for documents marked HIGHLY CONFIDENTIAL. Highly confidential documents would be, with limited exceptions, attorneys' eyes only. In addition to attorneys, such documents might be disclosed to experts to whom disclosure is reasonably necessary for this litigation and who have signed an acknowledgment to be bound by the PO, the court and its personnel, court reporters, and the author of the document or the original source of the information.

While we await our client's feedback on the PO, perhaps we could get started discussing any issues that you anticipate with respect to this new category of protection.

You have also asked about an anticipated timeline within which we expect to supplement our discovery responses. We are in the process of collecting responsive information and expect to be interviewing possible custodians of records later this week. We are aiming to serve supplemental responses shortly thereafter.



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From: Brian Hancock [mailto:bdhancock@hgdlawfirm.com]
Sent: Tuesday, October 12, 2010 3:01 PM
To: Avalos, Julio
Cc: Gray, Thomas
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Julio,
What's the status of the PO?

Brian D. Hancock, Esq.
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From: Avalos, Julio [mailto:javalos@orrick.com]
Sent: Friday, October 08, 2010 10:48 AM
To: Brian Hancock
Cc: Gray, Thomas
Subject: Re: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Brian,

I apologize for the delay with the PO. I got into a fairly serious car wreck and haven't been able to mark it up. I'm hoping to send it to you later today or Monday.

Thanks,

Julio

From: Avalos, Julio
Sent: Tuesday, October 05, 2010 09:44 PM
To: 'Brian Hancock' <bdhancock@hgdllawfirm.com>
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Brian,

I'll work up the Word document and send to you tomorrow. Thanks

From: Brian Hancock [mailto:bdhancock@hgdllawfirm.com]
Sent: Tuesday, October 05, 2010 11:41 AM
To: Avalos, Julio
Subject: Re: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Julio,
I'm afraid I don't. I'm going to be in trial until Thursday. Would you mind drawing up a Word copy incorporating my previously discussed revision to the standard order and then including Facebook's edits to the standard order and then forwarding for my review? Does Facebook have any edits?

Sent from my iPhone

On Oct 5, 2010, at 12:37 PM, "Avalos, Julio" <javalos@orrick.com> wrote:

Brian,

Do you have a word document of the protective order with your proposed edit? It would be easier to exchange markups in a common file.


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From: Brian Hancock [mailto:bdhancock@hgdllawfirm.com]
Sent: Friday, October 01, 2010 11:56 AM
To: Avalos, Julio
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Ok. Thanks.

Brian D. Hancock, Esq.

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From: Avalos, Julio [mailto:javalos@orrick.com]
Sent: Friday, October 01, 2010 10:48 AM
To: Brian Hancock
Subject: Re: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Brian,

I'll confirm with my client, but I think we can accept this edit.

I'll send you any proposed edits from our side, if any, by Tuesday.

Thanks,

Julio

From: Brian Hancock [mailto:bdhancock@hgdllawfirm.com]
Sent: Tuesday, September 28, 2010 04:20 PM
To: Avalos, Julio
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Julio,

The only mark-up I have is to Paragraph 5.2(b). I would request that it read as follows:

“for testimony given in deposition or in other pretrial or trial proceedings, unless otherwise designated before the close of a deposition, pre-trial or trial proceeding, testimony given therein shall be treated as “CONFIDENTIAL” for at least fifteen (15) calendar days after the final transcript has been sent by the court reporter to counsel for the Producing Party whose information has been disclosed (or until such other date as may be agreed upon by the parties.) Receipt of rough transcripts shall not trigger this 15-day period. Such testimony may be designated “CONFIDENTIAL” during the 15-day (or other agreed) period by written notice to all counsel indicating the specific testimony to be designated (by page and line or other specific reference). Unless so designated, any confidentiality is waived after the expiration of the 15-day (or other agreed) period, unless otherwise stipulated or ordered.”

This should relieve the parties of having to identify on the record, before the close of the deposition and without the benefit of a transcript, which testimony should appropriately be designated as confidential. The Plaintiff has no other proposed mark-ups to the Standard Order.

Should Facebook have any mark-ups or revisions, please provide me with a copy of same for my review at your earliest convenience.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Brian D. Hancock, Esq.

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From: Avalos, Julio [mailto:javalos@orrick.com]
Sent: Tuesday, September 28, 2010 5:08 AM
To: Brian Hancock
Subject: RE: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

[Mr. Hancock,](#)

[We are generally amenable to the Standard Model Protective Order. In order to begin exchanging edits, please send us a document file containing the order along with any markups that you may have.](#)

[Julio](#)

From: Brian Hancock [mailto:bdhancock@hgdlawfirm.com]
Sent: Wednesday, September 22, 2010 8:14 AM
To: Chatterjee, I. Neel; Gray, Thomas; Avalos, Julio; Sutton, Theresa A.
Subject: FW: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

As an addendum to the previous email (see below), the Plaintiff is willing to stipulate to the entry of the Standard Model Protective Order last updated on June 9, 2010, that is provided by the Court on its website.

<http://www.cand.uscourts.gov/cand/form.nsf/7813fd3053452aef88256d4a0058fb31/5e428ee77bf8e03b88256dd3005d9450?OpenDocument>

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From: Brian Hancock

Sent: Wednesday, September 22, 2010 8:31 AM

To: Chatterjee, I. Neel; 'Gray, Thomas'; Avalos, Julio; Sutton, Theresa A.

Subject: Miller v. Facebook, Inc. & Yeo/Past Due Discovery Responses

Dear Counsel,

Facebook's responses to Plaintiff's First Consolidated Discovery Requests are more than a month past due. Please have your client fully respond to these requests within the next ten (10) days so as to avoid having to involve the Court. If it is Facebook's position that it cannot produce all responsive documents requested until the entry of a protective order, please forward a draft of the desired protective order for my review within the next five (5) days.

Should Facebook be unwilling to comply with these demands, please let me know immediately so that the Plaintiff can take appropriate action with the Court. Please contact me should you have any questions or comments.

Sincerely,

Brian D. Hancock, Esq.

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