

EXHIBIT BB

From: James Quadra [jquadra@calvoclarck.com]
Sent: Wednesday, November 10, 2010 11:05 AM
To: Ott, Carter; James Pizzirusso; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rivas@finkelsteinthompson.com; Rebecca Coll
Cc: Sacks, Luanne; Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

Carter

We will not agree to serial deposition of our clients. You are only entitled to depose them once and your email below clearly sets you up for multiple depositions using the documents as an excuse. You have had the objections to your requests for documents for a while and we just received your bullet points. Moreover, you are asking us to produce documents for Mr. Herz before we even meet and confer on Friday.

Based on the position you have set forth, it is not appropriate to proceed with any class representative deposition until all document disputes are resolved by the parties or the court - unless you first stipulate that the depositions will not be held open because of an outstanding document dispute. Therefore, if we cannot resolve all disputes on Friday and you do not stipulate that the depositions will not be held open, we will put off the depositions until after the disputes are resolved by Judge Chen.

Regards,

Jim

From: Ott, Carter [mailto:Carter.Ott@dlapiper.com]
Sent: Wednesday, November 10, 2010 8:24 AM
To: James Pizzirusso; James Quadra; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rivas@finkelsteinthompson.com; Rebecca Coll
Cc: Sacks, Luanne; Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

All,

Below are bullet points regarding your responses to our document requests. This is not a complete list of matters for discussion regarding your responses, but merely intended to assist with our discussion:

- Documents supporting or relating to the contentions and allegations in the Consolidated Complaint – Requests for Production Numbers 10-13 and 16-25. Rather than agreeing to produce documents, you stated that you wish meet and confer to clarify and narrow these requests to appropriate relevant areas. We are at a bit of a loss as to how requests drawn directly from the allegations of your pleading could be overbroad and seek irrelevant documents, and look forward to your explanation of that issue and clarification of whether responsive documents exist that are not being produced.
- Your clients' PS3s and peripherals and software used with them; forensic copies of your clients' personal computers; documents related to acquisition and use of these items – Requests for Production Numbers 1, 3-9, 15, 30, and 31. First, your clients should produce their PS3s so that relevant information on the exterior of the consoles can be obtained on the record and so that the consoles are authenticated by your clients. Second, your clients have placed the use of their PS3s and personal computers into question in this litigation. In particular, they claim – among other things – that they used their PS3s as personal computers and were damaged by the release of

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Update 3.21 due, in part, to their need to cover and inability to use peripherals and software obtained for use with their PS3s. You requested that we meet and confer with regard to the majority of these requests. In particular, we should discuss your concern that "testing" these devices will harm them (which is not something we intend to do during the depositions), what you mean by an "appropriate order from this Court," and potential alternative means of producing the information stored on these devices. Also, in your response to Request for Production Number 4, you state that you will produce documents; however, to date, you have not. Please let us know when you intend to produce these documents. With regard to Mr. Herz's documents, we request that you produce the documents by COB Thursday so that we may have them prepared for use as exhibits at the deposition.

- Documents your clients relied upon in purchasing or otherwise obtaining their PS3s – Request for Production Number 14. You agreed to produce these documents; however, to date, you have not. Please let us know when you intend to produce these documents. With regard to Mr. Herz's documents, we request that you produce the documents by COB Thursday so that we may have them prepared for use as exhibits at the deposition.
- Documents relevant to adequacy allegations – Requests for Production Numbers 27, 28, and 31. The scope of Plaintiffs' agreement with their counsel, the Meiselman firm's communications with the class, and the identity of the individual(s) who allegedly hacked the Meiselman firm's website and posted false information regarding this litigation are relevant to this litigation and certification, particularly because, as you allege, the purpose of Update 3.21 was to avoid hacking of the PS3. We do believe that retainer agreements are appropriate in class actions and request that you produce that for each of the deponents. To the extent that any of the deponents had communications with the Meiselman firm regarding the allegedly hacked page on the firm's website, we would request that you produce that. If the deponents have no knowledge regarding the identity of the individual who allegedly hacked the Meiselman firm website, please confirm that is the case. Additionally, we would like you to clarify what you mean by "appropriate order from this Court" in your response to Request for Production Number 28.
- Documents relevant to communications Plaintiffs have had, seen, received, or heard related to Sony, SCEA, the PS3, and this action – Requests for Production Numbers 1, 2, and 29. You requested that we meet and confer regarding these requests. We assume that your clients do not have many documents responsive to these requests, and therefore any production would not be unduly burdensome. We hope we can clarify any confusion you have regarding these. Also, as a follow up on our discussion on October 29, to access information regarding your clients' online use of their PS3s, we need their addresses, phone numbers, and the serial numbers of their PS3 consoles. Please let us know when you will provide us with this information.

We look forward to resolving these issues because, as you know, our ability to depose your clients will be hampered and likely will not be complete without the documents we have requested.

Thank you,
Carter



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Associate

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From: Sacks, Luanne
Sent: Tuesday, November 09, 2010 10:09 PM
To: James Pizzirusso; James Quadra; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

James

Given that I still feel pretty awful, I think it would be overly optimistic to try to schedule a significant meet and confer call for tomorrow, so let's go for Friday am Pacific -- that way I should have a functioning voice and Carter can join us. 10 am Pacific would be great for us, but we can be flexible. I would like to do it before 1 pm Pacific.

In the meantime, Carter will send you tomorrow am our bullets regarding Plaintiffs' objections/response to our document requests. And yes, we will be prepared to discuss issues raised during our last meet and confer session on Friday's call.

Also, we look forward to hearing back from you regarding the SPO we sent over in clean and redlined (as against the NDCAL template) versions.

Best

Lu

Please note our new address.



Luanne Sacks
Partner

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From: James Pizzirusso [mailto:jpizzirusso@hausfeldllp.com]
Sent: Tuesday, November 09, 2010 4:33 PM
To: Sacks, Luanne; James Quadra; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll

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Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

Luanne:

I am not sure about timing difficulties because it ultimately depends on Sony's position. We believe we've collected the truly relevant materials, to the extent they exist, but we thought many of the requests were extremely broad and/or we were not really sure what you were after. If you all prepared the bullet list referenced earlier, that would be good to see.

We are available any time after 11 am PT tomorrow. If you want to try for tomorrow, let us know what works for you after that time. If you want to try for Friday instead, we can do that, as well.

Just to be clear, it is my understanding that Sony is also going to have information related to the issues raised in Plaintiffs' last meet and confer of last week, as well, correct? We may also have a few other issues we'd like to discuss. We are also in the process of putting together a letter on our understanding of where we were last time.

Thanks,

James

James J. Pizzirusso, Partner
jpizzirusso@hausfeldllp.com

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From: Sacks, Luanne [<mailto:Luanne.Sacks@dlapiper.com>]
Sent: Tuesday, November 09, 2010 3:02 PM
To: James Pizzirusso; James Quadra; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

James

Thanks for being so considerate -- I do appreciate it and echo my comments to Jim earlier today that you can be assured the same courtesy will be extended by our office to you and your clients.

Friday would be best for me, but I don't want to jam up your client with requests to pull additional documents/items for presentation at his deposition on Monday. As I said, I think most of the items that you said you wanted to meet and confer on can be resolved as easily as we resolved items

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regarding Sony's document responses. If we scheduled for early am Friday Pacific, do you perceive any timing difficulties in collecting items regarding which we reach agreement? If that is a possibility, then I would suggest we try to get it done tomorrow am if we can get everyone's schedule to align. I know Carter is in meetings much of the day, but we can try to work around it.

Lu

From: James Pizzirusso [mailto:jpizzirusso@hausfeldllp.com]
Sent: Tuesday, November 09, 2010 11:53 AM
To: Sacks, Luanne; James Quadra; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

We understand that - we're having a call this afternoon (5 ET) and will get back to you after that on a time tomorrow or Friday. Are you available tomorrow, Luanne, or would you prefer Friday given your condition?

James J. Pizzirusso, Partner
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From: Sacks, Luanne [mailto:Luanne.Sacks@dlapiper.com]
Sent: Tuesday, November 09, 2010 2:51 PM
To: James Quadra; James Pizzirusso; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

Jim

That is fine with me -- but we still need to talk about your responses to our document request per our prior emails. I would have been called you and Jim about those on Monday had the depo gone forward today (I think that most of the issues are easily resolved) and had I not been so ill. We can have that discussion on Wednesday or if necessary on Friday per my email below. I would have tried to join a call this afternoon (at the risk of having everyone laugh at my voice even more so than during our last meet and confer) but James said he couldn't talk today.

12/14/2010

Thanks

Lu

From: James Quadra [mailto:jquadra@calvoclarck.com]
Sent: Tuesday, November 09, 2010 11:26 AM
To: Sacks, Luanne; James Pizzirusso; Ott, Carter; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

Lu

I hope you are feeling better. Regarding the depositions, given that we had to cancel Mr. Herz' deposition shortly before he was to be deposed and he had made arrangement to proceed, we assured him he could be deposed on the next agreed upon date for depositions. He is will be appearing Monday for his deposition and we will provide alternative dates that Mr. Ventura is available asap.

Thanks

Jim

From: Sacks, Luanne [mailto:Luanne.Sacks@dlapiper.com]
Sent: Tuesday, November 09, 2010 10:22 AM
To: James Pizzirusso; Ott, Carter; James Quadra; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; rrivas@finkelsteinthompson.com; Rebecca Coll
Cc: Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

All

I am still home and my voice is still questionable, but I am hoping to be able to speak somewhat like a human being by tomorrow (I am still croaking like a frog today). If we can't do this tomorrow at a mutually convenient time, then it will need to be Friday early in the day Pacific. If we are going to have to push it to Friday, then today or tomorrow Carter can send you a brief bullet point of our positions regarding your response to our requests, so that you can consider them and get back to us and thereby allow the parties to get as much as possible resolved before Mr. Ventura's deposition on Monday. As the lead plaintiff and the person who first started this litigation, we view his deposition as extremely important, and need to make sure that his production at his deposition will be complete subject to our meet and confer.

Thanks

Lu

Please note our new address.



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From: James Pizzirusso [mailto:jpizzirusso@hausfeldllp.com]
Sent: Tuesday, November 09, 2010 9:04 AM
To: Ott, Carter; jquadra@calvoclark.com; dwarshaw@pswplaw.com;
grapadas@calvoclark.com; kmoon@calvoclark.com;
rrivas@finkelsteinthompson.com; rcoll@calvoclark.com
Cc: Sacks, Luanne; Fischer, Kathleen
Subject: RE: Other OS - Meet and Confer and Protective Order

I am not available today - tomorrow may be tough, as well, but we will try to get you a time that works.

Thanks,

James

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From: Ott, Carter [mailto:Carter.Ott@dlapiper.com]
Sent: Tuesday, November 09, 2010 12:01 PM
To: 'jquadra@calvoclark.com'; 'dwarshaw@pswplaw.com'; James Pizzirusso; 'grapadas@calvoclark.com'; 'kmoon@calvoclark.com'; 'rrivas@finkelsteinthompson.com'; 'rcoll@calvoclark.com'
Cc: Sacks, Luanne; Fischer, Kathleen

12/14/2010

Subject: RE: Other OS - Meet and Confer and Protective Order

All,
To follow up - we would like to talk with you today or tomorrow to finalize several of the issues we discussed on October 29 as well as your responses to our requests. Please let me know when you are free this afternoon and tomorrow.



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From: Ott, Carter
Sent: Monday, November 08, 2010 8:27 AM
To: 'jquadra@calvoclark.com'; 'dwarshaw@pswplaw.com'; James Pizzirusso; 'grapadas@calvoclark.com'; 'kmoon@calvoclark.com'; 'rrivas@finkelsteinthompson.com'; 'rcoll@calvoclark.com'
Cc: Sacks, Luanne; Fischer, Kathleen
Subject: Other OS - Meet and Confer and Protective Order

All,
Attached for your review is a draft stipulated protective order. Also, we have been able to discuss with our client issues raised during our October 29 meet and confer and, due to her condition, Luanne has asked me to confer with you about these. I'm generally free tomorrow. Please let me know what time works for you.

Thank you,
Carter



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Associate

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