

# EXHIBIT CC

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**From:** Sacks, Luanne  
**Sent:** Friday, November 12, 2010 4:50 PM  
**To:** James Quadra; Ott, Carter; jpizzirusso@hausfeldllp.com; 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

Carter and I called you after receiving your email proposal. This is not intended to memorialize the conversation in its entirety, but just to confirm that I advised you that SCEA could not agree to the terms set forth below. You advised that Plaintiffs would therefore not appear for deposition and we would need to present these issues to Magistrate Judge Chen. In light of the fact that you are not proceeding with Monday's deposition, I would like to use that time to agree on a schedule to present the deposition issues on an expedited basis to Magistrate Judge Chen, which you said you believed would not be a problem. I can talk any time after 10 on Monday, please let us know what works for you.

Lu

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**From:** James Quadra [mailto:jquadra@calvoclarck.com]  
**Sent:** Friday, November 12, 2010 2:32 PM  
**To:** Ott, Carter; jpizzirusso@hausfeldllp.com; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; RRivas@finkelsteinthompson.com; Rebecca Coll  
**Cc:** Fischer, Kathleen; Sacks, Luanne  
**Subject:** RE: Other OS - Meet and Confer and Protective Order

Carter/Luanne

Your email raises several issues not addressed during our meet and confer conversation (e.g., Nos. 7 and 8) and requests documents that we do not believe were explicitly requested in the deposition notices themselves. We are trying to working with your schedule, but giving us two hours to respond to these new issues cannot be considered a meaningful meet and confer. Moreover, you are insisting on production of multiple items that may impact the privacy rights of our clients, as well as privileges, and given that your clients will not produce any documents without a protective order in place, we do not believe we should be forced operate under a different set of standards. That said, in our continuing spirit of cooperation, we are willing to go forward with the depositions as scheduled if you will agree that the following items will suffice, and you will not seek to reopen the depositions for failure to produce documents outside of these specific categories:

1. Photographs and serial numbers of PS3s.
2. Photographs and serial numbers (if available) of peripherals used with the Other OS function of the PS3 (e.g., keyboards), or other proof of purchase (if available).
3. Proof of purchase of software or any license agreement, contracts, or terms for

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such software used for the Other OS function to the extent such software/license agreement does not impinge on the witness' privacy rights, and to the extent that such agreements are in the client's immediate possession (e.g., previously printed out and retained).

4. As to Sony's misrepresentations, the clients will produce responsive documents in their personal possession (e.g., previously printed out and retained) but will not search the internet or anywhere else to create responsive documents.

5. All communications between the named plaintiff and anyone (other than privileged communications with counsel) regarding the Other OS function or Update 3.21. Any communications with the Meiselman firm will not be produced as we have already detailed in our previous letters.

6. Despite the fact that you have not responded to our meet and confer regarding a definition for the terms "hacking" and "jailbreaking," we will produce any internet postings by any deponent that includes any references to "hacking" or "jailbreaking" the PS3 (using those terms) or regarding the Other OS feature or Update 3.21 to which they have possession.

7. The documents specifically cited in the complaint.

Please advise us within two hours (the same time frame you provided to us) whether you intend to proceed with the depositions under these terms. To the extent the parties do not reach agreement, we reserve our rights to further object to these requests. We will also outline a more detailed letter with our responses. Given your schedule today, we also remain available to further discuss these issues to see if we can reach agreement. We would also like to resolve our remaining issues as soon as possible since our requests have been pending for a longer period than yours.

Regards,

Jim

---

**From:** Ott, Carter [mailto:Carter.Ott@dlapiper.com]

**Sent:** Friday, November 12, 2010 12:52 PM

**To:** James Quadra; jpizzirusso@hausfeldllp.com; dwarshaw@pswplaw.com; Genevieve P. Rapadas; Kevin Moon; RRivas@finkelsteinthompson.com; Rebecca Coll

**Cc:** Fischer, Kathleen; Sacks, Luanne

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

All,

As we discussed this morning in our meet and confer telephone call, we make the following proposal regarding documents and things to be produced before or at each of your client's depositions. Currently, Plaintiffs have agreed to produce responsive documents to Requests Nos. 4 and 14 only. If plaintiffs agree to the following proposal regarding the remaining Requests, we will not seek to reopen plaintiffs' depositions based upon the failure to produce other responsive documents at the depositions. We do reserve the right to move to compel responsive documents that are not produced at the deposition in the future should we determine such documents are needed, but will not include in that motion a request to reopen the deposition for inquiry concerning any documents ordered to be produced by the Court. Please let us know your response by 3 p.m. Pacific today.

1. The PS3 (for inspection, not for testing or imaging) and everything that accompanied it at the time of purchase, for example, the box and documents included in the box.
2. All peripherals used with the PS3 or proof of purchase or photographs of the peripheral, including the front and back and legible photographs of identifying markings, including brand, model, and serial number.
3. All software and applications used with the PS3 – either the software itself (on DVD or CD purchased)

or a proof of purchase of the software or a printed copy of a licensing agreement or terms of use accepted by the plaintiff for such software or some other documentary confirmation of the software run on the PS3.

4. Proof of purchase (either a receipt or a user manual or some other document that confirms the model and brand) for all PCs purchased for or used for personal use during the class period.
5. All contracts or terms of use signed, affirmed, or otherwise consented to by each named plaintiff related to the PS3 including any software or operating system used with the PS3.
6. All representations regarding the PS3 that your client claims to have seen or relied upon.
7. All communications between the named plaintiff and anyone (other than privileged communications with counsel) regarding the Other OS function, Update 3.21 and this litigation, including any communications with SCEA or with the Meiselman firm regarding the alleged hacking of that firm's website.
8. All Internet postings by each named plaintiff that references hacking or jailbreaking the PS3 or regarding the Other OS feature or Update 3.21.
9. All documents referenced in the various contentions in the Consolidated Complaint recited in our document requests (Requests for Production Numbers 10-13 and 16-25).

Please let us know if you have any questions.

Thank you,  
Carter



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Associate

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**From:** Sacks, Luanne  
**Sent:** Thursday, November 11, 2010 7:19 AM  
**To:** James Quadra; Ott, Carter; jpizzirusso@hausfeldllp.com; 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

12/13/2010

Jim

That works for me.

Lu

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**From:** James Quadra [mailto:jquadra@calvoclarck.com]  
**Sent:** Thursday, November 11, 2010 6:41 AM  
**To:** Sacks, Luanne; Ott, Carter; jpizzirusso@hausfeldllp.com; 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

As you say, we can discuss Friday morning. Given everybody's schedule let's plan on doing it on the phone starting at 10 am. I will need to be off the call by 11:30 or so but I believe Rosemary and James can be on a bit longer.

We will circulate a call in.

Thanks

Jim

-----  
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Message sent using blackberry email. Please excuse any typographical errors.

---

**From:** Sacks, Luanne <Luanne.Sacks@dlapiper.com>  
**To:** James Quadra; Ott, Carter <Carter.Ott@dlapiper.com>; 'jpizzirusso@hausfeldllp.com' <jpizzirusso@hausfeldllp.com>; 'dwarshaw@pswplaw.com' <dwarshaw@pswplaw.com>; Genevieve P. Rapadas; Kevin Moon; 'rrivas@finkelsteinthompson.com' <rrivas@finkelsteinthompson.com>; Rebecca Coll  
**Cc:** Fischer, Kathleen <Kathleen.Fischer@dlapiper.com>  
**Sent:** Wed Nov 10 21:53:14 2010  
**Subject:** Re: Other OS - Meet and Confer and Protective Order

Jim

Just to clarify our position as I expressed it in my last email, we will ultimately determine our position following our meet and confer on Friday, including should Plaintiffs' stand on their current positions regarding their objections, proceeding with the depositions while reserving all rights. But we can discuss this all on Friday morning.

Best

Lu

**From:** James Quadra [mailto:jquadra@calvoclarck.com]  
**Sent:** Wednesday, November 10, 2010 11:04 AM  
**To:** Ott, Carter; James Pizzirusso <jpizzirusso@hausfeldllp.com>; dwarshaw@pswplaw.com <dwarshaw@pswplaw.com>; Genevieve P. Rapadas <grapadas@calvoclarck.com>; Kevin Moon <kmoon@calvoclarck.com>; rrivas@finkelsteinthompson.com <rrivas@finkelsteinthompson.com>; Rebecca Coll <rcoll@calvoclarck.com>  
**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; rrivas@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 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](mailto:dwarshaw@pswplaw.com);  
Genevieve P. Rapadas; Kevin Moon; [rrivas@finkelsteinthompson.com](mailto: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  
**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](mailto: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 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  
[jpizzirusso@hausfeldllp.com](mailto:jpizzirusso@hausfeldllp.com)

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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.

Thanks

Lu

---

**From:** James Quadra [mailto:jquadra@calvoclark.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.**



Luanne Sacks  
Partner

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**From:** James Pizzirusso  
[mailto:jpizzirusso@hausfeldllp.com]  
**Sent:** Tuesday, November 09, 2010 9:04 AM  
**To:** Ott, Carter; jquadra@calvoclarck.com;  
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kmoon@calvoclarck.com; rrivas@finkelsteinthompson.com;

rcoll@calvoclarck.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

**James J. Pizzirusso, Partner**

[jpizzirusso@hausfeldllp.com](mailto:jpizzirusso@hausfeldllp.com)

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**From:** Ott, Carter [<mailto:Carter.Ott@dlapiper.com>]

**Sent:** Tuesday, November 09, 2010 12:01 PM

**To:** 'jqadra@calvoclarck.com'; 'dwarshaw@pswplaw.com';

James Pizzirusso; 'grapadas@calvoclarck.com';

'kmoon@calvoclarck.com';

'rrivas@finkelsteinthompson.com'; 'rcoll@calvoclarck.com'

**Cc:** Sacks, Luanne; Fischer, Kathleen

**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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Associate

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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



Carter W. Ott  
Associate

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