

EXHIBIT A

Bal, Colleen

From: Bal, Colleen
Sent: Tuesday, May 14, 2013 4:19 PM
To: 'Barquist, Charles S.'; Beringer, S. Ashlie; Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Kuwayti, Kenneth A.; Ray, Wendy J.; Ziniti, Cecilia
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Chuck,

Just tried to call you. Please advise whether MoFo will be the only law firm signing and appearing on the proposed Second Amended Complaint. Would appreciate your response on that issue before 5:00 pm since it affects our response to the motion for leave, due today.

Also, I have a hearing tomorrow morning, so cannot hold the rule 26 conference then. Are you available after 3 pm?

Regards,
Colleen

From: Barquist, Charles S. [mailto:CBarquist@mofo.com]
Sent: Tuesday, May 14, 2013 3:44 PM
To: Bal, Colleen; Beringer, S. Ashlie; Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Kuwayti, Kenneth A.; Ray, Wendy J.; Ziniti, Cecilia
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Colleen,

I left a voicemail message for you earlier; please don't hesitate to call at your convenience.

Be In is not withdrawing the motion to amend.

We understand that a conference call to discuss the Rule 26 case management issues had been scheduled for 3 pm tomorrow. That time doesn't work for us, and we'd like to reschedule to the morning; please let us know if there is a time that works for you.

Regards,
Chuck

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From: Bal, Colleen [mailto:cbal@wsgr.com]
Sent: Tuesday, May 14, 2013 1:37 PM
To: Beringer, S. Ashlie; Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Barquist, Charles S.
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Chuck,

Please confirm: (1) whether Be In is withdrawing the motion to amend the Second Amended Complaint, and (2) whether MoFo will be solely responsible for the filing of any amended complaint.

Because we have a filing deadline today, we would appreciate your immediate response.

Colleen

From: Beringer, S. Ashlie [<mailto:ABeringer@gibsondunn.com>]
Sent: Tuesday, May 14, 2013 1:11 PM
To: Bal, Colleen; Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; cbarquist@mofo.com
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Colleen – I'm copying Chuck Barquist at MoFo who will be heading the team substituting in for Be In. As we indicated earlier, we do not currently understand that Beln intends to withdraw the motion to amend the Second Amended Complaint, and we believe that Be In wants to stick with the existing schedule, but Chuck can correct me if he has a different understanding.

Regards,
Ashlie

Ashlie Beringer

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From: Bal, Colleen [<mailto:cbal@wsgr.com>]
Sent: Tuesday, May 14, 2013 10:35 AM
To: Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Beringer, S. Ashlie
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Katie,

We have a deadline today, and obviously need a straight answer. Will Be In's successor counsel be solely responsible for the filing of any amended complaint?

Colleen

From: Townsend, Katie [<mailto:KTownsend@gibsondunn.com>]
Sent: Tuesday, May 14, 2013 10:31 AM
To: Bal, Colleen
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Beringer, S. Ashlie
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Colleen: Be In does not intend to withdraw the motion for leave to file the Second Amended Complaint. We now understand that Be In has retained new counsel and we are seeking to coordinate with them with respect to scheduling. It may be that no stipulation is necessary; we will plan to be in touch a little later today. Thank you for your understanding.

Katie Townsend

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From: Bal, Colleen [mailto:cbal@wsgr.com]
Sent: Tuesday, May 14, 2013 10:18 AM
To: Townsend, Katie
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Beringer, S. Ashlie
Subject: RE: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Katie,

Thank you for your email.

Please clarify what you intend to happen with respect to the pending motion for leave to file the Second Amended Complaint. In particular, are you planning to withdraw that motion, and if not, do you intend to seek to file the Second Amended Complaint prior to your withdrawal? Since our response to that motion is due today, we would appreciate your clarification of this issue as soon as possible.

Also, please send us your proposed stipulation regarding the extension.

Regards,
Colleen

From: Townsend, Katie [mailto:KTownsend@gibsondunn.com]
Sent: Monday, May 13, 2013 5:35 PM
To: Bal, Colleen
Cc: Graves, Charles Tait; Barsky, Wayne; Maute, Jeana Bisnar; Beringer, S. Ashlie
Subject: Be In, Inc. v. Google, Inc. - Notice of Intent to Withdraw as Counsel

Colleen: This email is intended to notify you, pursuant to Civil Local Rule 11-5, that Gibson Dunn will be withdrawing as counsel for plaintiff, Be In, Inc. in the above-referenced matter as soon as reasonably practicable. We have been informed that Be In is working to identify substitute counsel on an expedited basis. In light of the upcoming Rule 26 conference deadline, other Rule 26-related deadlines, and briefing deadlines in connection with the motion for leave to file a second amended complaint, we ask that defendants agree to stipulate to a reasonable continuance of the June case management conference, and other upcoming deadlines, to permit Be In an opportunity to do so, and for this matter to be transitioned to new counsel. Please let us know if you are amenable to such a stipulation. If so, we can discuss specific timing tomorrow morning, and will prepare a stipulation and proposed order for submission to the Court. Thank you.

Katie Townsend

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