

## **Exhibit D**

**Plater, Caroline C.**

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**From:** Plater, Caroline C.  
**Sent:** Thursday, December 28, 2006 10:23 AM  
**To:** 'Ajay Krishnan'  
**Subject:** Your letter of yesterday

Ajay -- I think you can understand where the confusion lies here. I do see how you arrived at the 1/30 hearing date. But it is entirely inconsistent with the dispositive motion cut off and Judge Fogel's standing hearing dates. You will note that the hearing date is never addressed in any of the prior case management orders until the order dated 2/16/06. Also, note that when the court set the hearing date as 12/1/06 -- it was set on a Friday at 9:00 a.m. - consistent with his normal hearing date and time. The 2/16/06 order did not explicitly address the filing date for dispositive motions. Rather, it just extended it by four months. It had been set for 7/31 and with the added 4 months, the deadline became 11/30. This is where the problems began with the filing and hearing date being one day apart. With the 6/23/06 order adding 60 days on to all this -- the dates are just as we expected, 1/29 for filing and 1/30 for hearing. The hearing date is the one thing that consistently does not make sense.

I don't believe this is something that can be resolved between the parties, given Google's current refusal to agree to an extension.

I asked that you participate in a call to Judge Fogel's clerk to address this matter. I would like to call this morning.

Thanks, Carrie

Caroline C. Plater  
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312.857.7095 (fax)

**Plater, Caroline C.**

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**From:** Plater, Caroline C.  
**Sent:** Thursday, December 28, 2006 11:49 AM  
**To:** 'Klaus Hamm'  
**Cc:** 'Ajay Krishnan'  
**Subject:** FW: Your letter of yesterday

Klaus -- I should have cc'd you on this. I don't know if Ajay is in today. I'd appreciate if one of you would get back to me on this. If no one agrees to participate in a call with Judge Fogel's clerk, I will still need to call on my own to ask the clerk the proper procedure for addressing this situation. I wanted to give you the option to participate so that you would not claim that I had an improper ex parte conversation with the court.  
- Carrie

-----Original Message-----

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