

EXHIBIT 4

From: Kennedy, Colleen
Sent: Thursday, January 21, 2010 1:49 PM
To: Leo J. Presiado
Cc: Eberhart, David; Bunzel, Sharon M.
Subject: RE: eBay v. DPS, et al. - Order

Leo,

I assume that by now you have had a chance to determine when your clients can provide the discovery ordered by Judge Fogel on 1/12. Please advise when you can make that production. In addition, we expect that you will be able to bring with you to tomorrow's hearing the documents you have obtained from Rackspace pursuant to eBay's subpoena.

Best regards,
Colleen

From: Leo J. Presiado [mailto:LPresiado@rusmiliband.com]
Sent: Thursday, January 14, 2010 11:38 AM
To: Kennedy, Colleen; Seyamack Kouretchian; foreman@freelandlaw.com; pkellymc@pacbell.net; Ross Campbell
Subject: RE: eBay v. DPS, et al. - Order

Colleen,

I am heading out of town and won't be back until Tuesday, but wanted to provide a response to your email. We have not yet had a chance to evaluate and determine what would constitute an adequate time period within which to prepare the subject responses and otherwise comply with the order. Please give me a call on Tuesday if you would like to discuss the matter further.

Best regards,
Leo

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Thank you.

From: Kennedy, Colleen [mailto:CKennedy@OMM.com]
Sent: Wednesday, January 13, 2010 9:57 AM
To: Seyamack Kouretchian; Leo J. Presiado; 'foreman@freelandlaw.com'; 'pkellymc@pacbell.net'; Ross Campbell
Cc: Eberhart, David; Bunzel, Sharon M.
Subject: eBay v. DPS, et al. - Order

Counsel,

In light of the order issued by Judge Fogel yesterday, please advise when you will provide the various types of discovery sought in eBay's motions to compel. The expected production dates are necessary in order to provide the court with an accurate timeline for completion of discovery, which is required for the update to the Joint Case Management Conference Statement to be filed on Friday. We expect that defendants will act promptly to comply with the court's order. In particular, the documents previously provided to Mr. Presiado by Rackspace require no further review or processing and should be produced to eBay immediately.

Best regards,
Colleen

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