

From: Greenblatt, Nathan
Sent: Monday, June 07, 2010 2:38 PM
To: 'James E. Eakin'
Subject: RE: Elan v Apple

Dear Mr. Eakin,

The statute you cite, 28 USC §1821, entitled "Per diem and mileage generally; subsistence," deals with witness fees for attendance in court or at deposition. Similarly, Federal Rule of Civil Procedure 45(b)(1), related to service of subpoenas, states that "if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law."

The subpoena served upon you does not require your attendance in court or at deposition. It only requires production of documents. Are you implying that you are owed a fee for production of documents pursuant to 28 USC §1821 or otherwise? If there is some issue of expenses that is holding up production, I would be happy to discuss it. I have tried calling your office several times and have not been able to speak to you. I would like to work with you to minimize the burden of the subpoena, and in that spirit I am trying to figure out what the situation is.

I hope you are having a nice day.

Best regards,

Nathan

From: James E. Eakin [mailto:jee@jeelaw.com]
Sent: Monday, June 07, 2010 2:15 PM
To: Greenblatt, Nathan
Cc: James E. Eakin
Subject: RE: Elan v Apple

Perhaps you should review 28 USC §1821.

From: Greenblatt, Nathan [mailto:nathan.greenblatt@weil.com]
Sent: Monday, June 07, 2010 2:11 PM
To: James E. Eakin
Subject: RE: Elan v Apple

Jim,

Thanks for your email. Yes, I called to check on the status of the subpoena for Elan v. Apple. I wanted to check to see if there are any problems and when you might expect to respond. Email is fine, but phone might be better. You can reach me at 650-802-3251, or I am happy to call at a time convenient for you.

Best regards,
Nathan

From: James E. Eakin [mailto:jee@jeelaw.com]
Sent: Monday, June 07, 2010 2:03 PM
To: Greenblatt, Nathan
Cc: James E. Eakin
Subject: Elan v Apple

Nathan,

I understand that you called about the SDT for Elan v. Apple.

I am not represented by counsel, at least not yet, so you can communicate with me via email if you wish.

Jim Eakin

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