

EXHIBIT B

Walsh, Maryellen (Perkins Coie)

From: Jones, Scott [sjones@sacsheriff.com]
Sent: Friday, June 18, 2010 1:13 PM
To: Cutler, Joseph P. (Perkins Coie)
Cc: McCullagh, James R. (Perkins Coie); Mrazik, Ryan T. (Perkins Coie)
Subject: RE: Philip Porembski Subpoena: Sheriff Report 2010-93641
 Mr. Cutler and/or Mr. Mrazik,

I appreciate your desire to obtain this computer for evidentiary and damages purposes, but I have some fundamental issues with turning it over to you. First of all, it is private property owned by Mr. Porembsky. The "abandonment" on which you predicate your entitlement to the property has not been established. As you know, there must be an attendant intent to abandon property before the owner relinquishes his ownership interest in it. I'm not convinced anything of the sort happened here. Absent any evidence to the contrary, and especially since he was likely in custody when the computer was placed in the public area, I must assume that he did NOT intend to abandon the computer. Therefore, his ownership in the computer remains intact.

I'm not sure why our officer even contacted you in the first place—that is something we will look into—but his representation that we would simply hand over the private property of another upon receipt of a subpoena was unfortunately misplaced. We cannot simply hand over the personal property of another that is in our care no matter how much we may want to, solely because the information contained therein may be of value to a third party. Further, the Facebook-related information that was present could very likely have been generated during or in preparation of this lawsuit which would give it an enhanced measure of protection. I think it is safe to assume that neither the citizen nor the deputy could ascertain with certainty what the nature or context of the information was, without any knowledge of the intricacies of the lawsuit.

In sum, this department cannot legally turn over the computer (or the contents therein) to you, without proper legal authority to do so. Your motion for leave and attendant subpoena do not provide that legal authority and, absent such authority, the Sheriff's Department cannot relinquish the computer or its contents to you.

I apologize for the initial confusion on this matter and I do wish you well with your suit.

Scott Jones
 Assistant to the Sheriff
 Legal Advisor

From: Cutler, Joseph P. (Perkins Coie) [mailto:JCutler@perkinscoie.com]
Sent: Friday, June 18, 2010 12:11 PM
To: Jones, Scott
Cc: McCullagh, James R. (Perkins Coie); Mrazik, Ryan T. (Perkins Coie)
Subject: Philip Porembski Subpoena: Sheriff Report 2010-93641
Importance: High

Scott,

I understand that you have asked for a copy of our motion and the court order related to obtaining an image of the hard drive contained in Philip Porembski's computer that is described in Sheriff Report 2010-93641.

I have attached the following for your review:

- A copy of the request we filed with the court.
- My declaration supporting the request.
- A subpoena containing the order from the court, as well as a request to produce documents and information as described therein.

6/28/2010

I am scheduled to start a trial on Monday, so will be fairly unavailable for the next week, but please follow-up with my colleague Ryan Mrazik, copied on this email, who looks forward to talking through this issue with you.

We would appreciate your acknowledgement of receipt of this email, and confirmation whether you agree to accept service of the attached subpoena by email. Also, could you kindly let us know when would be the best time to touch base with you to discuss?

Thanks!

Joe

Joseph P. Cutler | Perkins Coie LLP

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Professional Biography

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