

EXHIBIT 1

Bailey, Lila (Perkins Coie)

From: Suzanne Shell [dsshell@wildblue.net]
Sent: Thursday, December 28, 2006 5:47 PM
To: Bailey, Lila (Perkins Coie)
Subject: Re: Internet Archive vs. Shell: Proposed Scheduling Order

Your proposal is agreeable.

I am available for a phone call at the time you requested.

Bailey, Lila (Perkins Coie) wrote:

Ms. Shell,

As you are aware, our Proposed Scheduling Order is due on January 3, 2007. Appendix F to the Colorado Local Rules sets forth the instructions for preparing the Order, and requires us to submit it jointly. I would be happy to prepare the first draft and send it to you for your additions and signature. Once it's complete, I can e-file it. Does that sound acceptable to you?

Also, there is one area that we failed to discuss in our 26(f) meeting on November 29 - specifically, the issue of the use of electronic discovery in this case. Are you available for a quick call tomorrow morning to discuss this matter? Please let me know if 9:30 a.m. (mountain time) would be a good time to reach you.

Thanks,

Lila Bailey
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