

# EXHIBIT C

08-653

**FILED**

OCT - 8 2003

**Clerk, U.S. District and  
Bankruptcy Courts**

**Steve Cross**

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**From:** <chip@yablonskilaw.com>  
**To:** "Meyer, Bill" <bmeyer@zuckerman.com>  
**Sent:** Friday, October 03, 2008 3:18 PM  
**Subject:** RE: Re Proposed Resolution of Discovery Issues in Sagapolutele

Dear Bill: I too regret that we have been unable to resolve our differences, but my client is not willing to waive its rights to satisfy the plaintiffs' demands. The understandings you have reached with the Plans and NFLMC clearly show that there is a recognition that a serious question exists as to whether your clients can conduct any discovery beyond the administrative record. As far as I'm concerned, we have already met and conferred and have a serious disagreement as to whether plaintiffs can seek any non-party discovery from the NFLPA. I've already spent many hours reviewing plaintiffs subpoena, and you have my thoughts in writing as to its deficiencies. If you want to respond point by point to each objection, that would be helpful, but it will not deter me from moving to quash next week. To date, plaintiffs have made no efforts to reduce the burden and expense to the NFLPA in replying to requests you implicitly conceded when we spoke the other day were overly broad. You can be assured that until the Court authorized by Rule 45(c) to rule on the validity of plaintiffs' subpoena rules on it, there will be no documents produced. Apart from the fact that the NFLPA has no obligation to produce any witness(es) until after the District Court for the District of Columbia decides its motion to quash, it would be a pointless exercise to conduct any depositions without the documents. I hope you will reconsider your position and avoid the imposition of costs and fees that surely will be imposed on plaintiffs by the District Court for the District of Columbia.

Chip Yablonski

--- bmeyer@zuckerman.com wrote:

**From:** "Meyer, Bill" <bmeyer@zuckerman.com>  
**To:** "Joseph A. Yablonski" <chip@yablonskilaw.com>  
**Subject:** RE: Re Proposed Resolution of Discovery Issues in Sagapolutele  
**Date:** Fri, 3 Oct 2008 14:28:03 -0400

Chip,

We regret that we cannot work out an agreement with the NFLPA on our subpoena, like we have done with the NFLMC and the Plans. Absent a court order to the contrary, we will proceed with the deposition of the NFLPA on 10/13 as noted. As for your objections to the document request, we need to conduct a meet and confer to see if we can resolve the matter. Please let us know your availability for such a conference.

Best regards.

Bill Meyer  
 410-332-1240  
 wmeyer@zuckerman.com

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**From:** Joseph A. Yablonski [mailto:chip@yablonskilaw.com]  
**Sent:** Wednesday, October 01, 2008 5:30 PM  
**To:** Meyer, Bill  
**Cc:** Hisham Amin; Nathan J. Oleson  
**Subject:** Re Proposed Resolution of Discovery Issues in Sagapolutele

Dear Bill:

I cannot speak for the Plans or the NFLMC, but from the perspective of my client your counter-proposal is not acceptable. It requires the NFLPA to live under the threat of an extraordinarily broad subpoena and to give up its rights under Rule 45. The NFLPA is not a party to this case and it should not be put to the burden or expense of exposing itself to a wide-ranging fishing expedition for which your clients have no license under ERISA or the law in the District of Columbia.

The NFLPA is prepared to agree to shorten the time for responding to a carefully tailored subpoena to be issued **if** Judge Nickerson decides that your clients can obtain any discovery beyond the administrative record, but we will file our Motion to Quash within the next few days if the existing, grossly overbroad, subpoena is not withdrawn.

Chip Yablonski

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