

Exh. B

Licko, Carol A.

From: Russell Keith [rkeith@mflegal.com]
Sent: Thursday, March 06, 2008 2:32 PM
To: Licko, Carol A.; Catherine J. MacIvor; Bjorg Eikeland
Subject: RE: Good faith conferral re: motion for extension

Dictated by MS MacIvor in her absence

Ms. Licko:

I am responding to the two telephone messages and two e-mails that I have received since around noon time yesterday demanding an "immediate" response from me about a seven day extension of time to file a reply brief in support of your motion to dismiss.

I also understand that my assistant advised you that I have been out of the office attending depositions. In fact, I finished well after close of business yesterday. I also understand that she did **not** assure you that I would call you back, because she had no idea if I would be able to do so.

As for your request as to whether I will agree to an extension of time - the Plaintiffs **do not** agree. In your motion please include the following:

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The Plaintiffs have been advised that the Defendants request a seven day extension of time to file their reply. At the January 25, 2008 hearing, the Court advised that **no** extensions would be granted. Despite the fact that the Defendants raised additional arguments as to the Third Amended Complaint that did not relate to the amendment, and notwithstanding the fact that the Plaintiffs have far fewer resources, the Plaintiffs filed the response timely.

The Plaintiffs believe that they will be prejudiced if the Defendants are given more time to file motions, responses

3/6/2008

and replies than the Plaintiffs.

The Plaintiffs have not been given a basis for this latest request for extension. They request that they be given an opportunity to file a response to this latest request for an extension of time.

As for the hearing dates, as previously discussed, once I have final deposition dates from Jim Reuss, I will provide you with a hearing date. I expect that to occur shortly since I have been trying to take the deposition since December.

From: Licko, Carol A. [mailto:CALicko@HHLAW.com]
Sent: Thursday, March 06, 2008 9:16 AM
To: Catherine J. MacIvor; Bjorg Eikeland
Subject: FW: Good faith conferral re: motion for extension

Catherine: I still have no response from you or anyone in your firm to defendants' request for a seven-day extension. I sent you an email about this just after noon yesterday, and spoke to your assistant twice, trying to reach you by phone over the space of the entire afternoon yesterday -- both times she assured me that you would call me back. I have no return e-mail from you and no return phone call from you. I also have no response from you as to our repeated efforts over the last several weeks to obtain a mutually convenient hearing date for the motion to dismiss. Weeks ago we proposed March 20; April 29; or April 30. Please advise us immediately as to your position on defendants' motion for a 7-day extension, and on the proposed hearing dates so we can advise the Court. Thank-you.

From: Licko, Carol A.
Sent: Wednesday, March 05, 2008 12:39 PM
To: 'Catherine J. MacIvor'
Subject: Good faith conferral re: motion for extension

Catherine: Pls. advise if you can agree to a one week extension for defendants to serve their consolidated reply in support of their motion to dismiss. A one week extension would make the reply due March 20, 2008. Pls. advise if you object - or can agree to this requested extension. We need to file the motion today, so pls. let us know ASAP. Thanks.

CAROL LICKO, PARTNER
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