

Message

Ireland, D. Jeffrey

From: Ireland, D. Jeffrey
Sent: Wednesday, May 07, 2008 10:00 AM
To: 'cmacivor@mflegal.com'
Cc: Alan G. Greer; calicko@hhlaw.com; Arden, James D.; 'Sechler, Phil'; RFama@cozen.com; kcaverly@hcesq.com
Subject: Discovery

Thanks for your time this morning. I'm confirming that you have agreed that all defendants have an extension until May 30 to produce documents and written responses/objections to your discovery, provided that we begin document production on that date. We will wait to hear from you on the other items we discussed, and I will send you a letter summarizing the items that defendants have agreed to produce.

D. Jeffrey Ireland, Esq. | Faruki Ireland & Cox P.L.L. | Email: djireland@fclaw.com
500 Courthouse Plaza, S.W. | Dayton, OH 45402 | Tel: 937.227.3710 | Fax: 937.227.3749 | Web: www.fclaw.com
Trusted Wisdom | Extraordinary Results

Exhibit 4

Message

Ireland, D. Jeffrey

From: Ireland, D. Jeffrey
Sent: Friday, May 09, 2008 4:03 PM
To: 'cmacivor@mfllegal.com'
Cc: 'Alan G. Greer'; 'Sechler, Phil'; 'kcaverly@hcesq.com'; 'calicko@hhlaw.com'; 'RFama@cozen.com'; 'JArden@Sidley.com'; Sanom, Laura A.
Subject: Extension and production

Thanks for your letter of May 8, 2008. Defendants are happy to agree to your request for a thirty day extension of your responses to Defendants' pending requests for production so long as it is clear that the Defendants agreed to production outlined in our exchange of letters will begin on May 30 and proceed on an expeditious rolling basis as was discussed in our meeting. The Defendants will also be filing their overall responses to all three sets of your pending requests for production on May 30 as well. We appreciate your cooperation in this matter.

**D. Jeffrey Ireland, Esq. | Faruki Ireland & Cox P.L.L. | Email: djireland@ficlaw.com
500 Courthouse Plaza, S.W. | Dayton, OH 45402 | Tel: 937.227.3710 | Fax: 937.227.3749 | Web: www.ficlaw.com
Trusted Wisdom | Extraordinary Results**

Message

Ireland, D. Jeffrey

From: Catherine J. MacIvor [CMacIvor@mlegal.com]
Sent: Friday, May 09, 2008 4:28 PM
To: Ireland, D. Jeffrey
Subject: RE: Extension and production

Thank you for the extension, but I wanted an extension as to the interrogatories and the requests for production. The Defendants have requested some rather extensive information and I need time to provide you with that information. I also plan on providing you with responses at the end of that time period.

Please advise as soon as possible so that I know whether I need to move for an extension on the interrogatories.

I would also like to know whether you will be providing me with a schedule of the rolling discovery. It is difficult for me to agree to that blindly.

Thank you for your cooperation.

Regards,

CATHERINE J. MACIVOR

Partner

Maltzman Foreman, PA
2 South Biscayne Boulevard
Suite 2300
Miami, Florida 33131
Tel : (305) 358-6555
Fax: (305) 374-9077
Email: CMacIvor@mlegal.com

MALIZMAN FOREMAN

ATTORNEYS AT LAW
[Website](#) | [V. Card](#)

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please contact the sender and delete the material from any computer. Under applicable U.S. Treasury Regulations, we are required to inform you that any advice contained in this electronic mail message (or any attachment hereto) is not intended to be used, and cannot be used, to avoid tax penalties imposed under the Internal Revenue Code.

-----Original Message-----

From: Catherine J. MacIvor [mailto:CMacIvor@mlegal.com]
Sent: Friday, May 09, 2008 5:12 PM
To: Ireland, D. Jeffrey
Cc: agreer@richmangreer.com; Sechler, Phil; Licko, Carol A.; rfama@cozen.com; jarden@sidley.com
Subject: RE: Extension and production

Thank you for the professional courtesy.

What about the Plaintiffs' other requests? Are you objecting to everything else, filing a motion or will you be responding on a rolling basis to the other requests? Please clarify so that I know how to proceed.

Thank you.

CATHERINE J. MACIVOR

Partner
Maltzman Foreman, PA
2 South Biscayne Boulevard
Suite 2300
Miami, Florida 33131
Tel : (305) 358-6555
Fax: (305) 374-9077
Email: CMacIvor@mlegal.com

MALTZMAN FOREMAN

ATTORNEYS AT LAW
[Website](#) | [V. Card](#)

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please contact the sender and delete the material from any computer. Under applicable U.S. Treasury Regulations, we are required to inform you that any advice contained in this electronic mail message (or any attachment hereto) is not intended to be used, and cannot be used, to avoid tax penalties imposed under the Internal Revenue Code.

From: Ireland, D. Jeffrey [mailto:djireland@ficlaw.com]
Sent: Friday, May 09, 2008 5:03 PM
To: Catherine J. MacIvor
Cc: agreer@richmangreer.com; Sechler, Phil; Licko, Carol A.; rfama@cozen.com; jarden@sidley.com
Subject: RE: Extension and production

The extension applies to the interrogatories. As to a schedule for rolling production, there are six defendants that are responding to the requests. Each of them maintains documents differently. I don't believe that we can provide a schedule. My client cannot. It is in the process of gathering documents in order to produce as much as possible beginning on May 30. I'd prefer to produce documents, rather than try to work out a schedule for each defendant, and then try to stick to an arbitrary schedule. I can only assure you that we will begin production of documents in the 11 categories that were referred to in our letters yesterday, and that the other defendants will do the same. We share the same goal of moving this

case forward.

11

11

Ireland, D. Jeffrey

From: Catherine J. MacIvor [CMacIvor@mflegal.com]
Sent: Friday, May 09, 2008 5:32 PM
To: Ireland, D. Jeffrey
Subject: RE: Extension and production

Actually, I never did agree to narrow any requests, but I did say that I was amenable to narrowing them. I have asked several times for the Defendants to identify those that you all believe are overbroad and then I will be able to consider narrowing them. Otherwise, I am operating in the dark. Only your clients can tell me what they believe is overbroad. Once I have that information, I will let you know within 5 days whether I can narrow the requests and my proposed revisions or compromises, of course reserving my right to proceed after production.

CATHERINE J. MACIVOR

Partner
Maltzman Foreman, PA
2 South Biscayne Boulevard
Suite 2300
Miami, Florida 33131
Tel : (305) 358-6555
Fax: (305) 374-9077
Email: CMacIvor@mflegal.com



ATTORNEYS AT LAW
[Website](#) | [V. Card](#)

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please contact the sender and delete the material from any computer. Under applicable U.S. Treasury Regulations, we are required to inform you that any advice contained in this electronic mail message (or any attachment hereto) is not intended to be used, and cannot be used, to avoid tax penalties imposed under the Internal Revenue Code.

From: Ireland, D. Jeffrey [mailto:djireland@ficlaw.com]
Sent: Friday, May 09, 2008 5:13 PM
To: Catherine J. MacIvor
Cc: agreer@richmangreer.com; Sechler, Phil; Licko, Carol A.; rfama@cozen.com; jarden@sidley.com; Sanom, Laura A.
Subject: RE: Extension and production

You indicated on Thursday that you will provide us with a list of products and a narrowing of some of your requests. Until we receive that information, it is difficult to know how the various defendants will respond. At this time, we are, like you, reserving our rights; however, we are committed to begin a production on May 30 and trying to work out a more narrowed focus to your requests so that can respond expeditiously to them.