

EXHIBIT W

Kristen Caverly

From: Kristen Caverly
Sent: Wednesday, July 09, 2008 3:58 PM
To: 'jbaker@kmb-law.com'
Cc: pkeegan@kmb-law.com
Subject: Blaz

Jason,

Thank you for your phone message today and acknowledging my email regarding the MacDonald discovery responses. As I indicated in my return message and in prior correspondence from other defense counsel, defendants are very anxious to schedule a meet and confer regarding the court's requirement of a phasing report to be submitted July 21 and to address the deficiencies in plaintiffs' written discovery responses served June 30. I realize that your firm is still getting up to speed on the case, but we have had no responsiveness from Ms. MacIvor on these topics and feel they must be moved forward, with court intervention if necessary. Defense counsel continues to offer to meet and confer in person on these issues on Monday, July 14, in the afternoon, or Tuesday, July 15, in the morning. Coordination of a lot of travel plans is required to make this happen, so we need to confirm this meeting today or tomorrow morning. If we do not have this meet and confer, there will be no way to submit a joint report on phasing to the court as ordered by July 21.

Another topic of urgency is the stipulation regarding the schedule for plaintiffs' depositions and document production deadlines. As the depositions were originally noticed to begin in May and are now expected to start August 4, we need this stipulation signed or need to know that this is an issue to be addressed with the court next week. Ms. MacIvor verbally told me that the stipulation was acceptable, but we still have not received a signature from plaintiffs' counsel on it. We have been working on this schedule for many weeks and defense counsel need to make travel plans and put this issue to the side.

I am leaving the office at 5:30 today, but will be in the office all day tomorrow. You also may try to reach me on my cell phone after 6pm – 858-205-8373.

Thank you for addressing these issues immediately so that we can meet the court's deadline and avoid unnecessary motion practice.

Kristen

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7/16/2008