

EXHIBIT D

Esau, David B.

From: Esau, David B.
Sent: Tuesday, December 07, 2010 8:28 AM
To: Marianna Chaparova; alex siegal
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Unfortunately, Judge Cooke entered a scheduling order that requires fact discovery (including depositions) to be fully complete by January 3rd, and dispositive motions (which obviously must incorporate and synthesize deposition testimony) to be filed by January 7th. Unless you, as the Plaintiffs in this case, are going to file a motion asking the Court to postpone both of those deadlines, I intend to abide by the scheduling order, and I intend to go forward with your depositions on the dates indicated in the notices I served on Saturday (or earlier, as your schedule permits).

The deposition of Amazon's corporate representative and your request for documents from Amazon are discovery that you think **you** need for the prosecution of **your** case. Thus, I leave it to you to decide how you will deal with those issues within the confines of the existing scheduling order. Those issues matter not to me for purposes of scheduling and conducting your depositions. So, unless I hear otherwise from the Court, I will see you on December 20 and 22 (or earlier, as your schedule permits) for your depositions. Thank you.

From: Marianna Chaparova [mailto:manach101@yahoo.com]
Sent: Monday, December 06, 2010 8:37 PM
To: Esau, David B.
Subject: Fw: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Surely you understand that we cannot depose Amazon's corporate representative(s) until after we've received and reviewed the requested documents/materials. Judge Cooke wants us to resolve these pretrial matters without wasting her time with motions. Therefore, we are committed to making every possible effort to resolve our differences with you amicably and hope you are willing to do the same.

If you are willing to have the requested documents produced by December 21st (we will work out the specifics of what must be produced), we should be able to schedule the depositions to take place the first week of January and still meet the January 3rd deadline.

Hope to hear back from you soon! Thanks.

From: "Esau, David B." <desau@carltonfields.com>
To: alex siegal <alby1969_98@yahoo.com>; manach101@yahoo.com
Sent: Mon, December 6, 2010 12:57:37 PM
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

I'm sorry you feel that way. If you want to depose Amazon's corporate representative, though (as you indicated to me this weekend that you did), that deposition will also need to occur before the court ordered January 3rd deadline, so I'm not sure how your personal attack on me below is not drenched in hypocrisy.

If you are available any time earlier in December, as I indicated in my email from Saturday (below), I am happy to re-schedule. Otherwise, I intend to go forward with the depositions on the dates indicated in my notices (which were sent with adequate notice, per the local rules), and I expect you to attend. Thank you.

From: alex siegal [mailto:alby1969_98@yahoo.com]
Sent: Monday, December 06, 2010 1:22 PM
To: Esau, David B.
Subject: Re: Segal/Chaparova v. [Amazon.com](#) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Judge Cooke issued her Scheduling Order on August 19th. You could have scheduled our depositions in August, September, October, November, or early enough in December, with enough notice that is. Instead, you have chosen to schedule the depositions to take place during a holiday period when people travel to visit their families. Similarly, you waited exactly 30 days from the day you received our request for production to let us know that Amazon will not produce any documents whatsoever. Your tactics are rather transparent and reflect poorly on you and your firm.

From: "Esau, David B." <desau@carltonfields.com>
To: manach101@yahoo.com; alby1969_98@yahoo.com
Sent: Sun, December 5, 2010 1:51:01 PM
Subject: Re: Segal/Chaparova v. [Amazon.com](#) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

The fact discovery cut-off in this case, as requested by you and subsequently ordered by the Court, is January 3, 2011. Thus, the depositions need to occur before that date. I intend to go forward with the depositions as noticed in the deposition notices I served yesterday. If you fail to appear, I will seek sanctions.

Amazon's document production has nothing to do with your depositions. Thank you.

From: Marianna Chaparova
To: Esau, David B.
Sent: Sat Dec 04 14:33:39 2010
Subject: Re: Segal/Chaparova v. [Amazon.com](#) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

We will not be available on those dates. However, we can schedule the depositions to take place at your firm's Miami office on Jan 5th - 7th. Those are our earliest available dates, assuming Amazon complies with our request for production of documents, as required, so that we can have time to prepare for our depositions. Thank you.

From: "Esau, David B." <desau@carltonfields.com>
To: alex siegal <alby1969_98@yahoo.com>
Cc: manach101@yahoo.com
Sent: Sat, December 4, 2010 11:11:40 AM
Subject: RE: Segal/Chaparova v. [Amazon.com](#) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Please see the attached notices of deposition, for your depositions in the above-matter.

I would consider rescheduling for other (earlier) dates if you are not available on the dates indicated in the attached notices. Otherwise, I will expect your attendance on the dates indicated in the notices. Thank you.

From: Esau, David B.
Sent: Friday, December 03, 2010 1:36 PM
To: alex siegal
Cc: manach101@yahoo.com
Subject: Segal/Chaparova v. [Amazon.com](#) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Mr. Segal and Ms. Chaparova-

I would like to coordinate scheduling your depositions to occur at my office in Miami (100 S.E. Second Street, Suite 4200) during the December 14-22 time period (excluding the intervening weekend). I expect I will need a full day for each deposition. Please let me know which days during that period work for you. Thank you for your anticipated cooperation.

-David

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ATTORNEYS AT LAW

David B. Esau

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Esau, David B.

From: Esau, David B.
Sent: Thursday, December 16, 2010 9:24 AM
To: alex siegal
Cc: manach101@yahoo.com
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Mr. Segal and Ms. Chaparova-

Just so I'm clear as to your position on discovery in this case, and to sum-up what happened this month:

On December 3rd, I requested from you deposition dates in December. On December 4th, when I served you with notices for your depositions for December 20 and 22, I informed you that I would agree to move the depositions to any earlier date in December. You told me that you are not available on December 20 or 22, but you refused to provide (and still have not provided) alternative dates in December prior to the January 3rd Court-Ordered discovery deadline. In other words, you have decided that you are wholly unavailable for deposition during the entire month of December.

You also have refused to provide contact information or deposition dates for any of the non-party witnesses on your witness list, despite my repeated requests for that information, despite the Court's Scheduling Order requiring that information to be included on your witness list, and despite the fact that those depositions must occur (as I have repeatedly requested) before the January 3rd Court-Ordered discovery deadline.

And yet, you are now demanding that Amazon produce a corporate representative on January 2nd (a Sunday during a holiday weekend) or January 3rd (the only business day in January before the Court-Ordered discovery deadline), even though I have told you repeatedly that your deposition topics are overbroad and purport to cover almost everything under the sun about the company (you request a witness knowledgeable about all of "Amazon's management, operational, and financial matters," Amazon's SEC filings, and matters related to your Amended Complaint), making it virtually impossible to identify a witness (or even multiple witnesses) with detailed knowledge of all of your topics.

You have also taken issue with Amazon's document production, but you have not filed a motion to compel or otherwise asked the Court for relief. We obviously have a disagreement as to the scope of documents that are relevant to your case and to which you are entitled under the Federal Rules.

Do I have that right?

Of course, I am not your lawyer, and I cannot give you legal advice, but it sounds like you have 3 options:

Option 1:

You can: (a) appear for your depositions on December 20 and 22 as required by my deposition notices, and (b) provide me with contact information for the witnesses on your witness list and provide deposition dates for those witnesses over the next two weeks (or, alternatively, amend your witness list to remove the witnesses). If you meet both these discovery obligations, I will agree to make an Amazon corporate representative available for deposition, telephonically, on January 3rd as your email requested (although I reserve my right to object to your deposition topics, and I will require a formal deposition notice). If you do not meet these discovery obligations, Amazon will move for sanctions for your failure to show up for your depositions, will move to strike the witnesses from your witness list in totality, and will move for a protective order to prevent the corporate representative deposition from occurring until you agree to participate in deposition discovery.

Option 2:

Alternatively, as the plaintiffs in this case, you can file a motion with the Court to extend the fact-discovery and summary judgment deadlines (January 3 and January 7, respectively) by one month. We can then attempt to coordinate and conduct all of the above-described discovery during the early part of January. Of course, for your depositions next week to be postponed, I need the Court to grant your motion for extension before the depositions, so you might want to file it today. I do not expect that Amazon will oppose any such extension request, but I have to see your motion first before agreeing to anything, and I have to confer with my client. Any such agreement to extend the deadlines, however, will be contingent on you providing contact information and deposition dates for your non-party witnesses (or removing the witnesses from your witness list), and your cooperation in re-scheduling your depositions.

Option 3:

You, as the properly noticed deponents on December 20 and 22, can file a motion for a protective order to prevent your depositions from occurring next week (although I doubt the Court will rule before your scheduled deposition dates). Of course, Amazon will vigorously oppose any such motion, and, among other things, will file its own motion for a protective order to prevent the corporate representative deposition from occurring until you agree to appear for your own depositions. This is obviously not the route I'd prefer, but it's your case and it's your depositions at issue next week.

I leave it to you to determine which of these options meets your needs. In any event, unless I hear otherwise from the Court, I expect to see you next week for your depositions pursuant to the deposition notices I served two weeks ago. Thank you.

-David

From: alex siegal [mailto:alby1969_98@yahoo.com]
Sent: Wednesday, December 15, 2010 6:40 PM
To: Esau, David B.
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

You have been advised repeatedly not to schedule our depositions on the dates you specified. Again, we want to make sure you know and understand that we are unavailable to attend the depositions on those dates - we will be out of state visiting family! You should have scheduled our depositions in August, September, October, November, or early enough in December, with adequate notice. You could have also scheduled it for early January, and still be in compliance within the deadlines set forth in Judge Cook's Scheduling Order.

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