

EXHIBIT 3

Esau, David B.

From: Esau, David B.
Sent: Wednesday, December 22, 2010 5:41 PM
To: alex siegal; 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)
Attachments: Deposition Notice (Segal).pdf; Deposition Notice (Chaparova).pdf; Objections to 30(b)(6) Notice.pdf

Mr. Segal and Ms. Chaparova-

Amazon's corporate representative is based in Seattle, Washington, so she will not be available at 9:30am EST on Monday, January 3rd. That is 6:30 a.m. Seattle-time (after a holiday weekend), and it's an unreasonable request. If you sign and serve a formal Notice of Taking Deposition, listing your topics all in one place (and not scattered throughout several emails, as they are now), Amazon will agree to make a corporate representative available telephonically for deposition in the afternoon of January 3rd. Amazon's corporate representative will be prepared to testify as to matters related to your seller account with Amazon. Amazon has no way, however, of identifying or preparing a witness (or even multiple witnesses) to testify as to all the other matters identified in the topics in your emails below. Your topics include virtually everything under the sun about the company, on any every level of detail. Thus, please see the attached objections to your current deposition topics. Please set up a conference call dial-in number for the deposition, and let me know which court reporter you intend to use.

Since you are obviously available on the morning of Monday, January 3rd, and intended to be in my Miami office anyway, I am re-scheduling your depositions for that day as well. Please see attached deposition notices. It's not ideal, but since you refused to make yourselves available for deposition during the entire month of December, and failed to show up for your depositions this week, it looks like we have no other choice but to conduct your depositions on January 3rd as well. We can work out later the order and other logistics of conducting the three depositions. See you on January 3rd at 9:00 a.m. Thanks.

-David

From: alex siegal [mailto:alby1969_98@yahoo.com]
Sent: Thursday, December 16, 2010 5:16 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)

Mr. Esau -

Perhaps you have decided to play games with us because we are not represented by counsel. So, let me reassure you and the partner at your firm who is ultimately responsible for the way this case is handled on your end that your games are not in Amazon's best interest. It would have been wiser for you to be upfront and honest with us from day one; instead you have been disingenuous at best.

Within the next couple of days, we will be filing our motion to compel production because Amazon has taken the position that it will not produce any of the documents that it is **required** to produce pursuant to the applicable procedural rules. We **are** entitled to the specific documents we requested (e.g., bank statements related to Amazon's handling of our funds), and are confident that the Court will agree with us.

Our reasons for not being able to attend the depositions on December 20th and 22nd were made clear to you. Unfortunately, as you correctly pointed out, we do not have enough time to file a motion with Judge Cooke to have the depositions rescheduled - you made sure of that. Nonetheless, our reasons for not being able to abide by your schedule are valid. Do not expect us to attend our depositions this week, with less than two weeks' notice, without having adequate time to prepare (especially since we have to spend time drafting and filing motions related to Amazon's refusal to play by the rules). And do not expect us to cancel our plans to visit family for the holidays.

We are requesting, pursuant to the Federal Rules of Civil Procedure, that Amazon designate and produce for a deposition (in a manner convenient to all parties) its corporate representative. For months we have been discussing this issue. Unlike your request to depose us when people go away for the holidays, our repeated requests date back to October. If, however, you believe that there's some rule that gives you preference and that you should be able to depose us before we can depose Amazon's corporate representative or any other witness, then you should file a motion requesting to have such a preference. Otherwise, January 3rd is a work day, falls on a Monday after all of the holidays, and we expect Amazon's corporate representative to be present for either a telephone or video deposition, at 9:30 a.m. at your firm's Miami office. Our designated topics were clearly stated to you and are related to our Amended Complaint. Perhaps I should try to be even more specific, so how about this: when we say "financial," we mean money taken from a seller account or any other account that Amazon owned and/or used to handle our funds (the proceeds of our sales, and funds it held in "reserve") and transferred to any other account Amazon owns and/or uses to handle such funds; "operational" and "management" to the extent that Amazon is exercising its "discretion" to withhold funds, close listing and terminate accounts. Is that specific enough?

As for your request to depose each and every non-party witness by the end of December (within less than 2 weeks), we will **not** facilitate your efforts to intimidate and harass the non-party witnesses - Amazon has harmed them enough. It was explained to you that most of the non-party witnesses do not reside in this jurisdiction (or even within 100 miles of this jurisdiction) and cannot be expected, certainly are not required, to travel to Miami so that you can depose them (even if you were allowed to depose 17 people within two weeks, including holidays, which you are not - see FRCP 45). It is also disturbing that you can demand to depose witnesses about whom you know absolutely nothing - you have not asked about the nature of their intended testimony, related documents, or anything else that would otherwise lend credibility to your request, despite our offer to assist. We stand by our offer to provide you with a summary of their intended testimony, and to help you gather relevant documents. We will also update the witness list as soon as we have additional information, and can provide you with a list containing the home city and state for every non-party witnesses on our side, if you would like.

We will not ask the Court to extend the deadlines for fact-discovery, dispositive and other pretrial motions. Thank you.

Sincerely,

Albert Segal

From: "Esau, David B." <desau@carltonfields.com>

To: alex siegal <alby1969_98@yahoo.com>

Cc: manach101@yahoo.com

Sent: Thu, December 16, 2010 8:23:41 AM

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.

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

CARLTON FIELDS
ATTORNEYS AT LAW

David B. Esau
Attorney At Law

Esau, David B.

From: Esau, David B.
Sent: Friday, December 17, 2010 3:50 PM
To: alex siegal
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

I'm not sure why you won't agree to extend the deadlines so that we can conduct the discovery sought by all parties without burdening the court with discovery motions, nor am I sure how I've been "disingenuous," but if that's how you want to conduct your case, that's fine. We'll file our respective motions and see what the court thinks. Thanks.

From: alex siegal [mailto:alby1969_98@yahoo.com]
Sent: Thursday, December 16, 2010 5:16 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)

Mr. Esau -

Perhaps you have decided to play games with us because we are not represented by counsel. So, let me reassure you and the partner at your firm who is ultimately responsible for the way this case is handled on your end that your games are not in Amazon's best interest. It would have been wiser for you to be upfront and honest with us from day one; instead you have been disingenuous at best.

Within the next couple of days, we will be filing our motion to compel production because Amazon has taken the position that it will not produce any of the documents that it is **required** to produce pursuant to the applicable procedural rules. We **are** entitled to the specific documents we requested (e.g., bank statements related to Amazon's handling of our funds), and are confident that the Court will agree with us.

Our reasons for not being able to attend the depositions on December 20th and 22nd were made clear to you. Unfortunately, as you correctly pointed out, we do not have enough time to file a motion with Judge Cooke to have the depositions rescheduled - you made sure of that. Nonetheless, our reasons for not being able to abide by your schedule are valid. Do not expect us to attend our depositions this week, with less than two weeks' notice, without having adequate time to prepare (especially since we have to spend time drafting and filing motions related to Amazon's refusal to play by the rules). And do not expect us to cancel our plans to visit family for the holidays.

We are requesting, pursuant to the Federal Rules of Civil Procedure, that Amazon designate and produce for a deposition (in a manner convenient to all parties) its corporate representative. For months we have been discussing this issue. Unlike your request to depose us when people go away for the holidays, our repeated requests date back to October. If, however, you believe that there's some rule that gives you preference and that you should be able to depose us before we can depose Amazon's corporate representative or any other witness, then you should file a motion requesting to have such a preference. Otherwise, January 3rd is a work day, falls on a Monday after all of the holidays, and we expect Amazon's corporate representative to be present for either a telephone or video deposition, at 9:30 a.m. at your firm's Miami office. Our designated topics were clearly stated to you and are related to our Amended Complaint. Perhaps I should try to be even more specific, so how about this: when we say "financial," we mean money taken from a seller account or any other account that Amazon owned and/or used to handle our funds (the proceeds of our sales, and funds it held in "reserve") and transferred to any other account Amazon owns and/or uses to handle such funds; "operational" and

"management" to the extent that Amazon is exercising its "discretion" to withhold funds, close listing and terminate accounts. Is that specific enough?

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We will not ask the Court to extend the deadlines for fact-discovery, dispositive and other pretrial motions. Thank you.

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Albert Segal

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To: alex siegal <alby1969_98@yahoo.com>

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Sent: Thu, December 16, 2010 8:23:41 AM

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-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)