

EXHIBIT 5

Esau, David B.

From: Esau, David B.
Sent: Thursday, December 30, 2010 12:15 PM
To: 'alby1969_98@yahoo.com'; '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)

Last chance: Do you, or do you not want to depose Amazon's corporate representative on January 3rd beginning at 1:00pm?

From: Esau, David B.
To: 'alby1969_98@yahoo.com' ; 'manach101@yahoo.com'
Sent: Wed Dec 29 18:23:49 2010
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

As I've informed you, Amazon's corporate representative is based in Washington State, and is not available for a deposition until 1:00pm EST (10am PST) on January 3rd.

So that we're not wasting everyone's time (including that of the Amazon witness, who is a very busy person), or causing Amazon to incur additional unnecessary expenses for additional depositions for which you fail to appear, please let me know by 12:00 noon tomorrow whether you intend to take the deposition of the Amazon corporate representative beginning at 1:00pm on January 3rd. Your emails below are not at all clear about your intentions (e.g., your email from yesterday appears to unilaterally cancel all of the depositions scheduled for January 3rd, yet your email from today demands the Amazon witness to appear at an unspecified time during the morning of January 3rd).

Absent affirmative indication from you by noon tomorrow that you intend to take the deposition of Amazon's corporate representative beginning at 1:00pm EST on January 3rd, and a proper deposition notice formalizing same (which you still have not served, and which is required by the Federal Rules to, among other things, protect against just the sort of last minute indecision and mixed signals in your emails below), Amazon's corporate representative will not appear for deposition on January 3rd at all. Amazon stands by its objections to your deposition topics.

Also, Amazon has no intention of paying for phone and transcribing charges for you to conduct a seven hour deposition for your case. If you want the deposition taken, it's your duty to figure out the logistics. Amazon is paying the logistical expenses associated with taking your depositions.

Please also inform me whether you and Ms. Chaparova intend to appear on January 3rd for your depositions at the times indicated in the formal deposition notices I served last week. Again, your emails below are not entirely clear, and I'd like to avoid incurring expenses for depositions for which you do not intend to appear.

Thank you.

From: alex siegal
To: Esau, David B.
Sent: Wed Dec 29 13:44:31 2010
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)
Mr. Esau -

You have made it perfectly clear to us that we disagree on what this case is about, and have refused to provide us with the documents we need to prepare our case. Amazon needs to make its corporate representative available **in the morning of January 3rd**, and must be prepared to answer questions on topics that relate to the claims in our Amended Complaint, which are **not** limited only to our "experience with Amazon." The topics

were made known to you months ago, and yet it was your decision (or perhaps Amazon's) to be uncooperative. Please let us know whether Amazon has now changed its position on this issue.

Let me also point out that, instead of rescheduling our depositions as we requested, you filed a motion to compel us to appear, as well as a motion to extend the pre-trial discovery deadlines. Therefore, you are the one who has chosen to waste the Court's time and resources. While we believe that, under the circumstances, Amazon's corporate representative should be required to appear for her deposition in Miami, we were and still are willing to make it easier for Amazon by conducting the deposition via the telephone. However, your request that we set up and pay for a toll-free number because Amazon "will not pay for the telephone call" is unacceptable. Amazon's representative's deposition will likely take a good part of the day. Once that deposition is done, we will proceed with my deposition and then with Marianna's. Thank you.

Albert Segal

From: "Esau, David B." <desau@carltonfields.com>
To: alby1969_98@yahoo.com; manach101@yahoo.com
Sent: Wed, December 29, 2010 8:06:23 AM
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

As I informed you in my email below, Amazon WILL make its corporate representative available for deposition on Monday, January 3rd, starting at 1:00pm EST via telephone (assuming you serve a formal deposition notice). She will be made available for the full seven hours allowed under the local rules, if necessary. Thus, there is no need for you to file a motion with the Court. If you still intend to file a motion, please let me know what the basis of your motion is, and what relief you will be seeking (as required by the local rules).

I expect you to appear for your depositions on January 3rd at the times indicated in the deposition notices I served last week (especially because you expressly told me that you were available at those times). We will work your depositions around the deposition of the Amazon corporate representative.

I'm sure the Court will not look kindly on your failing to appear for your depositions for a second time.

Thank you.

From: alex siegal
To: Esau, David B.
Sent: Tue Dec 28 11:51:48 2010
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Under the circumstances, we have no reason to believe that Amazon will make its corporate representative available at all unless we obtain a Court order, which we intend to do. Therefore, our depositions and the depositions of Amazon's representative(s) and other witnesses will take place after, and in accordance to, Hon. Judge Cooke's rulings on the relevant motions.

From: "Esau, David B." <desau@carltonfields.com>
To: alby1969_98@yahoo.com; manach101@yahoo.com
Sent: Tue, December 28, 2010 9:04:05 AM
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Amazon's corporate representative has other pre-existing commitments that morning, and is not available until 1:00pm EST on January 3rd. If you serve a signed, formal deposition notice (as required by Federal Rule 30), we will agree to make the Amazon representative available for a telephonic deposition at that time. We will not make the representative

available at all if you fail to serve a proper deposition notice. You will need to make arrangements to have the deposition "tape recorded," and you will need to make arrangements for a toll-free conference call dial-in number (or similar conference call method). We will not pay for the telephone call.

In order to fit all three depositions in that day, we will begin Ms. Chaparova's deposition at 8:30am, as specified in the formal deposition notices I served last week. We can suspend that deposition at 1:00 to begin the Amazon deposition, if you'd like. See you at 8:30am next Monday. Thank you.

From: alex siegal

To: Esau, David B.

Sent: Sat Dec 25 16:22:42 2010

Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

We have been requesting to depose Amazon's corporate representative for months now. If 9:30 a.m. is too early for Amazon's representative, then we will conduct the deposition over the telephone (tape recorded) at 11:30 EST. You will be able to depose us immediately thereafter. Please let us know whether that's acceptable to Amazon?

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

To: alex siegal <alby1969_98@yahoo.com>; manach101@yahoo.com

Sent: Wed, December 22, 2010 5:41:27 PM

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-

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.

Esau, David B.

From: alex siegal [alby1969_98@yahoo.com]
Sent: Thursday, December 30, 2010 1:32 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)

We have been consistent throughout our correspondence with you regarding our intention to depose Amazon's representative on January 3rd, at 11:30 EST. However, you are refusing to allow us to depose Amazon's representative on the topics that are relevant to this case. As you stated in your email below, "Amazon stands by its objections to [our] deposition topics," which leaves us no choice but to file a motion to resolve this issue, and we will do so in the next week. We are entitled to have access to the documents that we have requested from Amazon, and to be able to depose Amazon's representative in a meaningful way. It would be counterproductive and a complete waste of time and resources to conduct any deposition while Amazon is refusing to comply with the discovery rules and is refusing to answer questions that are most relevant to this case. This case is about Amazon's fraudulent, deceptive and dishonest business practices, and Amazon will answer and account for such conduct. Unfortunately, although not surprisingly, Amazon has absolutely no intention of voluntarily complying with our discovery requests, which is keeping this case from being on track with the Hon. Judge Cooke's Scheduling Order and is causing us to incur additional unnecessary expenses.

Also, since you have already filed a motion to compel our depositions and to extend the discovery deadlines, our depositions will take place pursuant to the Court's ruling on that motion.

From: "Esau, David B." <desau@carltonfields.com>
To: alby1969_98@yahoo.com; manach101@yahoo.com
Sent: Wed, December 29, 2010 6:23:49 PM
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

As I've informed you, Amazon's corporate representative is based in Washington State, and is not available for a deposition until 1:00pm EST (10am PST) on January 3rd.

So that we're not wasting everyone's time (including that of the Amazon witness, who is a very busy person), or causing Amazon to incur additional unnecessary expenses for additional depositions for which you fail to appear, please let me know by 12:00 noon tomorrow whether you intend to take the deposition of the Amazon corporate representative beginning at 1:00pm on January 3rd. Your emails below are not at all clear about your intentions (e.g., your email from yesterday appears to unilaterally cancel all of the depositions scheduled for January 3rd, yet your email from today demands the Amazon witness to appear at an unspecified time during the morning of January 3rd).

Absent affirmative indication from you by noon tomorrow that you intend to take the deposition of Amazon's corporate representative beginning at 1:00pm EST on January 3rd, and a proper deposition notice formalizing same (which you still have not served, and which is required by the Federal Rules to, among other things, protect against just the sort of last minute indecision and mixed signals in your emails below), Amazon's corporate representative will not appear for deposition on January 3rd at all. Amazon stands by its objections to your deposition topics.

Also, Amazon has no intention of paying for phone and transcribing charges for you to conduct a seven hour deposition for your case. If you want the deposition taken, it's your duty to figure out the logistics. Amazon is paying the logistical expenses associated with taking your depositions.

Please also inform me whether you and Ms. Chaparova intend to appear on January 3rd for your depositions at the times indicated in the formal deposition notices I served last week. Again, your emails below are not entirely clear, and I'd like to avoid incurring expenses for depositions for which you do not intend to appear.

Thank you.

From: alex siegal
To: Esau, David B.
Sent: Wed Dec 29 13:44:31 2010
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)
Mr. Esau -

You have made it perfectly clear to us that we disagree on what this case is about, and have refused to provide us with the documents we need to prepare our case. Amazon needs to make its corporate representative available **in the morning of January 3rd**, and must be prepared to answer questions on topics that relate to the claims in our Amended Complaint, which are **not** limited only to our "experience with Amazon." The topics were made known to you months ago, and yet it was your decision (or perhaps Amazon's) to be uncooperative. Please let us know whether Amazon has now changed its position on this issue.

Let me also point out that, instead of rescheduling our depositions as we requested, you filed a motion to compel us to appear, as well as a motion to extend the pre-trial discovery deadlines. Therefore, you are the one who has chosen to waste the Court's time and resources. While we believe that, under the circumstances, Amazon's corporate representative should be required to appear for her deposition in Miami, we were and still are willing to make it easier for Amazon by conducting the deposition via the telephone. However, your request that we set up and pay for a toll-free number because Amazon "will not pay for the telephone call" is unacceptable. Amazon's representative's deposition will likely take a good part of the day. Once that deposition is done, we will proceed with my deposition and then with Marianna's. Thank you.

Albert Segal

From: "Esau, David B." <desau@carltonfields.com>
To: alby1969_98@yahoo.com; manach101@yahoo.com
Sent: Wed, December 29, 2010 8:06:23 AM
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

As I informed you in my email below, Amazon WILL make its corporate representative available for deposition on Monday, January 3rd, starting at 1:00pm EST via telephone (assuming you serve a formal deposition notice). She will be made available for the full seven hours allowed under the local rules, if necessary. Thus, there is no need for you to file a motion with the Court. If you still intend to file a motion, please let me know what the basis of your motion is, and what relief you will be seeking (as required by the local rules).

I expect you to appear for your depositions on January 3rd at the times indicated in the deposition notices I served last week (especially because you expressly told me that you were available at those times). We will work your depositions around the deposition of the Amazon corporate representative.

I'm sure the Court will not look kindly on your failing to appear for your depositions for a second time.

Thank you.

From: alex siegal
To: Esau, David B.
Sent: Tue Dec 28 11:51:48 2010

Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Under the circumstances, we have no reason to believe that Amazon will make its corporate representative available at all unless we obtain a Court order, which we intend to do. Therefore, our depositions and the depositions of Amazon's representative(s) and other witnesses will take place after, and in accordance to, Hon. Judge Cooke's rulings on the relevant motions.

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

To: alby1969_98@yahoo.com; manach101@yahoo.com

Sent: Tue, December 28, 2010 9:04:05 AM

Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Amazon's corporate representative has other pre-existing commitments that morning, and is not available until 1:00pm EST on January 3rd. If you serve a signed, formal deposition notice (as required by Federal Rule 30), we will agree to make the Amazon representative available for a telephonic deposition at that time. We will not make the representative available at all if you fail to serve a proper deposition notice. You will need to make arrangements to have the deposition "tape recorded," and you will need to make arrangements for a toll-free conference call dial-in number (or similar conference call method). We will not pay for the telephone call.

In order to fit all three depositions in that day, we will begin Ms. Chaparova's deposition at 8:30am, as specified in the formal deposition notices I served last week. We can suspend that deposition at 1:00 to begin the Amazon deposition, if you'd like. See you at 8:30am next Monday. Thank you.

From: alex siegal

To: Esau, David B.

Sent: Sat Dec 25 16:22:42 2010

Subject: Re: Segal/Chaparova v. [Amazon.com](http://www.amazon.com) (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

We have been requesting to depose Amazon's corporate representative for months now. If 9:30 a.m. is too early for Amazon's representative, then we will conduct the deposition over the telephone (tape recorded) at 11:30 EST. You will be able to depose us immediately thereafter. Please let us know whether that's acceptable to Amazon?

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

To: alex siegal <alby1969_98@yahoo.com>; manach101@yahoo.com

Sent: Wed, December 22, 2010 5:41:27 PM

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-

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.