

EXHIBIT 5

Leibnitz, Andrew (21) x4932

From: Thompson, Rod (27) x4445
Sent: Wednesday, November 16, 2011 4:09 PM
To: Pozza, Duane; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419; Thamkul, Janel (28) x4467; jmunnn@rascoklock.com; vgurvits@bostonlawgroup.com
Cc: Fabrizio, Steven B; Platzer, Luke C
Subject: RE: Disney Enterprises, Inc. v. Hotfile Corp. - deposition notices

Duane, notwithstanding the remarkable over-breadth and unreasonableness of the 61 additional Rule 30b6 topics addressed to Hotfile Corp., these three new notices do not alter our view of the number of hours to which the Plaintiffs are entitled for the depositions under the Federal Rules.

To reiterate what we offered almost two weeks ago, Defendants will make available three witnesses in their individual capacities and in response to the now three Rule 30(b)(6) notices directed to Hotfile as follows:

1. A witnesses tomorrow for up to two hours by video-conference, on shortened time to accommodate Plaintiffs' special request, to address the "ESI Deposition" Rule 30b6 topics. (As a compromise, if Plaintiffs agree to the proposal below on the total hours, we would agree that these two hours are in addition to the week in Sophia; if there is not agreement and a motion is filed these hours will be subtracted to reduce the overall time with Mr. Titov as the Hotfile Rule 30(b)(6) witness.)
2. Five, seven-hour days of deposition in Sofia:
 1. December 5 and 6 Mr. Titov (no translation)
 2. December 7 and 8 (½ day) Mr. Vangelov (some translation of questions may be necessary.)
 3. December 8 (½ day) and 9 Mr. Stoyanov (translation of questions and most likely answers.)
3. While it is contemplated that Mr. Titov will cover most of the 61 topics in the new Rule 30b6 deposition notices, to the extent they are not objectionable, it is possible that Mr. Vangelov and/or Mr. Stoyanov may be designated for some topic(s). (Despite our repeated requests that you provide the topics sooner, we just received the notices last night and are still evaluating them.) Notwithstanding how the topics may be divided up, the time limitations for each witness remain—that is Mr. Titov will provide no more than a total of 14 hours of testimony no matter how topics he may be designated on and Mr. Vangelov will provide not more than 10 and ½ hours, again regardless of whether he is designated for four topics or none.

Let me or Andy know if you have any questions.

Rod

From: Pozza, Duane [mailto:DPozza@jenner.com]

Sent: Tuesday, November 15, 2011 6:53 PM

To: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419; Thamkul, Janel (28) x4467; jmunnn@rascoklock.com; vгурvits@bostonlawgroup.com

Cc: Fabrizio, Steven B; Platzer, Luke C

Subject: Disney Enterprises, Inc. v. Hotfile Corp. - deposition notices

Counsel,

Please see attached deposition notices. Rod, please review these, and let us know if they alter your objection to the plaintiffs having 2 days for Hotfile Corp., in addition to 1 day for Warner's deposition on the counterclaims, and one day for Titov's individual deposition. If so, please let us know by tomorrow morning. We are available for a call if necessary.

Regards,

Duane

Duane Pozza

Jenner & Block LLP

1099 New York Avenue, N.W.

Suite 900

Washington, DC 20001-4412

Tel (202) 639-6027

Fax (202) 661-4962

DPozza@jenner.com

www.jenner.com

CONFIDENTIALITY WARNING: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.
