

# EXHIBIT 7

**Leibnitz, Andrew (21) x4932**

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**From:** Leibnitz, Andrew (21) x4932  
**Sent:** Friday, November 18, 2011 4:40 PM  
**To:** Fabrizio, Steven B; Pozza, Duane; Thompson, Rod (27) x4445; Schoenberg, Tony (28) x4963  
**Cc:** Platzer, Luke C; Janet Munn  
**Subject:** RE: Disney Enterprises, Inc. v. Hotfile Corp. - Plaintiffs' motion for extended time to depose Hotfile/Titov

Steve:

I am not trying to depose your 30(b)(6) witnesses for four days. You are. As you know, since you cited this authority in your motion to extend the time of Hotfile's deposition, courts consider whether the deposing party has made its documents available to the 30(b)(6) witness prior to the deposition in deciding whether additional time is warranted. This e-mail string merely confirms that Plaintiffs will not be providing in advance of the depositions either English translations or Bulgarian originals of documents to be discussed in deposition, thereby undermining at least two of the three reasons set forth in Plaintiffs' motion. Please let me know if Plaintiffs change their position.

Regards,

ANDY

N. Andrew Leibnitz

Attorney at Law

Farella Braun + Martel LLP

415.954.4932

-----Original Message-----

**From:** Fabrizio, Steven B [mailto:SFabrizio@jenner.com]

**Sent:** Friday, November 18, 2011 4:22 PM

**To:** Leibnitz, Andrew (21) x4932; Pozza, Duane; Thompson, Rod (27) x4445; Schoenberg, Tony (28) x4963

**Cc:** Platzer, Luke C; Janet Munn

**Subject:** Re: Disney Enterprises, Inc. v. Hotfile Corp. - Plaintiffs' motion for extended time to depose Hotfile/Titov

Andy - If you want to put words in my mouth in your attempt to create an exhibit for you opposition, please make it a full and accurate commemoration. I told you that there were two reasons; they are independent and equally make it impractical for us to give you all our deposition documents in advance. As you note, one reason is that it unduly demands an advance preview of all our work product and planning for the depositions. We have given a very detailed 30(b)(6) notice so are clearly not trying to hide the ball. However, as every litigant is, we are entitled to secure the witnesses' candid and extemporaneous answers to our questions. As history teaches us, given enough advance preparation, defendants in the position of Hotfile can and will attempt to create favorable "stories" to explain away incriminating documents, regardless of the real facts. Secondly, and also a full answer to your request, we simply will not be prepared sufficiently in advance to be able to send you our deposition documents. As you know, the parties are working around the clock on multiple litigation activities. We are still working to finish our first level review of the documents. Right now I have not even contemplated any of the documents on which I may want to examine Mr. Titov. Because of all else going on in this case and others, there is no realistic possibility that I will have finalized my document selection and preparation until just before the deposition. So, even if I were inclined to do so, I could not accommodate your request.

On the other hand, I'd be happy to extend you the same offer regarding defendants' depositions of plaintiffs and their employees. It would expedite the progress of the depositions if the witnesses could review and be prepared to answer questions as to all of the documents defendants plan to mark as exhibits. Accordingly, if you are such a proponent of this methodology, please forward all your documents as soon as possible and we will ensure that our witnesses have studied them and are prepared to move apace at their depositions. I'll understand if you decline, since there is not a litigator in the world who would find my offer – or yours – to be made for anything but tactical reasons.

SBF

From: Andrew Leibnitz <aleibnitz@fbm.com<mailto:aleibnitz@fbm.com>>  
Date: Fri, 18 Nov 2011 11:29:06 -0600  
To: Duane Pozza <DPozza@jenner.com<mailto:DPozza@jenner.com>>, "Roderick M. Thompson" <rthompson@fbm.com<mailto:rthompson@fbm.com>>, "Anthony P. Schoenberg" <tschoenberg@fbm.com<mailto:tschoenberg@fbm.com>>  
Cc: Steven Fabrizio <sfabrizio@jenner.com<mailto:sfabrizio@jenner.com>>, Luke Platzer <LPlatzer@jenner.com<mailto:LPlatzer@jenner.com>>, Janet Munn <jmunnn@rascoklock.com<mailto:jmunnn@rascoklock.com>>  
Subject: Re: Disney Enterprises, Inc. v. Hotfile Corp. - Plaintiffs' motion for extended time to depose Hotfile/Titov

Duane and Steve:

Plaintiffs previously stated that they will not provide advance copies of the documents upon which it will examine Hotfile and Mr. Titov (or any other witness), on grounds that Plaintiffs do not wish to receive prepared responses to questions -- despite the breadth of Plaintiffs 30(b)(6) notice to Hotfile. This email commemorates Plaintiffs' position. Please let us know immediately if Plaintiffs will reconsider. We also understand that Plaintiffs will not provide English translations of Bulgarian documents in advance of any deposition. Please let this email serve as commemoration of our request for advance copies of all such documents mentioned above so that we may expedite the depositions in Bulgaria.

Regards,  
Andy

From: Pozza, Duane [mailto:DPozza@jenner.com]  
Sent: Friday, November 18, 2011 07:57 AM  
To: Thompson, Rod (27) x4445; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963  
Cc: Fabrizio, Steven B <SFabrizio@jenner.com<mailto:SFabrizio@jenner.com>>; Platzer, Luke C <LPlatzer@jenner.com<mailto:LPlatzer@jenner.com>>  
Subject: RE: Disney Enterprises, Inc. v. Hotfile Corp. - deposition notices

Rod, in light of the time constraints and our request for expedited briefing on the Motion for One Additional Examination Day for the 30(b)(6) of Hotfile Corporation (Dkt # 165), please let us know whether you intend to respond to the motion (or that request) on or before November 22nd.

Thanks,  
Duane

From: RThompson@fbm.com<mailto:RThompson@fbm.com> [mailto:RThompson@fbm.com]  
Sent: Wednesday, November 16, 2011 7:09 PM  
To: Pozza, Duane; Aleibnitz@fbm.com<mailto:ALEibnitz@fbm.com>;  
TSchoenberg@fbm.com<mailto:TSchoenberg@fbm.com>; DGupta@fbm.com<mailto:DGupta@fbm.com>;  
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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 ( 1 $\frac{1}{2}$  day) Mr. Vangelov (some translation of questions may be necessary.)
  3. December 8 ( 1 $\frac{1}{2}$  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 1 $\frac{1}{2}$  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<mailto:jmunnn@rascoklock.com>; vgurvits@bostonlawgroup.com<mailto:vgurvits@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

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