

EXHIBIT A

From: Pozza, Duane
Sent: Friday, May 20, 2011 10:57 AM
To: TSchoenberg@fbm.com; ALeibnitz@fbm.com
Cc: Platzer, Luke C; Fabrizio, Steven B; RThompson@fbm.com; DGupta@fbm.com
Subject: RE: Hotfile -- Discovery M&C -- Items for Follow-Up
Attachments: Bunnell Order.pdf; Fung Order.pdf

Andy, Tony,

This email follows up on our meet and confer yesterday, which discussed a number of points that Steve had outlined following our previous calls (email exchange is below). Let me know if you believe that the following does not accurately capture defendants' position on these issues.

1. On Steve's point #3, you have told us that Hotfile uses a MySQL database. We also have requested the source code version control system used by Hotfile. As we have explained, this information is relevant to any potential argument that you may make that production of source code is unduly burdensome. You have let us know that defendants will not provide this information.
2. On Steve's point #4, we have asked for the approximate size of the log files requested as part of the User Data. You have told us that defendants will not provide this information.
3. On Steve's point #6, we discussed whether defendant Hotfile Corp. would in fact be producing documents in the possession of Hotfile Ltd., in order to understand whether defendants are withholding such documents. You indicated that you are unaware of any being withheld at this time. However, you are checking further, in regard to each request, to determine whether any documents are being withheld on this basis.

We also indicated that we would send copies of orders compelling production of user activity data. I am therefore attaching orders from the *Bunnell* and *Fung* cases. The *Bunnell* order was upheld by the district court at 245 F.R.D. 443. As we discussed, the parties are currently at an impasse on producing complete Content Reference, User, and Affiliate Data, and defendants have given no indication of changing their position. We are sending these as a courtesy but do not understand that our meet-and-confer is being reopened on this issue.

We are also still waiting for a response on the discovery motion deadline stipulation sent on Monday. It has been over three days since we sent it, so please let us know any comments or edits you have so we can move forward.

Finally, are talking again in a few hours, but in the interest of moving this along, there is another matter we should discuss in light of defendants' supplemental response to Interrogatory No. 2: As part of our requests, we have sought documents that would show (a) all versions of any purported DMCA policy posted on Hotfile's website, and (b) all communications by users with Hotfile, including those regarding copyrighted material, submitted through the abuse@hotfile.com box and through any web form on the Hotfile site (including the web form available via the "Report Abuse" link in early 2009). These documents are encompassed, without limitation, in Requests 5(a), 5(b), 6, 8, 11, 18, 22, and 23. While we have not yet discussed those particular requests, in anticipation of doing so, please confirm that the categories of documents identified above will be produced.

Speak to you soon.

-Duane

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Tuesday, May 17, 2011 10:52 AM
To: Fabrizio, Steven B; RThompson@fbm.com; DGupta@fbm.com; ALeibnitz@fbm.com