

EXHIBIT D

From: TSchoenberg@fbm.com
Sent: Wednesday, June 22, 2011 6:10 PM
To: Platzer, Luke C; DGupta@fbm.com
Cc: ALeibnitz@fbm.com; RThompson@fbm.com; Fabrizio, Steven B; Pozza, Duane
Subject: RE: Privilege Logs

Luke -- It is not our position that you did not meet and confer on this issue.

Regards,
Tony

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

From: Platzer, Luke C [mailto:LPlatzer@jenner.com]
Sent: Tuesday, June 21, 2011 7:19 PM
To: Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419
Cc: Leibnitz, Andrew (21) x4932; Thompson, Rod (27) x4445; Fabrizio, Steven B; Pozza, Duane
Subject: RE: Privilege Logs

Tony:

Although I realize it's a cliché, I'd rather not negotiate against myself about the form of the logs if Defendants aren't willing to offer a counterproposal and have already ruled out the main item we're interested in. As I understand the Defendants' position, you have ruled out any categorical logging with respect to Plaintiffs' investigation(s) of Hotfile, and would want those materials to be logged on an itemized basis. Unfortunately, our documents pertaining to the investigation(s) of Hotfile are driving much of the burden to us of creating an itemized log, so any agreement that doesn't let us create categories for those types of documents wouldn't address our concern.

I think this is a point on which we may simply have a disagreement on which Plaintiffs may need to seek the assistance of the court. If it's your position that we haven't fully met and conferred on this issue, please let us know as soon as possible.

Regards,
Luke

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]
Sent: Monday, June 20, 2011 11:54 AM
To: Platzer, Luke C; DGupta@fbm.com
Cc: ALeibnitz@fbm.com; RThompson@fbm.com; Fabrizio, Steven B; Pozza, Duane
Subject: RE: Privilege Logs

Luke,

We do not intend to make any counterproposal about privilege logs. As I mentioned on the phone, if you want to email us a proposal for a hybrid approach under which investigative/anti-piracy materials would still be logged in the traditional manner, we will consider it, though I can't promise we would agree to it without seeing the particulars of the proposal (and, of course, we would need buy-in from our local counsel). As I also stated, we are willing to agree to a July 15 deadline for exchanging logs but we don't want to push it to August 1.

Regards,

Tony

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

From: Platzer, Luke C [mailto:LPlatzer@jenner.com]

Sent: Friday, June 17, 2011 9:10 AM

To: Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419

Cc: Leibnitz, Andrew (21) x4932; Thompson, Rod (27) x4445; Fabrizio, Steven B; Pozza, Duane

Subject: RE: Privilege Logs

Tony:

I understand from our call yesterday that Defendants have declined Plaintiffs' proposal to use categorical privilege logs in this case. As Defendants have also declined our previous proposal for privilege log simplification in this case, it is my understanding that the meet and confer on this topic is now concluded, and that it is now incumbent upon Plaintiffs to consider whether to queue this issue up for the Court. (Although I briefly floated the prospect of a "hybrid" approach on the call with you yesterday, I subsequently realized that I had already discussed the idea with Rod on a different call last week, when he raised it, and that therefore, Defendants have already considered and rejected such an approach). If I am mistaken and Defendants intend to offer a counterproposal regarding privilege logging, please let me know as soon as possible.

Regards,
Luke

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]

Sent: Monday, June 13, 2011 2:14 PM

To: Platzer, Luke C; DGupta@fbm.com

Cc: ALeibnitz@fbm.com; RThompson@fbm.com; Fabrizio, Steven B; Pozza, Duane

Subject: RE: Privilege Logs

Thursday works for me. How about 1pm PST?

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

From: Platzer, Luke C [mailto:LPlatzer@jenner.com]

Sent: Monday, June 13, 2011 11:02 AM

To: Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419

Cc: Leibnitz, Andrew (21) x4932; Thompson, Rod (27) x4445; Fabrizio, Steven B; Pozza, Duane

Subject: RE: Privilege Logs

Thanks, Tony. On the housekeeping front, we think this should be styled as a joint addendum/supplement to the proposed scheduling report, since we are in effect modifying our proposal to the Court. But if your local counsel thinks otherwise, I am happy to entertain other procedural vehicles for the stipulation.

For a substantive conversation about the logs, my Thursday is wide open if there's a time (preferably during East Coast business hours) that works for you?

From: TSchoenberg@fbm.com [mailto:TSchoenberg@fbm.com]

Sent: Monday, June 13, 2011 1:40 PM

To: Platzer, Luke C; DGupta@fbm.com

Cc: ALeibnitz@fbm.com; RThompson@fbm.com; Fabrizio, Steven B; Pozza, Duane

Subject: RE: Privilege Logs

Luke -- We're checking with our local counsel on the housekeeping part of this. We'll get back to you about that hopefully later today. I would like to talk further with you about the substantive issue (i.e., categorical logs). When are you available this week to talk?

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

From: Platzer, Luke C [mailto:LPlatzer@jenner.com]

Sent: Monday, June 13, 2011 7:39 AM

To: Schoenberg, Tony (28) x4963; Gupta, Deepak (22) x4419

Cc: Leibnitz, Andrew (21) x4932; Thompson, Rod (27) x4445; Fabrizio, Steven B; Pozza, Duane

Subject: Privilege Logs

Tony and Deepak –

Defendants informed us last week that they are still considering our proposal to utilize categorical privilege logs, and that the parties have agreed to continue the originally-proposed June 15 date for exchanging privilege logs. As a housekeeping matter, we believe that – even though the Court has not entered an order regarding the June 15 date – that our agreement to continue the date should be filed as a stipulation with the Court, given that it is relevant to the court’s consideration of the proposed schedule. Agreed? If so, we can take the lead on drafting something for your signature.

- Luke

Luke C. Platzer

Jenner & Block LLP

1099 New York Avenue, N.W.

Suite 900

Washington, DC 20001-4412

Tel (202) 639-6094

Fax (202) 661-4813

LPlatzer@jenner.com

www.jenner.com

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