

EXHIBIT H

Gary, Laura

From: r.bruce.rich@weil.com
Sent: Monday, June 01, 2009 9:15 PM
To: Gary, Laura; Edward B. Krugman
Cc: Askew, Tony; Swift, Kristen; Schaetzel, Steve; randi.singer@weil.com; Todd.Larson@weil.com; John H Rains IV
Subject: Re: Call

You've got to be kidding if you believe this is an ethical way to practice law - let alone (Tony) ducking our phone calls as you feverishly prepared this.

We will deal with this in due course.

From: "Gary, Laura" [LGary@KSLAW.com]
Sent: 06/01/2009 04:32 PM AST
To: "Edward B. Krugman" <krugman@bmelaw.com>
Cc: "Askew, Tony" <TAskew@KSLAW.com>; "Swift, Kristen" <KSwift@KSLAW.com>; "Schaetzel, Steve" <SSchaetzel@KSLAW.com>; R Bruce Rich; Randi Singer; Todd Larson; "John H. Rains IV" <rains@bmelaw.com>
Subject: RE: Call

Edward--

On May 19, 2009, Defendants disclosed their expert -- Dr. Kenneth D. Crews of Columbia University -- and clearly stated that the Defendants would submit an expert report from Dr. Crews. At that same time, we further informed you that Dr. Crews has published extensively and that his scholarly works are publicly available. We trust you have had a chance to review those works, and thus understand the significant expertise that Dr. Crews has to offer in this matter. Dr. Crews has now completed his expert report, and we will be submitting that report today -- well before the close of discovery. Thus, Defendants have complied with Local Rules 26.2C and 30.1, as Plaintiffs have had and still have more than sufficient time to retain their own expert, submit an expert report, etc. Of course, as mentioned in our May 19, 2009 letter, if Plaintiffs think that additional time is necessary, we are prepared to work out an extension to accommodate any reasonable needs in that regard. Moreover, should you think a call to the Court is in order, we are pleased to participate although we do not think such a call is necessary. Thanks.

--Laura

Laura Gary
King & Spalding LLP
1180 Peachtree Street, NE
Atlanta, GA 30309

lgary@kslaw.com

Direct: (404) 572-3562
Fax: (404) 572-5135

From: Edward B. Krugman [mailto:krugman@bmelaw.com]
Sent: Friday, May 29, 2009 3:17 PM

6/19/2009

To: Askew, Tony

Cc: Swift, Kristen; Schaetzl, Steve; Gary, Laura; r.bruce.rich@weil.com; randi.singer@weil.com; todd.larson@weil.com; John H. Rains IV

Subject: Call

Tony,

I left voice mails for you last week and yesterday and have yet to receive a return call. The purpose for my calling is to inquire whether Defendants still intend to seek to use an expert in this matter notwithstanding their failure to comply with the requirements of Local Rule 30.1. If so, we believe a conference with the Court would be in order to determine whether Judge Evans intends to allow the untimely report. Obviously, this issue impacts the remaining schedule for the case. Please advise as soon as possible. Thanks.

Edward

Edward B. Krugman
Bondurant, Mixson & Elmore, LLP
1201 West Peachtree Street, NW
Suite 3900
Atlanta, Georgia 30309
(404) 881-4106 (direct)
(404) 881-4111 (fax)
krugman@bmelaw.com
<http://www.bmelaw.com>

Confidentiality Notice:

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.