

# **EXHIBIT A**

**Gary, Laura**


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**From:** Schaetzel, Steve  
**Sent:** Tuesday, June 02, 2009 10:11 AM  
**To:** r.bruce.rich@weil.com; Edward B. Krugman  
**Cc:** Askew, Tony; Swift, Kristen; randi.singer@weil.com; Todd.Larson@weil.com; John H Rains IV; Gary, Laura  
**Subject:** RE: Call

Bruce and Edward,

I have received your voicemail of yesterday afternoon and a copy of the email string below. I have a meeting this morning but am available this afternoon to talk. No one has, and no one has any reason to, "duck" anyone's telephone call. For the record, we view the comment regarding the "ethical practice of law" to be neither appropriate nor helpful. But, we are and will stay focused on the merits of this case and will work diligently to address Plaintiffs concerns. To that end, I will call Edward after lunch today and am pleased to see what can needs to be addressed and we can do to address it.

Steve Schaetzel

**Stephen M. Schaetzel**  
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**From:** r.bruce.rich@weil.com [mailto: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.

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**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--

6/19/2009

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

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**From:** Edward B. Krugman [mailto:krugman@bmelaw.com]  
**Sent:** Friday, May 29, 2009 3:17 PM  
**To:** Askew, Tony  
**Cc:** Swift, Kristen; Schaetzel, 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

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