

# EXHIBIT C

## John H. Rains IV

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**From:** Edward B. Krugman  
**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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