

EXHIBIT B

John H. Rains IV

From: John H. Rains IV
Sent: Tuesday, April 21, 2009 4:43 PM
To: 'randi.singer@weil.com'; 'Todd.Larson@weil.com'; 'r.bruce.rich@weil.com'; 'Harris.Cohen@weil.com'
Cc: Edward B. Krugman
Subject: FW: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

FYI.

John H. Rains IV
Bondurant, Mixson & Elmore
1201 West Peachtree St. NW
Suite 3900
Atlanta, GA 30309
www.bmelaw.com
Direct Line: (404) 881-4128
Fax: (404) 881-4111
rains@bmelaw.com

From: Swift, Kristen [mailto:KSwift@KSLAW.com]
Sent: Tuesday, April 21, 2009 4:41 PM
To: John H. Rains IV
Cc: Askew, Tony; Edward B. Krugman; Swift, Kristen
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

We have no objection to the proposed order and have no additional suggestions regarding the wording. You have my permission to attach my electronic signature to the revised joint motion.

We do intend to take 30(b)(6) depositions of the plaintiffs, and maybe additional fact witness depositions. We will be in touch soon to determine a schedule convenient to the parties.

Thanks,
Kristen

From: John H. Rains IV [mailto:rains@bmelaw.com]
Sent: Tuesday, April 21, 2009 4:29 PM
To: Swift, Kristen
Cc: Askew, Tony; Edward B. Krugman
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Kristen,

Your proposed changes are acceptable to us. May I have your permission to attach your electronic signature to the joint motion?

I assume you all have no objection to the proposed order we circulated with the motion earlier today?

I believe that the motion and order are worded so that both sides have additional time for taking depositions. If you are concerned with the language or have a suggestion as to how we could make it clearer that the extension is reciprocal, please let us know.

We won't file until we hear back from you, but we would like to get this in front of the Court tomorrow.

On a related note, have you all decided if you would like to take any depositions?

Best regards,

John

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rains@bmelaw.com

From: Swift, Kristen [mailto:KSwift@KSLAW.com]
Sent: Tuesday, April 21, 2009 3:38 PM
To: John H. Rains IV
Cc: Askew, Tony; Edward B. Krugman; Swift, Kristen
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

We have no problem with limiting the extension to the limited purpose of scheduling and taking depositions assuming the ability to do so is reciprocal. We have attached a joint motion containing our proposed revisions in track changes.

Thanks,
Kristen

From: John H. Rains IV [mailto:rains@bmelaw.com]
Sent: Tuesday, April 21, 2009 12:10 PM
To: Swift, Kristen
Cc: Askew, Tony; Edward B. Krugman
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Kristen,

We have discussed the issue of extending the discovery deadline and are willing to agree to an extension of the discovery period for the limited purpose of scheduling and taking depositions. All other discovery deadlines would remain the same. A draft joint motion and proposed order reflecting that proposal are attached.

Also, if Plaintiffs' motion to take additional depositions is still pending, we plan to go forward with the deposition of Paula Christopher as scheduled, but would like to postpone the depositions of Dimsdale and Schlotzhauer until after at least some of the professors have been deposed. Can you confirm that Paula Christopher is available on the 5th?

To the extent you can gather and share information about the professors' availability, we would be greatly appreciative.

We look forward to your response,

John

John H. Rains IV
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Suite 3900
Atlanta, GA 30309
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Direct Line: (404) 881-4128
Fax: (404) 881-4111
rains@bmelaw.com

From: Swift, Kristen [mailto:KSwift@KSLAW.com]
Sent: Tuesday, April 21, 2009 10:51 AM
To: John H. Rains IV
Cc: Askew, Tony; Edward B. Krugman; Swift, Kristen
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

Unfortunately, due to conflicts in our schedules and the professors' schedules, we are not able to schedule the professors' depositions for next week. We understand per our conversation this morning with Edward that you all will be preparing a joint motion to extend discovery through the end of June. As such, we will inquire as to the professors' availability through the end of June.

We also presume that the depositions of Christopher and Schlotzhauer will still be going forward on 5/5 and 5/6, even if plaintiffs' motion to exceed the number of depositions permitted by the Federal Rules is still pending. Please let us know if you would prefer to schedule professors' depositions for those dates instead, if they are available.

Thanks,
Kristen

From: John H. Rains IV [mailto:rains@bmelaw.com]
Sent: Monday, April 20, 2009 6:59 PM
To: Swift, Kristen
Cc: Askew, Tony; Edward B. Krugman
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Thank you. We look forward to your answer.

John H. Rains IV
Bondurant, Mixson & Elmore
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Atlanta, GA 30309
www.bmelaw.com
Direct Line: (404) 881-4128
Fax: (404) 881-4111
rains@bmelaw.com

From: Swift, Kristen [mailto:KSwift@KSLAW.com]
Sent: Monday, April 20, 2009 6:12 PM
To: John H. Rains IV
Cc: Askew, Tony; Edward B. Krugman; Swift, Kristen
Subject: RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

I hope to have an answer for you first thing tomorrow morning (Tony is currently on a plane).

Thanks,
Kristen

From: John H. Rains IV [mailto:rains@bmelaw.com]
Sent: Monday, April 20, 2009 5:35 PM
To: Swift, Kristen
Cc: Askew, Tony; Edward B. Krugman
Subject: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Kristen,

In conjunction with asking the Court for permission to take additional depositions in this case, we also plan to seek a short extension of the discovery period (approximately thirty days) to ensure that there is time to schedule and take any additional depositions the Court permits. We plan to ask the Court to limit this extension so that it may only be used by the parties to take additional depositions above the ten allowed under the Federal Rules.

We understand Defendants are opposed to Plaintiffs taking any additional depositions, but in the event the Court does permit Plaintiffs to take additional depositions, would Defendants be opposed to such an extension?

Given that the end of the academic term is nearing and university personnel are more difficult to locate during school holidays, we believe such an extension is prudent. We also want to make sure there is time left after the Court considers the parties' briefs and issues an order.

What we propose is adding language to our motion representing to the Court that Defendants are opposed to Plaintiffs being permitted to take any additional depositions

beyond those allowed under the Rules, but that in the event the Court permits Plaintiffs to take any additional depositions, Defendants do not oppose an extension of the discovery period for the limited purpose of scheduling and taking those depositions.

We plan to file our motion tomorrow morning. If Defendants are inclined to allow us to make this proposed representation to the Court, please let us know as soon as possible. Also, if you would like to discuss the matter over the phone or negotiate over the specific length of the extension, please let me know.

Best regards,

John

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Atlanta, GA 30309
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Fax: (404) 881-4111
rains@bmelaw.com

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