EXHIBIT B

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August 13, 2009

Members of the Jury:

You are to determine the claims based on the instructions that I have given you. Probable cause is not an issue regarding any of the claims.

You have also asked for a dictionary. I cannot provide you with a dictionary. You must decide the case based on the evidence that was presented and the law as I have given it to you. If there is a term that you believe requires clarification, please advise me what that term is. I also would like to remind you that you must base your decision on what was presented in court and not on any outside information.

Finally, since I am sending you a note, there is one other point I would like to address. Because you are currently deliberating, I need to approve your schedule (starting and finishing times) in advance. I will address that with you later in the day.

Sincerely,

Matthew F. Kennelly

Case 1:06-cv-00552 Document 428 Filed 08/13/2009 Page 4 of 7 Menden a Gardin good as MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT you wanted the work as gorwith forther when when AUG 1 3 2009 hase lerrel he charge willing Outers are on park 16 i and the Ind Marye instructions - - c

Way displant from clain #8 on pas 16. Case 1:06-cv-00552 Document 428 legitimate non-gunative governmenta Fose 16 - Question 1-7 "112 munner that MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT Newbers of the fring -The alam (Fa) in pigg 12 seems We need further therefrom on charge # 3 - page 10 and page 16. sapsually ME 10. pass of the worm chas reque clarification. purpos" - plan explen. was nut returnelly related to u AUG 1 3 2009 prafellernelly Eyplain Gusher.

We need further clarification on Charge #2 - page 12 and page 16- (experiently page 16) Eyplain Gusther. Newbers of the Juny -Please advise which part in parts of these in smuch on require Clarification. prefelennelly Faselle-Question 1 -> "In a manner that was not rationally related to a ligitimate non-punative governmental purpose" -> pleuse explain. The Claim (#3) in page 12 seems Very different from Claim #2 on page 16. (question 1)

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August 12, 2009

Members of the Jury:

- 1. The description of the claims on page 12 is a summary. The other instructions identify what has to be proven on each claim.
- 2. With regard to your question about item 1 on page 16, I cannot provide you with further information beyond what is already in the jury instructions.

Sincerely,

Judge Matthew F. Kennelly