IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| JOHN R. LOTT, JR., |) | |
|--------------------------------|---|----------------------|
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 06 CV 2007 |
| |) | |
| STEVEN D. LEVITT and |) | Judge Ruben Castillo |
| HARPERCOLLINS PUBLISHERS, INC. |) | |
| |) | |
| Defendants. |) | |

NOTICE OF FILING

TO:

Slade R. Metcalf Gail C. Gove HOGAN & HARTSON LLP 875 Third Avenue New York, NY 10022 David P. Sanders JENNER & BLOCK 330 North Wabash Avenue Chicago, IL 60611

PLEASE TAKE NOTICE that on September 12, 2007, we filed with the Clerk of the United States District Court for the Northern District of Illinois the attached PAGE 10 TO TRANSCRIPT OF PROCEEDINGS HELD ON 6/14/2007 BEFORE JUDGE RUBEN CASTILLO for inclusion in the Record on Appeal, which was inadvertently omitted from Plaintiff-Appellant's Corrected Designation of Documents for Inclusion in the Record on Appeal, a copy of which is attached hereto.

By: s/ Mark L. Johnson
One of the Attorneys for Plaintiff John R. Lott, Jr.

Paul E. Freehling 0870897 Mark L. Johnson 6204488 Seyfarth Shaw LLP 131 South Dearborn Street Suite 2400 Chicago, IL 60603

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CERTIFICATE OF SERVICE

Mark L. Johnson, an attorney, certifies that he caused true and correct copies of the

foregoing NOTICE OF FILING OF PAGE 10 TO TRANSCRIPT OF PROCEEDINGS

HELD ON 6/14/2007 BEFORE JUDGE RUBEN CASTILLO to be served upon:

Slade R. Metcalf Gail C. Gove HOGAN & HARTSON LLP 875 Third Avenue New York, NY 10022

David P. Sanders JENNER & BLOCK 330 North Wabash Avenue Chicago, IL 60611

by first-class mail this 12th day of September, 2007.

| s/ | Mark L. Johnson |
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| 1 | IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION | | | |
|----|--|--|--|--|
| 3 | JOHN R. LOTT, JR., | | | |
| 5 | Plaintiff,) -vs- Case No. 06 C 2007 | | | |
| 6 | STEVEN D. LEVITT, Chicago, Illinois | | | |
| 7 |) June 14, 2007 Defendant.) 9:49 a.m. | | | |
| 8 | TRANSCRIPT, OF PROOFERINGS | | | |
| 9 | TRANSCRIPT OF PROCEEDINGS BEFORE THE HONORABLE RUBEN CASTILLO | | | |
| 10 | APPEARANCES: | | | |
| 11 | For the Plaintiff: MR. STEPHEN H. MARCUS Law Office of Stephen H. Marcus | | | |
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| 18 | | | | |
| 19 | | | | |
| 20 | | | | |
| 21 | Court Reporter: | | | |
| 22 | KATHLEEN M. FENNELL, CSR, RMR, FCRR | | | |
| 23 | Official Court Reporter United States District Court | | | |
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| 31 | | | | |

identities that all the individuals involved in this peer review, if that was the truth, were involved in whatever conference you're referring to.

But that's all I'm going to say.

Why don't you come back and see me, so I can get a further report on discovery, but I'm glad you're proceeding in the fashion you are.

I'm going to give you, first of all, two weeks to agree on a standard protective order. And, remember, that a standard protective order approved by this Court would have a clause that says the Court retains the final discretion to redesignate any confidential matter as a public document, but if you cannot agree within that two-week period, then by the third week, submit each other's version so I can compare apple to apple.

And why don't you come back and see me on July 17th at 9:45. Thank you.

MR. METCALF: Thank you, your Honor.

MR. MARCUS: Thank you.

MR. FREEHLING: At 9:45, Judge?

THE COURT: 9:45. Thank you.

MR. MARCUS: Thank you, your Honor.

(Which were all the proceedings heard.)