

# **EXHIBIT D**

**Jackson, Veronica**

**From:** Wein, Andrew  
**Sent:** Thursday, September 03, 2009 12:07 PM  
**To:** Bryan C. Shartle (bshartle@sessions-law.com)  
**Cc:** Wilson, Donna; Glenn M. Farnet (Glenn.Farnet@keanmiller.com); Jackson, Veronica; Gina.Banks@keanmiller.com; Thomas Buck (tbuck@bluewilliams.com); David Israel (disrael@sessions-law.com)  
**Subject:** RE: Pinero v. Jackson Hewitt--Please Produce Defendants' Initial Disclosures

Bryan -

Since there is way of knowing how long it may take Magistrate Knowles to rule on your latest Motion to Amend, and given that you appear likely to appeal that ruling if you were to lose, we are not willing to postpone the deposition until that motion is resolved. However, we willing to postpone the the following day, September 10, 2009, so as to avoid any scheduling conflicts.

Finally, we are not obligated to depose your client on topics which are not properly at issue in this case, and in connection with she was previously denied leave to amend to include in her Complaint. Accordingly, we will reserve all rights to request a further deposition of your client if and when she amends her Complaint.

Please let me know whether you will be making your client available for a deposition on September 10, 2009.

Andrew

-----Original Message-----

**From:** Shartle, Bryan [mailto:bshartle@sessions-law.biz]  
**Sent:** Wednesday, September 02, 2009 10:45 AM  
**To:** Wein, Andrew  
**Cc:** Homes, Justin; Wilson, Donna; Aucoin, Harold; glenn.farnet@keanmiller.com; Israel, Dave; Jackson, Veronica; Gina.Banks@keanmiller.com; tbuck@bluewilliams.com  
**Subject:** RE: Pinero v. Jackson Hewitt--Please Produce Defendants' Initial Disclosures  
**Importance:** High

Andrew:

Thanks for the initial disclosures.

As for the deposition, do you really want to move forward with the deposition before the motion for leave is resolved? If we produce her on September 9, 2009, we will not produce her again later. Also, as you know, we will be in Court at the same time you set plaintiff's deposition. I suggest you reissue the notice for another mutually convenient date. Please advise whether you are unwilling to move the deposition.



**Bryan C. Shartle, Attorney | SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.**  
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**From:** Wein, Andrew [mailto:AWein@KelleyDrye.com]  
**Sent:** Wednesday, September 02, 2009 9:14 AM  
**To:** Shartle, Bryan  
**Cc:** Homes, Justin; Wilson, Donna; Aucoin, Harold; glenn.farnet@keanmiller.com; Israel, Dave; Jackson, Veronica; Gina.Banks@keanmiller.com; tbuck@bluewilliams.com  
**Subject:** RE: Pinero v. Jackson Hewitt--Please Produce Defendants' Initial Disclosures

Bryan -

Our initial disclosures are attached.

Also, in preparation for next week, can I confirm the deposition of your client for September 9?

Andrew

-----Original Message-----

**From:** Shartle, Bryan [mailto:bshartle@sessions-law.biz]  
**Sent:** Tuesday, September 01, 2009 10:47 AM  
**To:** Wilson, Donna; Wein, Andrew; Jackson, Veronica; glenn.farnet@keanmiller.com; Gina.Banks@keanmiller.com; shannon.fassbender@keanmiller.com; tbuck@bluewilliams.com  
**Cc:** Homes, Justin; Aucoin, Harold; Israel, Dave; Shartle, Bryan  
**Subject:** Pinero v. Jackson Hewitt--Please Produce Defendants' Initial Disclosures  
**Importance:** High

Counsel:

We agreed to exchange initial disclosures by August 31, 2009. Please produce your disclosures. Thanks.



**Bryan C. Shartle, Attorney | SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.**  
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