

# EXHIBIT

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Thomas Fleming/NY/US/KSFHH

04/02/2007 05:10 PM

To "Fishman, Deborah" <dfishman@daycasebeer.com>  
cc  
Subject Re: Jeff Browne [Link](#)

Deb: We will continue the subpoena until we resolve how to proceed. We understand that he will not appear and I will inform my people accordingly. Since your firm will represent him, we will communicate through you.

Thank You,

Tom Fleming  
tfleming@kayescholer.com  
212-836-7515

"Fishman, Deborah"  
<dfishman@daycasebeer.com>

04/02/2007 05:04 PM

To <TFleming@kayescholer.com>  
cc "Platt, Rachelle L." <rplatt@daycasebeer.com>; "Gaede, William"  
<wgaede@mwe.com>  
Subje Jeff Browne  
ct

Dear Tom,

We have been contacted by Jeff Browne who tells us that he received a subpoena on Friday night from Roche for deposition today. I have not seen the subpoena, have not received a courtesy copy of it, and don't know what time Roche has put down for the deposition. Needless to say, he will not be appearing for deposition today.

It is my understanding that we will be representing him and we should discuss how to proceed.

Thanks,  
Deborah

Deborah Fishman  
Day Casebeer Madrid Batchelder, LLP  
[fishmand@daycasebeer.com](mailto:fishmand@daycasebeer.com)

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