

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAYME GORDON,

Plaintiff,

v.

DREAMWORKS ANIMATION SKG, INC.,
DREAMWORKS ANIMATION LLC, and
PARAMOUNT PICTURES, CORP.,

Defendants.

C.A. No. 1:11-cv-10255-JLT

REVISED DECLARATION

I, Kristen McCallion, declare as follows:

1. I am an attorney at Fish & Richardson P.C., counsel of record for Plaintiff, Jayme Gordon, in this action. I am a member of the Bar of the State of New. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. Attached as Exhibit A is a true and correct copy of an excerpt of the docket from Broadcom v. Emulex, Case No. CV 09-1058-JVS, in the Central District of California, before the Honorable James Selna.
3. Attached as Exhibit B is a true and correct copy of a letter from Fish & Richardson to Foley Hoag, LLP dated August 30, 2011.
4. Attached as Exhibit C is a true and correct copy of a letter from Fish & Richardson to Loeb & Loeb, LLP dated October 6, 2011.

5. Attached as Exhibit D is a true and correct copy of a letter from Fish & Richardson to Loeb & Loeb, LLP dated September 1, 2011.
6. The electronic files produced by Mr. Gordon are located at Bates JG 001691 – 001693. JG001691 contains 1,314 files, JG001692 contains 1,940 files, and JG001693 contain 1,893 files. Together, they total 5,147 files.
7. Attached as Exhibit E are true and correct copies of two news articles dated September 15, 1993 and December 1, 1995.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at New York, New York, this 3rd day of November, 2011.

s/ Kristen McCallion

EXHIBIT A

(ANx), AO120, DISCOVERY

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:09-cv-01058-JVS -AN**

Broadcom Corporation v. Emulex Corporation
Assigned to: Judge James V. Selna
Referred to: Magistrate Judge Arthur Nakazato
Related Case: [2:10-cv-03963-JVS-AN](#)
Cause: 28:1331(a) Fed. Question: Real Property

Date Filed: 09/14/2009
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Broadcom Corporation

represented by **Andrew Benjamin Grossman**
Wilmer Cutler Pickering Hale & Dorr
LLP
350 South Grand Avenue Suite 2100
Los Angeles, CA 90071
213-443-5300
Fax: 213-443-5400
Email:
andrew.grossman@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dominic E Massa
Wilmer Cutler Pickering Hale & Dorr
LLP
60 State Street
Boston, MA 02109
617-526-6000
Fax: 617-526-5000
Email:
dominic.massa@wilmerhale.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gregory Teran
Wilmer Cutler Pickering Hale & Dorr
LLP
60 State Street
Boston, MA 02109
617-526-6574
Fax: 617-526-5000
Email: gregory.teran@wilmerhale.com
LEAD ATTORNEY

202-783-5070
Fax: 202-783-2331
Email: colaianni@fr.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Juanita Rose Brooks
Fish & Richardson PC
12390 El Camino Real
San Diego, CA 92130
858-678-5070
Fax: 858-678-5099
Email: brooks@fr.com
ATTORNEY TO BE NOTICED

Matthew P Harper
Thompson & Knight LLP
1722 Routh Street Suite 1500
Dallas, TX 75201
214-969-1276
Fax: 214-969-1751
Email: matt.harper@tklaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael E Schonberg
Thompson & Knight LLP
1722 Routh Street Suite 1500
Dallas, TX 75201
214-969-1304
Fax: 214-880-3262
Email: mike.schonberg@tklaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael B Smith
Gibson Dunn and Crutcher
1881 Page Mill Road
Palo Alto, CA 94304
650-849-5300
Email: msmith@gibsondunn.com
TERMINATED: 07/01/2011

Richard Michael Koehl
Gibson Dunn & Crutcher LLP
200 Park Avenue Floor 47
New York, NY 10166
212-351-2636
Fax: 212-351-5326
Email: rkoehl@gibsondunn.com

		of \$275 receipt number 0973-8104284 paid.) filed by Defendant Emulex Corporation. (Attachments: # 1 Proposed Order)(Segal, David) (Entered: 01/24/2011)
01/25/2011	268	ORDER by Judge James V. Selna: granting 267 Application to Appear Pro Hac Vice by Attorney Carl E. Bruce on behalf of Emulex Corporation, designating David A. Segal as local counsel. (lt) (Entered: 01/26/2011)
01/31/2011	269	First NOTICE of Appearance filed by attorney Juanita Rose Brooks on behalf of Defendant Emulex Corporation (Brooks, Juanita) (Entered: 01/31/2011)
02/04/2011	270	NOTICE of Manual Filing filed by Plaintiff Broadcom Corporation of Motion to Amend Infringement Contentions and Related Documents. (Liss, Jason) (Entered: 02/04/2011)
02/04/2011	271	Proof of Service filed by Plaintiff Broadcom Corporation (Liss, Jason) (Entered: 02/04/2011)
02/04/2011	272	NOTICE OF MOTION AND MOTION to Amend <i>Infringement Contentions</i> filed by Plaintiff Broadcom Corporation. Motion set for hearing on 3/7/2011 at 01:30 PM before Judge James V. Selna. (Attachments: # 1 Proposed Order) (Liss, Jason) (Entered: 02/04/2011)
02/04/2011	273	NOTICE OF MOTION AND MOTION for Leave to Supplement Invalidity Contentions filed by Defendant Emulex Corporation. Motion set for hearing on 3/7/2011 at 01:30 PM before Judge James V. Selna. (Attachments: # 1 Proposed Order)(Barkan, David) (Entered: 02/04/2011)
02/04/2011	274	DISCLOSURE of Invalidity Contentions (Public Redacted Version) filed by Defendant Emulex Corporation (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit C11-Part 1 (REDACTED), # 5 Exhibit C11-Part 2 (REDACTED), # 6 Exhibit C11-Part 3 (REDACTED), # 7 Exhibit C11-Part 4 (REDACTED), # 8 Exhibit C12-Part 1 (REDACTED), # 9 Exhibit C12-Part 2 (REDACTED), # 10 Exhibit C12-Part 3 (REDACTED), # 11 Exhibit D, # 12 Exhibit D21, # 13 Exhibit E (REDACTED), # 14 Exhibit F, # 15 Exhibit G, # 16 Exhibit G21)(Barkan, David) (Entered: 02/04/2011)
02/04/2011	275	PROOF OF SERVICE OF SERVICE filed by Defendant Emulex Corporation, of <i>Confidential Invalidity Contentions & Exhibits</i> served on 4/4/2011. (Barkan, David) (Entered: 02/04/2011)
02/07/2011	276	NOTICE of Manual Filing filed by Defendant Emulex Corporation of Emulex's Confidential Disclosure of Invalidity Contentions and Confidential Exhibits C11, C12, and E to the Same. (Barkan, David) (Entered: 02/07/2011)
02/08/2011	277	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Miscellaneous Document 271 . The following error(s) was found: Incorrect event selected. The correct event is: Proof of Service (Subsequent Documents). In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (wr) (Entered: 02/08/2011)

09/20/2011	800	PROPOSED JURY VERDICT filed by plaintiff Broadcom Corporation, Emulex Corporation. (Jay, Michael) (Entered: 09/20/2011)
09/20/2011	811	MINUTES OF Jury Trial - 1st day Day held before Judge James V. Selna: Jury impaneled and sworn. The Court and counsel confer. Counsel for plaintiff informs the Court that they are dropping claim 64 in this matter and will file documents for the record. Jury Trial set for 9/21/2011 08:00 AM before Judge James V. Selna.Court Reporter: Sharon Seffens. (twdb) (Entered: 09/26/2011)
09/21/2011	801	TRANSCRIPT for proceedings held on 9/20/2011. Court Reporter/Electronic Court Recorder: Sharon Seffens, phone number 714-543-0870. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 10/12/2011. Redacted Transcript Deadline set for 10/22/2011. Release of Transcript Restriction set for 12/20/2011. (dg) (Entered: 09/21/2011)
09/21/2011	802	NOTICE OF FILING TRANSCRIPT filed for proceedings 9/20/2011 (dg) (Entered: 09/21/2011)
09/21/2011	803	NOTICE OF LODGING filed (<i>Samueli deposition transcript lodged</i>) re Pretrial Conference Order - Final 788 (Barkan, David) (Entered: 09/21/2011)
09/21/2011	812	ORDER by Judge James V. Selna: granting 787 Application to Appear Pro Hac Vice by Attorney Jaime Bulnes on behalf of Defendant Emulex Corporation, designating Stanley M. Gibson as local counsel. (lt) (Entered: 09/26/2011)
09/21/2011	813	MINUTES OF Jury Trial - 2nd day Day held before Judge James V. Selna: Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. The Court gives the jury preliminary instructions. Jury Trial set for 9/22/2011 08:00 AM before Judge James V. Selna.Court Reporter: Denise Paddock. (twdb) (Entered: 09/26/2011)
09/22/2011	804	TRANSCRIPT for proceedings held on 9/21/2011. Court Reporter/Electronic Court Recorder: Denise Paddock, at transcripts@ocrecord.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 10/13/2011. Redacted Transcript Deadline set for 10/23/2011. Release of Transcript Restriction set for 12/21/2011. (dg) (Entered: 09/22/2011)
09/22/2011	805	NOTICE OF FILING TRANSCRIPT filed for proceedings 9/21/2011 (dg) (Entered: 09/22/2011)
09/22/2011	807	TRANSCRIPT for proceedings held on 9/22/2011. Court Reporter/Electronic Court Recorder: Sharon Seffens, phone number 714-543-0870. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.

		Transcript Restriction set for 1/9/2012. (dg) (Entered: 10/11/2011)
10/11/2011	874	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/6/2011 (dg) (Entered: 10/11/2011)
10/11/2011	875	TRANSCRIPT for proceedings held on 10/7/2011 Jury Notes 2, 3, 4. Court Reporter/Electronic Court Recorder: Sharon Seffens, phone number 714-543-0870. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/1/2011. Redacted Transcript Deadline set for 11/11/2011. Release of Transcript Restriction set for 1/9/2012. (dg) (Entered: 10/11/2011)
10/11/2011	876	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/7/2011 Jury Notes 2, 3, 4 (dg) (Entered: 10/11/2011)
10/11/2011	884	MINUTES OF Jury Trial - 13th Day held before Judge James V. Selna. The Court Reporter reads back the testimony of witness Warden. The Court and counsel confer regarding jury. The Court gives further instructions to the jury. Jury Trial continued 10/12/2011 08:00 AM before Judge James V. Selna. Court Reporter: Sharon Seffens. (db) (Entered: 10/18/2011)
10/12/2011	880	TRANSCRIPT for proceedings held on 10/11/2011, Jury Note 6. Court Reporter/Electronic Court Recorder: Sharon Seffens, phone number 714-543-0870. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/2/2011. Redacted Transcript Deadline set for 11/12/2011. Release of Transcript Restriction set for 1/10/2012. (dg) (Entered: 10/12/2011)
10/12/2011	881	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/11/2011 (dg) (Entered: 10/12/2011)
10/12/2011	886	MINUTES OF Jury Trial - 14th Day held and completed before Judge James V. Selna: Verdict reached. Jury FINDS: in favor of plaintiff in part. Jury polled. Other: The Court and counsel confer regarding jury notes. The Court declares a mistrial as to the portions of the verdict that the jury was unable to reach a verdict on. Counsel shall contact the clerk, within the next week, to arrange a telephone conference to discuss scheduling of this matter in the future. Court Reporter: Sharon Seffens. (rla) (Entered: 10/18/2011)
10/12/2011	887	LIST OF WITNESSES at trial. (twdb) (Entered: 10/20/2011)
10/12/2011	888	JURY INSTRUCTIONS. (twdb) (Entered: 10/20/2011)
10/12/2011	889	REDACTED Jury Notes # 6 filed. (twdb) Modified on 10/21/2011 (twdb). (Entered: 10/20/2011)
10/12/2011	890	REDACTED Jury Notes # 6a filed. (twdb) Modified on 10/21/2011 (twdb). (Entered: 10/20/2011)

		Plaintiff and Counterclaim Defendant Broadcom Corporation. (nbo) (Entered: 10/28/2011)
10/25/2011	941	PROOF OF SERVICE filed by plaintiff Broadcom Corporation, re APPLICATION to Seal 939 , Order on Application to Seal (document) 940 served on 10/24/11. (twdb) (Entered: 10/28/2011)
10/25/2011	942	SEALED DOCUMENT JOINT STATUS REPORT in advance of telephone scheduling conference (twdb) (Entered: 10/28/2011)
10/26/2011	936	JOINT STATUS REPORT (Public Redacted Version) filed by Plaintiff Broadcom Corporation (Liss, Jason) (Entered: 10/26/2011)
10/27/2011	937	Final Trial Exhibit List filed by Plaintiff Broadcom Corporation.. (Liss, Jason) (Entered: 10/27/2011)

PACER Service Center			
Transaction Receipt			
11/02/2011 12:41:47			
PACER Login:	fr0364	Client Code:	30005/0001LL1/Gamecase
Description:	Docket Report	Search Criteria:	8:09-cv-01058-JVS -AN End date: 11/2/2011
Billable Pages:	30	Cost:	2.40

EXHIBIT B

FISH & RICHARDSON P.C.

601 Lexington Avenue,
52nd Floor
New York, New York
10022

Telephone
212 765-5070

Facsimile
212 258-2291

Web Site
www.fr.com

VIA ELECTRONIC MAIL

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

August 30, 2011

John A. Shope, Esq.
Foley Hoag LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02110-2600

Re: Jayme Gordon v. DreamWorks Animation SKG, Inc., et al.,
USDC, D. Mass. C.A. No. 1:11-cv-10255-JLT

Dear John,

This letter responds to your letter dated August 18, 2011.

First, Mr. Gordon maintains three active e-mail accounts, namely info@jaymegordon.com, lucky lizard@aol.com, and payontime@hotmail.com. We have reviewed these accounts and confirm that there are no e-mails in these accounts that are relevant to this litigation with the exception of privileged communications between Mr. Gordon and his counsel. We expect that the parties will agree on a time to exchange privilege logs during the course of this litigation.

Second, you asked specifically about any documents regarding Mr. Gordon's knowledge of the "Kung Fu Panda" film before its release and whether any electronic records evidencing such knowledge might exist. After further investigation, we can confirm that all documents relating to Mr. Gordon's knowledge of the "Kung Fu Panda" film have been produced and that Mr. Gordon does not have any additional documentation relevant to this inquiry, electronic or otherwise. It is our present understanding that Mr. Gordon viewed a trailer for the "Kung Fu Panda" film before filing his 2008 copyright registration. Mr. Gordon used a computer in 2008 to prepare his 2008 copyright filing. That computer later stopped functioning and was discarded. To the best of his recollection, Mr. Gordon did not save these files.

Very truly yours,

s/Kristen McCallion

cc:

Julia Huston, Esq. (by email)
David A. Kluft, Esq. (by email)
Jonathan Zavin, Esq. (by email)
David Grossman, Esq. (by email)
Mark A. Fischer, Esq. (by email)



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TWIN CITIES

WASHINGTON, DC

EXHIBIT C

FISH & RICHARDSON P.C.

601 Lexington Avenue,
52nd Floor
New York, New York
10022

Telephone
212 765-5070

Facsimile
212 258-2291

Web Site
www.fr.com

VIA ELECTRONIC MAIL

October 6, 2011

David Grossman, Esq.
Loeb & Loeb LLP
10100 Santa Monica Blvd.
Suite 2200
Los Angeles, CA 90067

Re: Jayme Gordon v. DreamWorks Animation SKG, Inc., et al.,
USDC, D. Mass. C.A. No. 1:11-cv-10255-JLT

Dear David:

This letter responds to your letter dated September 29, 2011.

As we previously advised you in our letter dated September 1, 2011, responsive documents in the possession of Mr. Partello were produced in accordance with the Court's automatic disclosure requirement. For example, copies of relevant drawings were produced, Mr. Partello's signed statement was produced, the assignment agreement was produced, and an agreement that was superseded by the aforementioned assignment agreement was later produced. Further, Mr. Kluff inspected the original drawings of the deposit copies submitted in connection with Mr. Gordon's copyright registration that identifies Mr. Partello. Based on our present knowledge, it is our understanding that there are no relevant documents in the possession of either Mr. Partello or Ms. Gordon that have not already been produced. However, we will again ask Mr. Partello and Ms. Gordon to confirm that they have searched all relevant files, including electronic files, and that all relevant documents within their possession have been produced. To the extent any such documents exist, we will produce them.

Regarding JG 1651-1658, the personal telephone numbers of the signatories were redacted. These are irrelevant and constitute personal information of individuals not parties to this case. Unredacted copies of these statements will not be produced.

As we advised you during our September 9 telephonic meet and confer, based on our present knowledge, it is our understanding that Mr. Gordon has produced all electronic images and files in his possession that are relevant to this case. Defendants' understanding that Mr. Gordon has produced only the discs that were deposited with the Copyright Office is incorrect. We refer you to JG 1692-1693, which identify thousands of native files of Mr. Gordon's prior website material.

Defendants' current request for "any electronic images or files relating to any of the characters that were included on Mr. Gordon's website" is overbroad because it seeks images and files relating to Mr. Gordon's works that are not at issue in this case. Please explain the basis for this request, and the relevancy of such images and files.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951



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David Grossman, Esq.

October 6, 2011

Page 2

Lastly, while Mr. Madera noted that Mr. Gordon has computers, Mr. Madera also noted that these computers were recently purchased by Mr. Gordon and do not contain any files relevant to this litigation. For this reason, we do not understand the basis for Defendants' reiteration of their request for a forensic examination of Mr. Gordon's computers, and we do not intend to produce them for forensic examination.

Very truly yours,

s/ Kristen McCallion

cc: Julia Huston, Esq. (by email)
David A. Kluft, Esq. (by email)
Jonathan Zavin, Esq. (by email)
John Shope, Esq. (by email)
Mark A. Fischer, Esq. (by email)

EXHIBIT D

FISH & RICHARDSON P.C.

601 Lexington Avenue,
52nd Floor
New York, New York
10022

Telephone
212 765-5070

Facsimile
212 258-2291

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA ELECTRONIC MAIL

September 1, 2011

David Grossman, Esq.
Loeb & Loeb LLP
10100 Santa Monica Blvd.
Suite 2200
Los Angeles, CA 90067

Re: Jayme Gordon v. DreamWorks Animation SKG, Inc., et al.,
USDC, D. Mass. C.A. No. 1:11-cv-10255-JLT



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BOSTON

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WASHINGTON, DC

Dear David:

This letter responds to your letters of August 30 and August 31.

First, despite your repeated statements, Mr. Gordon has never “refused” to produce relevant information. If you believe that to be the case, please identify the specific circumstances surrounding this “refusal.”

We refer you to our letter dated August 30, 2011, addressed to John Shope, which addresses your inquiries regarding Mr. Gordon’s computer and email usage. As we explained to your colleagues, the only relevant electronic files in Mr. Gordon’s possession are copies of files that were previously on Mr. Gordon’s websites, many of which were deposited with the U.S. Copyright Office on a zip disc in connection with Mr. Gordon’s 2000 copyright registration. All of these files have been produced in their native form.

Your assumption that Mr. Gordon has not produced documents from his “files” is wrong. Mr. Gordon is an individual; he is not a corporation with an administrative or document filing staff. Your letter requests production of Jayme Gordon’s own files relating to his Panda Power characters, the “Mighty 3,” the “Eden 5,” “Zito The Super Samurai Mosquito,” the “Five Fists of Fury,” “Super Duck Super Duck” and any characters or stories that existed in 1999. Mr. Gordon has already produced these files, and while we continue to search for relevant documents in response to your inquiries, we believe that Mr. Gordon’s production is substantially complete.

Your letter further requests production of original drawings, stories, sketches and files. While Mr. Gordon’s prior production of electronic copies of these documents is sufficient and in accordance with the Court’s automatic disclosure requirement, Mr. Gordon will offer, for purposes of inspection, the original documents that are currently in his possession. These original documents may be inspected at the offices of Fish & Richardson in Boston. Original documents no longer in Mr. Gordon’s

David Grossman, Esq.
September 1, 2011
Page 2

possession, copies of which have been produced to Defendants, are on file with the United States Copyright Office. Lastly, and as noted above, Mr. Gordon has already produced thousands of files, in native format, of content that was placed online.

With respect to your request for documents relating to Mr. Partello's work, those have also been produced by Mr. Gordon in accordance with the Court's automatic disclosure requirement. For example, copies of relevant drawings were produced, and an assignment agreement was produced. Mr. Gordon will produce an agreement that was superseded by the aforementioned assignment agreement. Additionally, the original drawings of the deposit copies submitted in connection with Mr. Gordon's copyright registration that identifies Mr. Partello may be inspected by Defendants at the offices of Fish & Richardson in Boston.

Turning to your clients' productions, we will review the Dreamworks' financial summaries and let you know if we believe they are sufficient. The Court has ordered the immediate production of all relevant documents. If Dreamworks intends to rely on documents to prove up any expenses, those documents must be produced now. Mr. Gordon will object to the use of any later-produced documents.

We will also review the Paramount production, which we assume will also include financial information, and identify any deficiencies as necessary.

We disagree with your statement that assertions of infringement and piracy of Kung Fu Panda by Dreamworks are not relevant. Undoubtedly, and at the very least, the legal departments of Defendants maintain files from which this information could easily be collected. Please confirm that this information will be produced.

You did not respond to our inquiry regarding the collection and production of information from the individuals identified on Defendants' Rule 26.1(B) disclosures as represented by Loeb & Loeb. Please confirm that you have conducted a proper and thorough search for documents and things relevant to this litigation and that such search included a search and review of all electronic media, including, for example, the work and personal computers, portable discs and drives, and electronic mail accounts of these individuals. If this proper search has not been conducted, then please confirm that it will be conducted and provide a date when we can expect to receive a supplemental production.

Finally, with respect to the form of electronic production, we discussed the form of production during the meet and confer of counsel in June and indicated that we would send a proposed format in a follow-up email, which Mr. Kane subsequently sent. We received no objection. Indeed, Dreamworks' first production was in the format identified in Mr. Kane's e-mail. Under Fed. R. Civ. P. 34(b)(1)(C), Gordon was

FISH & RICHARDSON P.C.

David Grossman, Esq.
September 1, 2011
Page 3

entitled to specify the format of the production. Please confirm that your clients will produce all information in the specified format.

Very truly yours,

s/ Kristen McCallion

cc: Julia Huston, Esq. (by email)
David A. Kluft, Esq. (by email)
Jonathan Zavin, Esq. (by email)
John Shope, Esq. (by email)
Mark A. Fischer, Esq. (by email)

EXHIBIT E

[Back to document](#)



Murder victim's brother attacks suspect in court: [City Edition]

Wong, Doris Sue. *Boston Globe (pre-1997 Fulltext)* [Boston, Mass] 15 Sep 1993: 25.

Abstract (summary)

Clerk-magistrate Gary Wilson ordered the courtroom cleared of dozens of stunned spectators, lawyers and court employees as court officers tried to pry a kicking Gordon off of [Robert P. Murphy].

Trying to explain the attack, Gordon said...

Full Text

A Quincy man waiting to be arraigned for allegedly murdering the mother of his two children was attacked by the victim's distraught brother in a busy Suffolk County courtroom yesterday.

Jayne Gordon, 29, of Randolph, bolted from the back of a Superior Court courtroom past court officers, leaped into the air and pounced on Robert P. Murphy, who was seated on a bench reserved for jailed defendants.

Clerk-magistrate Gary Wilson ordered the courtroom cleared of dozens of stunned spectators, lawyers and court employees as court officers tried to pry a kicking Gordon off of Murphy.

Before the two were separated, Gordon yanked out a tuft of hair from Murphy's head and tried to choke him.

Taken out of the courtroom in handcuffs, Gordon was later arraigned in Boston Municipal Court on charges of assault and battery with a dangerous weapon, shod feet. He was released on personal recognizance.

Trying to explain the attack, Gordon said in an interview that when he glimpsed at a photograph of his 33-year-old sister, Patricia Aquino Gordon, which his mother had brought to Murphy's arraignment, he flashed back to Aug. 1 when her body was discovered in her Dorchester apartment.

Gordon said that on that day he and other family members were allowed to kiss, hug and say goodbye to his sister in a hallway of the apartment before her lifeless body, a knife still embedded in her chest, was carried out.

"It still hurt," said Gordon, who composed poems to his sister's memory that the family distributed in the courtroom.

His mother, Jacqueline Gordon, said she brought her daughter's photograph to the courtroom because she wanted people to know "she was more than a docket number or a name."

The mother, who let out a piercing scream after the courtroom attack, attributed her own reaction and her son's outburst to pent-up grief. "He's a very passive person, a very nonviolent person."

"This is the first time we've seen" Murphy since the murder, said another of her daughters, Denise Gordon.

Murphy, whose arraignment was delayed for an hour, pleaded not guilty to the indictment charging him with first-degree murder. Later, Judge Patrick King granted a request by Murphy's lawyer to send Murphy back to Bridgewater State Hospital for 30 days' evaluation to determine if he is competent to help his lawyer mount a defense.

Wheeler said Murphy complained of shoulder and back injuries following the attack, but had yet to be examined by a doctor. Two court officers involved in the scuffle, Brian Pierce and Tony Festa, were

treated for cuts on their legs.

Copyright Boston Globe Newspaper Sep 15, 1993

Indexing (details)

Title: Murder victim's brother attacks suspect in court : [City Edition]

Authors: Wong, Doris Sue

Publication title: Boston Globe (pre-1997 Fulltext)

Pages: 25

Number of pages: 0

Publication year: 1993

Publication Date: Sep 15, 1993

Year: 1993

Section: METRO/REGION

Publisher: Boston Globe Newspaper

Place of Publication: Boston, Mass.

Country of publication: United States

Journal Subjects: General Interest Periodicals--United States

ISSN: 07431791

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Document type: NEWSPAPER

ProQuest Document ID: 294802645

Document URL: <http://search.proquest.com/docview/294802645?accountid=35490>

Copyright: Copyright Boston Globe Newspaper Sep 15, 1993

Last updated: 2011-09-27

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Man convicted in slaying of wife sues for right to see his children: [City Edition]

Ellement, John. *Boston Globe (pre-1997 Fulltext)* [Boston, Mass] 01 Dec 1995: 79.

Abstract (summary)

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Wearing handcuffs and leg shackles, Robert P. Murphy yesterday asked a judge to change custody arrangements so he can see his two children, whose mother he stabbed to death two years ago while one of the children watched.

Murphy, who is serving a life term without parole for first-degree murder, asked Probate and Family Court Judge Anthony R. Nesi to revoke the permanent guardianship of Jacqueline Gordon, the mother of Patricia Aquino Murphy of Dorchester, who was killed on Aug. 1, 1993 in her Adams Street apartment.

Murphy wants Nesi to place the children in his sister's custody and to ensure that they are allowed by whoever is their guardian to visit him where he is incarcerated. Nesi took the matter under advisement.

Steven L. Kornstein, the attorney for Jacqueline Gordon, yesterday called Murphy's effort "bizarre," saying that Murphy had done the "most damaging thing" to the children by killing their mother.

"And now he wants to visit with them? Ludicrous," Kornstein said.

Since her daughter's killing, Jacqueline Gordon has taken care of Murphy's children -- ages 4 and 6 -- as well as her dead daughter's two other children, who are teen-agers. She was given permanent guardianship by the Probate and Family Court after the murder.

She said David Murphy, the child who witnessed the slaying when he was a toddler, has improved somewhat since the killing.

She said he no longer sleeps under his bed or hides behind her when relatives come to visit. He no longer wakes up every morning around 2 a.m. -- the time his mother was killed. He no longer talks of seeing his dad in his bedroom at night, but is still frightened by imaginary "fat rats."

"I guess you can call that progress," she said with a sigh, adding that both children are in therapy and have been diagnosed as having post-traumatic stress disorder. She said the two younger children also bear physical scars from abuse at Murphy's hands.

Jacqueline Gordon said David recounts images from the murder, including seeing Murphy drag his mother around the bedroom and kick her as she lay on the floor.

"He gets quite graphic," she said. "It's really sad to hear it."

Gordon said Murphy's effort is an extension of the controlling behavior of an abusive partner that Murphy used on her daughter while she was alive. A restraining order was in effect against Murphy when he killed his wife, and testimony at Murphy's trial showed that she and Murphy had socialized together the evening before she was killed.

"He's gets us all to jump to his tune," she said. "Basically, that's what he's doing."

William McSweeney, the court-appointed guardian for the two children, yesterday called the case "a tragic and sad situation." McSweeney's recommendations will have a significant impact on the outcome of the case.

Citing his "civil rights" and those of his children, Murphy asked Nesi to close the pretrial conference to the public, which Nesi did. Prior to closure, Murphy blasted the Gordon family, asserting that they are "slandering the {expletive} out of me" in the media.

After Aquino Murphy's body was found by her oldest daughter, Janel Aquino, with a knife protruding from her chest in her bedroom, Murphy hid for five days before surrendering to Boston police. He hasn't seen his children since the murder.

His sister, Jean Cardinal, who would become the new guardian under Murphy's plan, said that her brother "wants to be able to see his children."

"He hasn't been able to see them since the whole incident happened," she said.

The two families, who knew each other in Dorchester for years before the killing, have been hostile toward each other since. That hostility flared anew yesterday outside the courtroom when Jayme Gordon, Patricia's brother, angrily shouted as Murphy's mother, Eileen, was allowed into the closed-door session because she initially filed the legal papers.

Janel Aquino, 15, who testified against Murphy last December at the murder trial, watched him in court again yesterday.

"I thought it was over. I thought I wouldn't have to look at his face any more," she said. "Obviously not."

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