

EXHIBIT C

Aileen Kelley

From: Kristen McCallion

Sent: Wednesday, September 07, 2011 6:56 PM

To: 'David Grossman'; 'Jonathan Zavin'

Cc: mafischer@duanemorris.com; Gregory Madera; Michael Kane; Joel Leviton; Juanita Brooks

Subject: RE: Gordon v DreamWorks et al.

Dear David,

We propose a telephone conference on Friday, 9/9 at 2:30pm (EDT) to discuss the issues raised in your letter dated September 2, 2011. Please confirm your availability. Specifically, we ask that you please be prepared to discuss the following topics:

- Identity of the custodians from whom documents were collected. Due to defendants' failure to adequately address our inquiries regarding the collection and production of information from the individuals identified on defendants' Rule 26.1(B) disclosures as represented by Loeb & Loeb, please identify the custodians from whom documents have been collected as a result of this litigation.
- Financial documents. All relevant documents need to be produced now; this includes all documents concerning the costs and expenses on which defendants intend to rely. As noted, Mr. Gordon will object to the use of any later-produced documents as untimely, prejudicial, and in violation of the Court's Modified Discovery Order.
- Third party communications concerning infringement. These are relevant and must be produced. They are relevant to the extent they disclose defendants' positions on the originality, creativity, and copyrightability of the Kung Fu Panda film, components therein, and works derivative thereof. Obviously, DreamWorks' position on ownership and copyrightability is relevant.
- Electronic Production. The two most recent productions include only files that have been converted into PDF format. As you know, reviewing pdfs is burdensome, slow, and difficult, particularly when they were once excel files, which no longer appear in their original format as a result of the conversion into PDF. As DreamWorks' first production was produced as original native files with a TIFF image, you know that the conversion of files into PDF requires an extra step by your vendor. We discussed the form of production during the meet and confer of counsel in June. Mr. Kane subsequently sent an email with the proposed format. Under Fed. R. Civ. P. 34(b), Mr. Gordon was entitled to specify the format of the production. Defendants had an opportunity to object to that format but did not. Note only did defendants not object to the format, they in fact produced documents that were compliant with this format. Pursuant to Rule 34(b), defendants are required to produce documents as they are kept in the usual course of business. The emails, images, word documents, and excel files produced as PDF files are not kept as PDFs in DreamWorks' usual course of business. Therefore, DreamWorks' prior two productions do not comply with the requirements set forth in Rule 34.
- The letter sent by DreamWorks to Mr. Gordon dated October 15, 1999. We were advised by your colleagues that DreamWorks had this letter in its possession; however, it does not appear to have been produced. If you believe it was produced, then provide the Bates number. If it was not produced, please confirm that it has not been destroyed and produce it.

Thanks,

Kristen