

EXHIBIT E

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Subject: Update on Witnesses
Date: February 26, 2012 5:07:39 PM EST
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Enrico,

Here is the latest information I have on lay witnesses:

1. Donnie Misino: has tentatively agreed to come to trial in Detroit. He has a new employer but no vacation time accrued so we are trying to figure out when he can come to minimize the interruption to him. That is likely to be towards the end of the first week of trial. If that is the case, I propose that Defendants be allowed to put him on during Plaintiff's case-in-chief and then you can cross examine him.
2. Mavi Llamas: is presently considering whether to come to trial in Detroit but has not committed one way or the other. I hope to get a definitive answer from her this upcoming week.
3. Dennis Rhee: I don't have any information for him one way or the other yet.
4. David Graff: will be in attendance at trial although he was only deposed as Epic's 30(b)(6) witness on the acquisition so I don't see what relevant testimony he would have. We would ask for an offer of proof as to what testimony you expect to elicit from him.
5. Lily Stevenson: I will not know whether she will be attending live until trial has already commenced.
6. Seth Jacoby: we will be filing a motion for protective order regarding the Jacoby Deposition on Monday. The bases for the motion are as follows: (i) Plaintiff failed to seek leave of Court for the deposition as required and (ii) it is burdensome and expensive to proceed with the deposition so close to trial.

I think that covers everyone. If you have any questions, please e-mail me back at this address as our system is still offline.

Will Delgado