

# EXHIBIT Z

## Jennifer Johnson

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**From:** Jennifer Johnson  
**Sent:** Thursday, March 03, 2011 5:28 PM  
**To:** 'shawn@manganolaw.com'  
**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'  
**Subject:** RE: Righthaven v. DU

Shawn,

I would like to know *when* you are providing the documents and the privilege log. Responsive documents were due to us January 18, over 6 weeks ago. You've had over 10 weeks to locate such documents, as our requests were served on December 17. The privilege log was due on February 8, per the Court's order [Dkt 54].

After our meet and confer you agreed to have us supplemental responses by February 22. You did not provide them. You agreed to have us a privilege log and non-confidential documents by February 25. You have not provided them. You agreed to have us confidential documents by February 24. You have not provided them.

Last Friday, you unilaterally announced that you would get back to us regarding all of the discovery yesterday. You did not. Finally you're now telling us that you have sent the supplemental responses by *mail* today, ensuring further delay in their delivery, but still not providing documents or privilege logs as promised and ordered by the Court. You say that you will produce the documents "when they are located."

This continued failure to abide by Righthaven's discovery obligations, and its commitments during the meet and confer process, is unacceptable. Please provide us a date certain as to when you will complete Righthaven's agreed upon document production and privilege log, and then follow through by producing them on that date. (Note, there was no clarification needed as to the content of the privilege log; that it include all documents prior to the filing of the complaint was ordered by the Court's scheduling order, and the log obviously includes responsive documents in possession of either client or counsel). Finally, please also be advised that if that production is not expeditious, we will proceed by motion rather than by email.

Regards,

Jennifer



**JENNIFER J. JOHNSON**

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✉ [jjjohnson@fenwick.com](mailto:jjjohnson@fenwick.com)

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**From:** shawn@manganolaw.com [mailto:shawn@manganolaw.com]

**Sent:** Thursday, March 03, 2011 2:30 PM

**To:** Jennifer Johnson

**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'

**Subject:** RE: Righthaven v. DU

Jennifer:

There is no agreement in place that the parties must serve by e-mail and U.S. Mail. There is an agreement that such service comports with FRCP 5 and is to be deemed service by hand delivery when made by such means. With regard to the production, I agreed to produce those materials that were responsive to the request. Such materials will be produced when they are located.

With regard to the privilege log, you recently clarified issues relating to the required contents in response to Colby Williams' inquiry. If there are materials being withheld on privilege grounds, they will be included in a privilege log and provided to you.

Regards,

S

Shawn A. Mangano, Esq.

[Shawn A. Mangano, Ltd.](#)

9960 West Cheyenne Avenue, Suite 170

Las Vegas, Nevada 89129

(702) 304-0432 - telephone

(702) 922-3851 - facsimile

*Licensed in California, Nevada and Illinois*

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

Subject: RE: Righthaven v. DU

From: Jennifer Johnson <[jjjohnson@fenwick.com](mailto:jjjohnson@fenwick.com)>

Date: Thu, March 03, 2011 2:23 pm

To: "'[shawn@manganolaw.com](mailto:shawn@manganolaw.com)'" <[shawn@manganolaw.com](mailto:shawn@manganolaw.com)>

Cc: 'Kurt Opsahl' <[kurt@eff.org](mailto:kurt@eff.org)>, Laurence Pulgram <[LPulgram@Fenwick.com](mailto:LPulgram@Fenwick.com)>, Clifford Webb <[cwebb@fenwick.com](mailto:cwebb@fenwick.com)>, 'Colby Williams' <[jcw@campbellandwilliams.com](mailto:jcw@campbellandwilliams.com)>

Shawn,

Thank you. Please also send us a copy via email, as previously agreed upon (see attached). Additionally, when can we expect to receive Righthaven's documents and privilege log which you agreed to produce last week?

Regards,  
Jennifer

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**From:** [shawn@manganolaw.com](mailto:shawn@manganolaw.com) [<mailto:shawn@manganolaw.com>]

**Sent:** Thursday, March 03, 2011 1:28 PM

**To:** Jennifer Johnson

**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'

**Subject:** RE: Righthaven v. DU

Jennifer:

Supplemental discovery responses were sent out to you today.

Regards,

S

Shawn A. Mangano, Esq.  
[Shawn A. Mangano, Ltd.](#)  
9960 West Cheyenne Avenue, Suite 170  
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----- Original Message -----

Subject: RE: Righthaven v. DU  
From: Jennifer Johnson <[jjjohnson@fenwick.com](mailto:jjjohnson@fenwick.com)>  
Date: Thu, March 03, 2011 10:05 am  
To: "'[shawn@manganolaw.com](mailto:shawn@manganolaw.com)'" <[shawn@manganolaw.com](mailto:shawn@manganolaw.com)>  
Cc: 'Kurt Opsahl' <[kurt@eff.org](mailto:kurt@eff.org)>, Laurence Pulgram  
<[LPulgram@Fenwick.com](mailto:LPulgram@Fenwick.com)>, Clifford Webb <[cwebb@fenwick.com](mailto:cwebb@fenwick.com)>, 'Colby  
Williams' <[jcw@campbellandwilliams.com](mailto:jcw@campbellandwilliams.com)>

Dear Shawn,

I did not receive any discovery from you yesterday, as you had most recently promised. Did I miss something? Please advise as to the status of your supplemental responses, document production, and privilege log.

Thanks,  
Jennifer



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**From:** [shawn@manganolaw.com](mailto:shawn@manganolaw.com) [<mailto:shawn@manganolaw.com>]

**Sent:** Friday, February 25, 2011 4:29 PM

**To:** Jennifer Johnson

**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'

**Subject:** RE: Righthaven v. DU

Jennifer:

I have been tied up with numerous matters (some Righthaven-related and some non-Righthaven-related), but I am working on the issues we discussed. I am trying to have all of the issues addressed by Wednesday. I would appreciate it if you can give me until then to have appropriate responses to you.

Regards,

S

Shawn A. Mangano, Esq.  
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----- Original Message -----

Subject: RE: Righthaven v. DU

From: Jennifer Johnson <[jjjohnson@fenwick.com](mailto:jjjohnson@fenwick.com)>

Date: Fri, February 25, 2011 3:35 pm

To: "'[shawn@manganolaw.com](mailto:shawn@manganolaw.com)'" <[shawn@manganolaw.com](mailto:shawn@manganolaw.com)>

Cc: 'Kurt Opsahl' <[kurt@eff.org](mailto:kurt@eff.org)>, Laurence Pulgram

<[LPulgram@Fenwick.com](mailto:LPulgram@Fenwick.com)>, Clifford Webb <[cwebb@fenwick.com](mailto:cwebb@fenwick.com)>, 'Colby

Williams' <[jcw@campbellandwilliams.com](mailto:jcw@campbellandwilliams.com)>

Shawn,

We have still not received supplemental discovery responses from Righthaven. We have also not received any documents from Righthaven, or a privilege log. You agreed to have us a privilege log and non-confidential documents by today. You agreed to produce confidential documents 7-10 days after entry of the protective order. 10 days was yesterday. We expect to hear back from you today as to when we will be receiving this information.

Regards,  
Jennifer

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**From:** Jennifer Johnson

**Sent:** Wednesday, February 23, 2011 1:51 PM

**To:** '[shawn@manganolaw.com](mailto:shawn@manganolaw.com)'

**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'

**Subject:** RE: Righthaven v. DU

Shawn,

I'm following up on your promise to have us supplemental responses 10 days after our meet and confer. We have not yet received them. Please serve by email, per our agreement.

Thanks,  
Jennifer



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**From:** Jennifer Johnson [<mailto:jjjohnson@fenwick.com>]

**Sent:** Thursday, February 10, 2011 7:26 PM

**To:** 'shawn@manganolaw.com'

**Cc:** 'Kurt Opsahl'; Laurence Pulgram; Clifford Webb; 'Colby Williams'

**Subject:** Righthaven v. DU

Shawn,

Please see the attached correspondence summarizing our meet and confer.

Best,  
Jennifer



**JENNIFER J. JOHNSON**

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