

Daniel Akselrod

From: Daniel Akselrod [da@valmandelpc.net]
Sent: Tuesday, March 09, 2010 5:06 PM
To: 'Boris Kogan'
Cc: 'mk@boriskogan.com'; 'db@boriskogan.com'; 'Eric Wertheim'

Dear Boris:

In light of the recent, final discovery extension granted by Magistrate Reyes, we propose the following:

1. All document and data discovery should be complete within the first 30 days of the extended discovery period. Specifically, please produce the documents called for by the list we have previously sent you several times, as well as the documents you received pursuant to subpoenas.
2. By the end of the first 30 days of the extended discovery period, all remaining depositions should be scheduled for the second 30 days of the extended period.
3. Exchange of data in native format - we need to come to an understanding and procedure for the review or exchange of data. At the outset, we request all the internet chats previously produced by the defendants in their native format, including xml. We will probably request more "native format" documents as we review the documents already produced.
4. We also wish to alert you of the problems we are facing with producing our clients' Quickbooks file. For one, the Quickbook files contain names and addresses of our clients' current suppliers, which is highly competitive information. Second, they contain payroll records, including social security numbers, which we believe the defendants may use improperly to send out more 1099 forms (as was done prior). There is also other information contained in that file which the defendants should not be privy to. Our suggestion of how to bypass this problem is for defendants to request any summaries they wish printed regarding any category (sales, payroll, expenses, etc.). Alternatively, if that is not acceptable, we propose that the parties meet in one of our offices and have our clients print these summaries right in front of you or someone from your office, we believe that this will accomplish your stated goals of obtaining the Quickbook file (the ease of printing pertinent reports) and ease our clients' concerns as to improper use of competitive and sensitive information.

Very truly yours,

Daniel Akselrod
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