

EXHIBIT E

Jarrett, Bonnie L.

From: Morrison, Thomas [TMorrison@manatt.com]
Sent: Monday, March 19, 2012 5:34 PM
To: Cendali, Dale
Cc: Jarrett, Bonnie L.; Ray, Claudia
Subject: RE: Colby v. Apple Inc: Inspection of Premises

I apologize if my remark seemed to imply a gender issue. That was not my intention. I was referring to the somewhat nasty tone of some of our exchanges - and similar exchanges that seem to occur in virtually every case nowadays.

I will get back to you with some dates for Shelter Island. Not sure about the NYC apartment - what of relevance do you expect to find in an apartment that no longer contains a business office?

Finally, so that we are not subsequently accused of misleading you or withholding information: Mr. Colby's basement warehouse is not the sole repository of his books. A distributor (NBN) still has a collection of print titles while a second distributor (Lightning Source) has a "warehouse" of all of his e-titles. Mr. Colby can, of course, give you more details when you take his deposition.

Regards, Tom

From: Cendali, Dale [mailto:dale.cendali@kirkland.com]
Sent: Monday, March 19, 2012 5:12 PM
To: Morrison, Thomas
Cc: Jarrett, Bonnie L.; Ray, Claudia
Subject: RE: Colby v. Apple Inc: Inspection of Premises

My email was hardly "emotional" and I frankly resent that insinuation as it is often leveled by male attorneys against female attorneys for no good reason. It is your associate who accused us of being discourteous that prompted my response that I stand behind.

None this is productive, however. In terms of substance, I think we will want to inspect both his Manhattan and Shelter Island addresses and see what is there. I am not aware of your initial disclosures saying anything about documents being kept somewhere on Shelter Island. I look forward to getting dates for both inspections ASAP.

Best,

Dale

From: Morrison, Thomas [mailto:TMorrison@manatt.com]
Sent: Monday, March 19, 2012 12:49 PM
To: Cendali, Dale
Subject: RE: Colby v. Apple Inc: Inspection of Premises

Hello Dale -

There is no need for emotion on this matter.

Our offer to allow you to inspect Mr. Colby's basement warehouse stands. Alas, that facility is at his home on Shelter Island. In reviewing the transcript of the conference, I see that I did not specify that location. We were perplexed by your notice re the New York City apartment, but now assume you chose that as it was where you believed the books to be.

Although Mr. Colby still maintains an apartment there, his Brick Tower office is no longer at that address but is at his Shelter Island home. Assuming that Shelter Island is where you wish to visit, I will shortly provide you with some potential dates; if new counsel is in place, they will participate and if the substitution is not yet final, I will have one of our attorneys participate.

Regards, Tom

From: Cendali, Dale [mailto:dale.cendali@kirkland.com]

Sent: Friday, March 16, 2012 4:56 PM

To: Shah, Nirav; Jarrett, Bonnie L.; Morrison, Thomas; Peluso, Kimo; German, Nicole; Sheehan, Amy

Cc: Ray, Claudia

Subject: RE: Colby v. Apple Inc: Inspection of Premises

Dear Nirav,

We are surprised and disappointed by your message. As you may recall from the February 27 status conference, Mr. Morrison invited us to Mr. Colby's basement warehouse, stating: "They can come to Mr. Colby's house, go to his basement. We have thousands of ibooks that they can look at." Judge Forrest then pointed out that we would want to take pictures of that warehouse. We provided you with 12 days' notice of the time for the inspection, which is more than ample, and not once did you tell us that the date was unacceptable. In fact, had Ms. Jarrett not sent her confirming e-mail out of an abundance of caution, we would have shown up on Monday. For you to now accuse Ms. Jarrett of being discourteous is wholly improper. It is your firm which is being discourteous in not telling us sooner that you would not permit the inspection to proceed when scheduled. Furthermore, for such a criticism to come from someone who gratuitously served a motion on late Friday afternoon, one day before New Year's Eve, rings particularly hollow.

Putting all this aside, the important thing is to move forward with discovery, as the Court instructed. If Monday does not work for you, what date does? We are also free on Tuesday. Please also note that we expect Mr. Colby's facility to be unchanged from the time of the status conference.

I look forward to hearing from you soon.

Dale

From: Shah, Nirav [mailto:NShah@manatt.com]

Sent: Friday, March 16, 2012 4:16 PM

To: Jarrett, Bonnie L.; Morrison, Thomas; Peluso, Kimo; German, Nicole; Sheehan, Amy

Cc: Cendali, Dale; Ray, Claudia

Subject: RE: Colby v. Apple Inc: Inspection of Premises

Bonnie,

As I am sure you recognize, providing twelve days notice for an inspection of our client's premises by Apple's team of lawyers is neither courteous nor sufficient under the Federal Rules. We intend to formally respond to this request at the appropriate time, but for now, please be advised that you will not be permitted entry onto the referenced premises this Monday. Thank you.

Best,
Nirav

From: Jarrett, Bonnie L. [mailto:bonnie.jarrett@kirkland.com]

Sent: Friday, March 16, 2012 10:45 AM

To: Morrison, Thomas; Peluso, Kimo; Shah, Nirav; German, Nicole; Sheehan, Amy
Cc: Cendali, Dale; Ray, Claudia
Subject: Colby v. Apple Inc: Inspection of Premises

Dear Counsel:

I am writing to confirm that, pursuant to the Notice of Inspection dated March 7, 2012 we will be inspecting Plaintiffs' premises located at 1230 Park Avenue, New York, NY at 9:30 AM on Monday, March 19.

Thank you,
Bonnie

Bonnie L. Jarrett
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