

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD L. WHITE, P.C.,

Plaintiff,

12 Civ. 1340 (JSR)

v.

**DEFENDANT WEST
PUBLISHING CORPORATION'S
FIRST SET OF REQUESTS FOR
ADMISSION TO PLAINTIFF
EDWARD L. WHITE, P.C.**

WEST PUBLISHING CORPORATION d/b/a West;
and REED ELSEVIER, INC. d/b/a LexisNexis,

Defendants.
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Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant West Publishing Corporation (“West”), through its undersigned attorneys, requests that plaintiff Edward L. White, P.C. (“Plaintiff”) make the following admissions. Responses to these requests are to be served on West on or before September 21, 2012. If, after answering these requests, you acquire any additional knowledge or information called for by these requests, or learn that any of your prior answers is incorrect, you promptly shall serve upon West amended or supplemental responses accordingly.

DEFINITIONS

1. “Amended Complaint” means your Amended Complaint in the above-captioned action dated June 26, 2012, which was filed in the United States District Court for the Southern District of New York.

2. “Any” includes “all.”

3. “LexisNexis” means defendant Reed Elsevier, Inc. d/b/a LexisNexis.

4. “PACER” means the Public Access to Court Electronic Records service provided by the United States Courts, as described generally at www.pacer.gov.

5. “Person” is defined as in Local Rule 26.3(c)(6) and includes, but is not limited to, any natural person, firm, association, partnership, joint venture, corporation, business trust, banking institution, unincorporated association, government agency or any other entity, its officers, directors, partners, employees, agents and representatives.

6. “Works” means “Works” as defined in paragraph 4 of the Amended Complaint.

7. “XTO Litigation” means Case No. CIV-07-798-L in the Western District of Oklahoma, which was originally captioned *Beer, et al. v. XTO Energy Inc.*

8. “You” and “your” refer to Edward L. White, P.C., its predecessors and successors, and its present and former officers, directors, employees, attorneys, agents, representatives, and all persons acting or purporting to act on its or their behalf.

9. Nouns, whether singular or plural herein, shall be construed as either singular or plural as necessary to bring within the scope of each request any response that might otherwise be construed to be outside the scope of the request.

10. Past and present tense shall be construed to include each other as necessary to bring within the scope of each request any response that might otherwise be construed to be outside the scope of the request.

11. The remaining definitions and rules of construction of Local Rule 26.3 and the Federal Rules of Civil Procedure are hereby incorporated as though fully set forth herein.

INSTRUCTIONS

1. Each matter is admitted unless, on or before September 21, 2012, you serve a written answer or objection addressed to the matter, signed by you or your attorney.
2. The time period covered by these requests, unless otherwise indicated, is February 22, 2009, to the present.
3. If objection is made, the reason(s) therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reason(s) why you cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify an answer or deny only a part of the matter to which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder.
4. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that information known or readily obtainable by you is insufficient to enable you to admit or deny.
5. You may not object to a request on the ground that an admission has been requested which presents a genuine issue for trial.
6. Your response to any of the following requests is anything but an unqualified admission, please explain fully the reason for the denial in response to each request.
7. If you find the meaning of any term in these requests unclear, assume a reasonable meaning, state that meaning, and respond to the request according to that meaning.

REQUESTS FOR ADMISSION

1. Admit that, other than filing this lawsuit, you never made any request to any Person to remove or take down the Works, or either of them, from any database or website that is accessible to the public.
2. Admit that no Person has ever asked you for a license to copy, display or otherwise use the Works or either of them.
3. Admit that you have never attempted to license the Works, or either of them, to any Person.
4. Admit that, other than filing with the court in the XTO Litigation and thereby effecting service on opposing counsel and providing copies to your clients in the XTO Litigation, you have not distributed copies of the Works, or either of them, to any Person.
5. Admit that the Works are available to be copied by members of the public at the Court Clerk's office of the Western District of Oklahoma.
6. Admit that the Works are available to be copied by members of the public through PACER.

Dated: September 7, 2012
New York, New York

/s/ John R. Gerba
R. Bruce Rich
Benjamin E. Marks
Jonathan Bloom
John R. Gerba
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000
benjamin.marks@weil.com

*Attorneys for Defendant
West Publishing Corporation*