

# EXHIBIT A

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**From:** Dean Boland [mailto:dean@bolandlegal.com]  
**Sent:** Friday, October 28, 2011 9:04 PM  
**To:** Snyder, Orin  
**Cc:** Southwell, Alexander; Aycock, Amanda M.; Benjamin, Matthew J.; Paul Argentieri  
**Subject:** Re: CEGLIA

On Friday, October 28, 2011, Snyder, Orin <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)> wrote:  
> Mr. Boland:

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> I write in response to your numerous recent emails concerning your client's belated efforts to comply with select provisions of the Court's expedited discovery orders.

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> 1. Your emails have a surreal quality to them. In a breezy and matter-of-fact tone, you attempt to create the impression that these are routine discovery proceedings that can be resolved through "cooperation," "communication," and "good faith." But this is not a routine matter.

No action items here, hmm. Perhaps if I read on you have something meaningful to say? Let's look.

The Court ordered expedited discovery because defendants presented overwhelming evidence that your client fabricated the "contract" attached to the complaint in an effort to perpetrate a massive fraud on the Court.

Redundant. Nothing yet.

To make matters worse, it is now apparent that your client has engaged in a cover-up during the course of this litigation in an effort to conceal his fraud. But like most cover-ups, this one has failed. The record now contains irrefutable evidence that Ceglia destroyed critical evidence, tampered with evidence, filed false declarations, and instructed his lawyers to violate the Court's orders. In this context, Ceglia's newfound and belated "cooperation" with the court's expedited discovery orders is transparent and insufficient. No amount of cooperation can change the fact that this case is a fraud. And no amount of cooperation can change the fact that Ceglia has spent four months willfully obstructing these proceedings, imposing substantial burden and costs on my clients, and is only offering cooperation now because he faces sanctions, the Court has scheduled a hearing, and he has run out of options.

I was so hoping for something interesting to read in that paragraph above. Anyhow, let's continue.

> 2. Although many of the statements in your various emails and recent submission to the Court are fantastical and false, we are not going to debate them all here. I would like to address one assertion, however: you assert the Street Fax contract, or as you describe it, the "digital images of a two page document," is unauthenticated. That, of course, is not true. As you must know, prior counsel made similar unfounded allegations regarding the Street Fax contract and its origins and these were met with open skepticism from the Court—for good reason, as there is absolutely no evidence to support such frivolous and outlandish allegations.

Read the rules of authentication. I am the smartest guy you will ever meet about authenticating digital images. I have read the rules. Here's a hint, the word bloviate is not in the authentication rule or the cases that interpret the rule. Trust me.

Perhaps you have not reviewed all of the evidence, but the fact that the email attaching the contract titled "StreetFax" was sent by Ceglia to Jim Kole of Sidley & Austin seven years ago has been authenticated forensically (from both sides of the communication) and confirmed by Sidley & Austin, a neutral third party.

Since this is all true as you believe, you have to be confident, except, confidence doesn't seem to be the impression one would get from this long-winded, repetitive email with nothing of note, so far, in it. It's sort of like telling someone, "I'm famous, trust me." If you have to tell people your confident, I would say, you aren't. But, we push on through this literary masterpiece of an email.

Furthermore, if you review the transcript from the August 17, 2011 hearing, you will find substantial additional authenticating evidence. This and other evidence confirms that the contract attached to your client's complaint in this action is the fabrication.

I say again, read the rules. You're boring me here. There is nothing in any transcript anywhere that satisfies the rule of authentication as it applies to digital images. If YOU review the transcript from the August 17, 2011 hearing, you will not find it. Gibson Dunn has to have a copy of the rule of authentication laying around. If you cannot locate it, I would be happy to send you one.

> 3. In this context, we were confused by the following statement in your October 27, 2011 email: "Gotcha. Fraud everywhere you look. I know what you mean. Wait until you see what the fraud looks like from my perspective. Breathtaking." Are you acknowledging your client's case is a fraud? Or something else?

I am looking for a rule that requires that I respond to help you with your confusion stated above. Hold on, nope. Couldn't find one. Life is full of unmet expectations as they say.

If you are suggesting something else, we urge you review all of the evidence in this case, because from "our perspective"—indeed, from any objective perspective—no attorney could maintain this suit in good faith following the requisite factual investigation. We remind you that your conduct in connection with this matter, including, for example, the assertion of fraudulent claims in the absence of an adequate factual investigation, may subject you to sanctions under Federal Rule of Civil Procedure 11. See, e.g., *Dangerfield v. Merrill Lynch, Pierce, Fenner & Smith*, 2003 WL 22227956, at \*7 (S.D.N.Y. Sept. 26, 2003); *Logicom Inclusive, Inc. v. W.P. Stewart & Co.*, 2008 WL 1777855, at \*2 (S.D.N.Y. Apr. 16, 2008).

Thanks for the research, I had no idea about this, what you're calling Rule 11, is that it? Seriously?

> 4. After waiting months to make required productions and instructing his attorneys to defy court orders, your client has begun producing over the last few days. After producing these materials, you have written numerous emails requesting immediate confirmation that your client's production is "complete." Considering Ceglia has stonewalled for months and months, it is unreasonable to ask that we immediately satisfy your desire to know the answer to your questions. Our reply papers are due on Monday. We will take this weekend to review, and alert you and the Court to our position on Monday. Our clients have already been forced to waste substantial money and time negotiating these very points with your co-counsel. Your so-called "cooperation" and demands of immediate confirmation are tactical ploys intended to deflect attention away from the fraud that pervades your client's claims.

You really have given this a lot of thought. I am sure you thought of everything. Have a great weekend. Anything else you need from us, production-wise, please do email. I will be available all weekend. If you would like to setup a conference call, that's fine with me as well. I am available to help you get what you want from my client that is not privileged. We are going to make sure you get everything the court order entitles you to have as quickly as we can respond to any requests. I am sure you have compiled a list of

what you still believe you are entitled to. Kindly send along that list or, wait until the last minute if that suits your client better. Either way, when you communicate with us regarding what you need, we will work cooperatively to get it to you as we have for the short time I have been on this case. You'll see, we will work it all out and get on with regular discovery. I look forward to meeting you in person on Wednesday of next week. Should be a good hearing to get the case in shape to move forward.

> Orin Snyder

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> Sent from my BlackBerry

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> This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

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Please note, I review my emails only once daily. If there is something urgent in any email, please do not hesitate to contact my office at 216-236-8080.

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Please note that to better serve my clients, I check my email once daily. If your matter is urgent, please call my office 216.236.8080 so that I can respond promptly.