

the papers he had filed *ex parte*. The Court encouraged Boland to share his filing with Defendants, and Boland promised to do so.

4. After that telephone conference, Defendants' attorneys and Boland exchanged a series of emails concerning Boland's promise to send to Defendants copies of his *ex parte* papers.


5. In his emails, Boland claimed that he never promised during the telephone conference to give copies of his *ex parte* papers to Defendants. Instead, he claimed that he promised to file his papers on this Court's docket. He also claimed that the papers he filed on November 25, 2011 were the papers he submitted *ex parte*.

6. Specifically, Boland stated that "the papers I submitted *ex parte* were filed this afternoon so you should have them in total now. In fact, today's filing includes all that was submitted to the court with additional exhibits underlining three acts of fraud by your clients and the Orrick Law Firm." A true and correct copy of the email exchanges referred to above, with my response and then Boland's non-sequential responses highlighted in red, is attached hereto as Exhibit A.

7. Boland never gave copies of his *ex parte* papers to Defendants. Instead, Defendants received copies of Boland's *ex parte* papers from the Court on Friday, December 9, 2011.

8. A comparison of the *ex parte* papers with Boland's November 25 filings shows that his November 25 filings differ from his *ex parte* papers.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
21st day of December, 2011 at New York, New York.



Alexander H. Southwell