

EXHIBIT E

From: Dean Boland
Sent: Friday, February 17, 2012 10:19:07 PM (UTC-05:00) Eastern Time (US & Canada)
To: Southwell, Alexander; Paul Argentieri
Subject: Recent letter regarding claimed non-compliance

Alex:

I am working on a response to your complaints about our privilege designations. I will modify those privilege claims as appropriate following my review of those items and the applicable case law. I will have this response to you next week. Following your receipt of that information, I suggest a phone call to resolve any lingering matters more efficiently than the back and forth emails.

I am available most of next week to schedule that call. Please provide two good dates and times after Wednesday to discuss. This communication is obviously part of my duty to continue to meet and confer to resolve our issues which we are doing in good faith at this point.

I appreciate the urgency of your demands to get responses to you as it reflects your sincere interest in complying with the court's order about the 16(b) conference and getting prepared for trial. Now that a trial in this matter is a certainty, it has finally created an environment where we can both pull in the same direction, i.e. reasonable discovery and then a trial. I don't know what your experience is, but I find it's always good to actually try cases on a regular basis to keep those skills sharp, get out of the office slogging away with paper and such. Anyhow, please review the proposed ESI protocol and preservation letter and give me a date and time next week you would be available for a call about that.

Have a great weekend. Talk to you soon.

Dean.

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