

Southwell, Alexander <ASouthwell@gibsondunn.com>

Thu, May 24, 2012 at 2:42 PM

To: Dean Boland <dean@bolandlegal.com>

Cc: "Snyder, Orin" <OSnyder@gibsondunn.com>, Paul Argentieri <paul.argentieri@gmail.com>, "Sanford Dumain (SDumain@milberg.com)" <SDumain@milberg.com>, "jyoung@milberg.com" <jyoung@milberg.com>, "Peter Skivington (peter@jasklaw.com) (peter@jasklaw.com)" <peter@jasklaw.com>, "Robert Calihan (rcalihan@calihanlaw.com)" <rcalihan@calihanlaw.com>

Mr. Boland:

We have reviewed your May 22nd email regarding Defendants' production of emails from Mr. Zuckerberg's Harvard email account. Your stated objections are baseless. Defendants' production fully satisfies the Court's July 1, 2011 Order (Doc. No. 83).

Your email describes two purported deficiencies.

First, you note that the earliest email in the production is dated June 2, 2003. Because the parties "signed an agreement" in late April 2003, you assert that it is "not believable that your client and mine did not correspond via email before June 2, 2003." You also assert that Defendants' production should contain emails from Mr. Zuckerberg to your client "after November 2003," merely because "there is significant work that Zuckerberg did for my client well into 2004."

These objections cannot have been made in good faith. To begin, you advance no factual basis whatsoever for either purported deficiency. You do not allege the existence of any specific email (1) dated before June 2, 2003, or (2) sent by Mr. Zuckerberg to your client after November 2003, that was not included in Defendants' production. Furthermore, your client's own email production does not include any emails before June 2, 2003. Finally, Defendants' production contains numerous emails "after November 2003" between Mr. Zuckerberg, your client, and/or other persons associated with StreetFax; your observation that "there is significant work that Zuckerberg did for my client well into 2004" is therefore irrelevant. In short, your first objection is wholly speculative and factually baseless.

Second, you allege—again, without factual basis—that Mr. Zuckerberg personally "concealed or deleted" emails that he sent to your client. This allegation is bizarre, given your acknowledgment that Defendants' production contains the very emails that you assert Mr. Zuckerberg personally "concealed or deleted." In any event, Defendants have produced all emails "between Defendant Zuckerberg and Plaintiff and/or other persons associated with StreetFax that were captured from

Zuckerberg's Harvard email account," in full compliance with the Court's July 1, 2011 Order. You have not identified any specific email captured from Mr. Zuckerberg's Harvard email account that Defendants failed to produce. EXHIBIT B

Given that your objections to Defendants' productions are baseless, we expect that this matter has been resolved. Defendants do not consent to any extension of the due date for Plaintiff to file expert reports. Defendants reserve all rights, including but not limited to the right to pursue sanctions for discovery abuse and vexatious litigation

Alex

From: Dean Boland [mailto:dean@bolandlegal.com]
Sent: Wednesday, May 23, 2012 11:14 PM
To: Southwell, Alexander
Cc: Snyder, Orin; Paul Argentieri
Subject: Re: Discovery

[Quoted text hidden]

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.
