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May 7, 2012

VIA EMAIL

Alexander H. Southwell
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193

Re: *Ceglia v. Zuckerberg*, No. 10-0569 (W.D.N.Y.)

Dear Mr. Southwell:

I write in response to your May 3, 2012 letter requesting production of an April 13, 2011 letter from Aaron H. Marks of Kasowitz, Benson, Torres & Friedman LLP, who briefly represented Plaintiff, to certain of Plaintiff's former and current counsel. In addition, you request production of any images "obtained or recorded" by the Kasowitz firm or its experts.

We have reviewed the Court's discovery Orders, and we do not believe that they call for the production of the April 13, 2011 letter. Should you disagree, we request that you direct us to specific language contained in a prior Order that purportedly calls for the production of this document. In any event, the April 13, 2011 letter is protected from disclosure by the attorney-client privilege because it is a confidential communication regarding the litigation sent by Plaintiff's former counsel, Mr. Marks, to another former counsel, Dennis C. Vacco, and copying certain other former and current counsel, specifically, Paul Argentieri, Robert W. Brownlie, Gerard A. Trippitelli, and Kevin J. Cross.

With regard to your request for any images "obtained or recorded" by the Kasowitz firm or its experts, I direct you to Plaintiff's August 29, 2011 Supplemental Declaration disclosing electronic information in the possession of various law firms and consultants, including the Kasowitz firm and its computer forensics consultant, Capsicum Group LLC ("Capsicum"). See Supplemental Declaration of Paul D. Ceglia ¶¶ 11-12, 32-34, 74-76, 88-90, 115-117, 120-122 [Dkt. No. 339]. The images obtained by the Kasowitz firm and Capsicum were transferred to

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Project Leadership Associates (“PLA”) and made available to your experts at Stroz Friedberg, who visited PLA’s Chicago office on July 19, 2011.

We are available to meet and confer with you on these issues. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "JL Young", written in a cursive style.

Jennifer L. Young

cc: Orin S. Snyder
Sanford P. Dumain
Melissa R. Clark
Dean M. Boland
Paul A. Argentieri
Robert B. Calihan
Peter K. Skivington