

EXHIBIT I

From: Dean Boland
Sent: Thursday, August 02, 2012 8:27:35 PM (UTC-05:00) Eastern Time (US & Canada)
To: Southwell, Alexander H.
Cc: Benjamin, Matthew; Snyder, Orin; paul.argentieri@gmail.com
Subject: RE: Deposition scheduling

Alex:

Mcmenamin's refusal to provide an hourly rate is inappropriate. We will approach the court about that issue and reserve the right to depose him later.

I cannot fly to NY tomorrow, but I can be available to depose Tytell as early as you are able via video conference. Please advise as to your ability to do that and the start time.

Lyter by video on the 10th is fine. What time that day?

I have no means to send a check to Tytell by tomorrow. We can make a record of my commitment to send a payment and that the check has been written and will be sent via Fedex tomorrow.

Best we can do

Dean

On Aug 2, 2012 5:59 PM, "Southwell, Alexander H." <ASouthwell@gibsondunn.com> wrote:

Mr. Boland:

So that we are clear, please advise of your arrangements for the video deposition of Dr. McMenamin, starting at 10am ET tomorrow. Please also advise if you want to continue tomorrow in the afternoon with Mr. Tytell's deposition by video. Or advise if you prefer Monday for Mr. Tytell's deposition and how you plan to take it. Additionally, please advise if you can confirm Dr. Lyter's deposition on August 10th in New York (by video, if you prefer).

Please also confirm that payment for Dr. McMenamin will be received before his deposition begins and the same for Mr. Tytell.

Alex

From: Dean Boland [mailto:dean@bolandlegal.com]
Sent: Thursday, August 02, 2012 2:35 PM
To: Southwell, Alexander H.
Cc: paul.argentieri@gmail.com; Snyder, Orin; Benjamin, Matthew
Subject: Re: Deposition scheduling

Alex:

The last minute cancellation, to be clear, resulted from a cancelled flight and inability to get to NY with time to depose the witnesses other than having 2-4 hours sleep and working a 12 hour day deposing witnesses.

As a result of the travel issues I also became ill at the airport, where I stayed over night, and am home having just awoken trying to get well.

I don't have any objection to something via video tomorrow afternoon, McMenamain perhaps and then Mr. Tytell on Monday by video as he has travel issues of his own.

We can then fit in Mr. Lyter sometime later, either in person or by video.

On Thu, Aug 2, 2012 at 2:18 PM, Southwell, Alexander H. <ASouthwell@gibsondunn.com> wrote:

Mr. Boland:

In response to your last minute cancellation of today's depositions last night at midnight, I called you this morning to discuss scheduling and also emailed you, but I have not heard back. As an initial matter, I still do not understand what prevented you from getting to NYC for the Tytell and Lyter depositions today, which we had even offered to start late.

We need to quickly determine how to re-schedule these depositions so that they can be completed prior to the end of expert discovery on August 14th, based on our agreed-upon extension. In particular, Mr. Tytell is available to be deposed today (including by video or phone), tomorrow (including by video or phone), and Monday (including by video or phone). After that, he will be out of the country and not available for deposition during the discovery period.

Dr. McMenamain will proceed on Friday, starting at 10:00 a.m. He is also available to be deposed in the afternoon Friday, if you wish to take Mr. Tytell's deposition in the morning. Please advise us of what video technology you intend to use for the deposition. We should be able to accommodate whatever technology you propose.

For Dr. Lyter, I would propose he be deposed in New York on August 10th or possibly on the afternoon of August 9th (after the Aginsky deposition). Of course, you will be responsible for the additional travel costs for Dr. Lyter's appearance at the re-scheduled deposition in addition to the costs for his travel for today's deposition.

We are trying to be reasonable and accommodating. But with the days on the calendar dwindling, the proposed schedule above is beyond reasonable. Please reply ASAP if you wish to conduct these depositions. If we do not hear from you immediately, we will assume that you do not wish to proceed.

Alex

Alexander H. Southwell
Partner

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193
Tel [+1 212.351.3981](tel:+12123513981) • Fax [+1 212.351.6281](tel:+12123516281)
ASouthwell@gibsondunn.com • www.gibsondunn.com

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Dean Boland

Owner/Member

Boland Legal, LLC
1475 Warren Road

Unit 770724
Lakewood, Ohio 44107
[216.236.8080](tel:216.236.8080) ph
[866.455.1267](tel:866.455.1267) fax
dean@bolandlegal.com

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](tel:216-236-8080).