

EXHIBIT N

July 16, 2012

VIA ELECTRONIC MAIL

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Client: 30993-00011

Re: Ceglia v. Zuckerberg and Facebook, Inc., No. 1:10-cv-569 (RJA)

Dear Mr. Boland:

I write regarding your July 5, 2012 production of materials related to the deposition of Larry Stewart. As became clear throughout Mr. Stewart's deposition, you did not provide the materials we had explicitly requested in advance of depositions, and which you had agreed to provide. It appears this was done in attempt to obscure information and in attempt to prevent Defendants from conducting a fully informed deposition. We have enclosed with this letter the entire July 5 production received from you, to avoid confusion as to what you actually provided.

First, you or your witness withheld critical notes and documents that Defendants specifically and repeatedly requested. *See* Defendants' Deposition Exhibits 26, 27, 29. These and other materials were requested for the first time nearly a month prior to Mr. Stewart's deposition. *See* June 13, 2012 Letter from A. Southwell to D. Boland. You did not produce many documents that were specifically requested, as demonstrated by those produced during Mr. Stewart's deposition. Strangely, Mr. Stewart represented during his deposition that these and other documents had already been produced to Defendants in "a PDF that was sent with the file" that had "many pages." Jul. 11, 2012 Depo. Tr. 368:8-9. You did not produce this PDF file to us. In particular, Mr. Stewart did not produce his full inventory of samples, as he admitted there are other worksheets documenting samples, including ink. *See, e.g.*, Jul. 11, 2012 Depo. Tr. 372:16-373:6 (referring to worksheet listing ink samples that has not been provided). Defendants also note that we do not have a full inventory of the samples that Mr. Stewart took from the Specifications document.

Next, rather than providing legible scans or photocopies of full documents, you provided digital photographs of portions of documents and other items taken at angles. In some instances, a full rendering of a document was not provided at all. For example, you only provided a photograph of the top portion of the July 25, 2011 worksheet describing the contents of Mr. Stewart's sampling vials. This photograph excluded critical information from the document—information which Defendants had specifically requested. *See* Defendants' Deposition Exhibits 25 and 26. In other instances, the photographs provided were apparently completely useless and non-

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Dean M. Boland, Esq.

July 16, 2012

Page 2

responsive, such as the photograph of the front of a leather-bound book embossed with the title "Ledger."

Additionally, Mr. Stewart also did not produce a list of the toners in his toner library as specifically requested by Defendants. You have previously represented that he did not produce this information because it is "proprietary" or "confidential" under agreements with printing companies. However, at his deposition, Mr. Stewart conceded that (1) he did not have written agreements with anyone or any company prohibiting him from disclosing information about his so-called toner library, and (2) the information he regards as "proprietary or confidential" under his "moral agreement in words . . . with the industry" is "composition and formula information." *See* Jul. 11, 2012 Depo. Tr. 371:3-8. Defendants have not requested "composition and formula information"; rather, Defendants have requested a simple list of the names of toners in the library and information regarding the number of toners contained in the library. This information is in no way proprietary or confidential.

Finally, you represented in the deposition that Plaintiff's position was that Plaintiff had provided Defendants with "all of the documents." *See* Jul. 11, 2012 Depo. Tr. 378:9-11. As demonstrated above, this is false. Given your and your witness's continued misrepresentations about what has been provided to Defendants in response to their repeated requests, please produce Mr. Stewart's entire case file, including inventories of all samples taken from the Work for Hire and Specifications documents, as well as a list of toners contained in his toner library, immediately. This includes any and all notes and documents that he had with him at his deposition on July 11, 2012 or that he has in his office. In light of your and your witness's failure to provide these document in the first place and clear efforts to obscure this information from Defendants, please have Mr. Stewart execute a sworn declaration swearing that he has produced his entire file.

Defendants reserve all rights, including the right to continue Mr. Stewart's deposition to address these issues and move the Court to compel these and other materials and for sanctions.

Very truly yours,



Alexander H. Southwell

cc: Paul Argentieri, Esq.

Enclosures