

# EXHIBIT W

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**From:** Dean Boland [<mailto:dean@bolandlegal.com>]

**Sent:** Wednesday, August 01, 2012 4:50 PM

**To:** Southwell, Alexander H.

**Cc:** Dean Boland ([dean@bolandlegal.com](mailto:dean@bolandlegal.com)); [paul.argentieri@gmail.com](mailto:paul.argentieri@gmail.com); Benjamin, Matthew; Aycock, Amanda

**Subject:** Re: Stewart materials

On Sunday, July 8, 2012, Southwell, Alexander wrote:

Mr. Boland:

With regard to the Stewart materials, you have provided a series of apparent digital photographs of portions of documents and other materials without any explanation. For many of the photographs, it is not apparent what the item purports to be or whether it is responsive at all to any request made by Defendants. Additionally, you appear not to have provided the following from our June 13, 2012 letter:

1. List of . . . all documents, reports, filings, declarations, videos, handwriting exemplars, or other material reviewed [by Stewart] prior to the submission of their reports;

All of this material has been provided between court ordered production and items attached to all of his declarations. That is the list of who the has reviewed.

6. . . . identification of the samples provided to Mr. Rantanen (including detail on the contents of each vial provided, e.g., how many samples each vial contained; from which document, page, and location the samples were taken; the size of the samples; and any other source or identifying information);

he

He gave Rantanen two vials. We have provided documentation regarding the contents of each. You questioned him about the contents of each at his deposition. The side information was provided by Rantanen during his deposition. Mr. Stewart used a standard 1mm or .75mm boring device. Mr. Stewart has no additional records of where on the document these samples were taken.

7. The materials Mr. Stewart claims in his Report were produced in discovery, on which he relies for the assertion that a Defendants' expert had knowledge of Stewart's findings related to the markings at the top of each page

of the Work for Hire Document and the dull corner on the back of page 1 under ultra-violet examination (which in fact were not produced in discovery) (see Doc. No. 416, ¶ 195);

These materials, his handwritten notes, were provided in November 2011 to Defendants and a second time the week before his deposition.

8. The results, data, captured images or pictures, in electronic or hard-copy form, or thin layer chromatography plates resulting from Mr. Stewart's "chemical analysis of the toner" (Doc. No. 416, ¶ 89),

All these images were provided on CD ROM in November 2011 pursuant to court order.  
All

and other "testing methods, [which] included microscopy and thin layer chromatography" (Doc. No. 416, ¶ 93);

Same as previous answer.

9. Details of the contents and sources of Mr. Stewart's "library of standard toners," including any catalogue, index, directory, log, or similar information (see Doc. No. 416, ¶ 98-99).

A redacted image of his logbook about this case has been provided a week before his deposition. Along with that was a library sheet describing the toner that was matched; along with manufacturer information regarding the matched toner; we provided photographs of the actual library and the toners that are in the library. He also provided a photograph of the actual sample from the library that matched the toner tested.

Please provide these materials immediately, or explain what you believe has already been provided or cannot be provided, and provide clarifying information about the photographs you provided.

With regard to the amended Grant declaration, please provide clarification as to the date and circumstances of this document. The declaration is dated June 8, 2012, prior Mr. Grant's deposition, yet it appeared that he created this list after his deposition since you had not provided it in advance.

Thanks

Alex

**Alexander H. Southwell**  
Partner

**GIBSON DUNN**

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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.