

EXHIBIT X

From: Southwell, Alexander H.
Sent: Friday, August 10, 2012 5:32 PM
To: Dean Boland; Paul Argentieri
Cc: Benjamin, Matthew; Aycock, Amanda
Subject: RE: Inventory of Larry Stewart's Toner Library
Attachments: RE: Response on emails re expert documents; 2012.07.16 Letter from A. Southwell to D. Boland.pdf; Re: Stewart materials

Mr. Boland:

As detailed in our July 16 letter sent after Mr. Stewart's July 11th deposition (attached), and as even further detailed in my July 24 email (to which you never responded; attached), you and Mr. Stewart made clear but erroneous representations on the record that Mr. Stewart's notes have been produced to Defendants. Mr. Stewart represented numerous times on the record that he had produced a PDF of his "file" to Defendants. *See, e.g.,* Stewart Depo. Tr. at 346:5-6, 351:24-352:9, 368:7-9. Defendants have never received any such file. In fact, you yourself represented on the record during the course of Mr. Stewart's deposition that "all of the documents" had been provided to Defendants. Stewart Depo. Tr. at 378:10. And again, in your August 1, 2012 email (attached), you make the representation that, "These materials, his handwritten notes, were provided in November 2011 to Defendants and a second time the week before his deposition." These representations are false.

To be absolutely clear, neither you nor Mr. Stewart have ever provided Mr. Stewart's file or all of his handwritten notes to Defendants. In reality, all Defendants were provided with on July 5, 2012 in advance of Mr. Stewart's July 11 deposition were approximately 23 piecemeal photographs in JPG format of portions of documents and other materials, and two web archives; many of these materials were incomplete, nonresponsive, and/or irrelevant.

It is apparent that you and Mr. Stewart are attempting to conceal highly relevant material. Representatives for Defendants were present at Mr. Stewart's sampling of the physical documents on July 25, 2011. Defendants are aware that Mr. Stewart used two "TLC Worksheet Form" documents to inventory his sampling from the Work for Hire and Specifications documents. Mr. Stewart has selectively produced only the first of these worksheets, and only because we requested to make a copy at his deposition. *See* Defendants' Exhibit 26. **Please produce a copy of the second worksheet documenting his sampling immediately.**

Additionally, Mr. Stewart represented in his deposition that there were additional inventory worksheets, including a worksheet documenting ink samples. *See* Stewart Depo. Tr. 372:19-373:6. **Please produce a copy of Mr. Stewart's inventory of ink sampling immediately.**

In addition, there are numerous other materials that you should have produced related to Mr. Stewart's files, which you have not adequately responded to. 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.

Alex

From: Dean Boland [<mailto:dean@bolandlegal.com>]
Sent: Friday, August 10, 2012 12:43 PM
To: Southwell, Alexander H.; Paul Argentieri
Subject: Inventory of Larry Stewart's Toner Library

Alex:

To clear up the confusion on this issue, your request for the entire inventory of his library of standards is excessive and not required by the rules or our agreement. He has provided the portions of this library pertinent to this case.

We have provided all of the information that was used to support Mr. Stewart's conclusions in his report.

I don't believe there is anything else you have requested that you are entitled to obtain. If you disagree, please advise.

Dean Boland.

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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.