

EXHIBIT D

Kole, James D.

From: paul ceglia [paulceglia@msn.com]
Sent: Friday, March 05, 2004 11:44 AM
To: jkole@sidley.com
Subject: RE: marks undone work

I think I'll just make a veiled reference to payments that could be made if he settles the matter as a businessman rather than a cyber-briber.

Hi Jim,

Funds are indeed very tight right now and my concern about sending mark money is two fold, first if I send him cash then I wont have money to give to another IT person and second are we jeopardixzing ourselves by offering him money on a contract that so clearly staes we owe him nothing? Mabe I am a littel to emotionally charged about this but I think that after him illegally removing functionallity form the site that I dont want to pay this kid another dime. I am open to reason though. All the best, Paul

*PLEASE,
PLEASE
fax me
the contract
as I can't
read the
one sent
earlier to
understand
his "your
breach" ~~his former~~
argument*

>From: "Kole, James D." <jkole@sidley.com>
>To: "'paul ceglia'" <paulceglia@msn.com>
>CC: "'kpetersen@streetfax.com'" <kpetersen@streetfax.com>
>Subject: RE: marks undone work
>Date: Thu, 4 Mar 2004 10:15:44 -0600

>Paul,

>Karin suggested she could use some more time to back-up all files, etc.,
>and

>I suspect the brat programmer will turn to this over the weekend, so I
>suggest that I send out the letter Friday afternoon. If you have any cash
>to spare now, I would be happy to include in the letter a statement that I
>have a payment for him that I will hold in escrow until he provides his
>written assurance that he will not access or disable any portion of the
>site. If you have the cash to do that, it makes you appear even more
>reasonable, if we have to start a lawsuit. Obviously, a lawsuit is only a
>worst worst case plan, but if he carries through on his threats, we may
>need
>to get a court order to stop his trespasses. Let me know your thoughts and
>I'll fire away, Jim

>-----Original Message-----

>From: paul ceglia [mailto:paulceglia@msn.com]
>Sent: Thursday, March 04, 2004 9:49 AM
>To: jkole@sidley.com
>Subject: RE: marks undone work

>Hi Jim Looks great. Much less threatening than I could have mustered. Do
>you

>think at this point it i still wise to pay him the money he requests or are
>you just breaking up the battle into skirmishes? Ill be on my tmail account
>the rest of the day heading up to the cemetery. pceglia@tmail.com
>thanks for jumping on this.

>I would say to your wonderful holdiday card that it has also been a great
>pleasure geeting to know you as well. It sounds like you are really
>enjoying being back in Chicago. I hope we manage to cover it this summer.
>All the best, Paul

>>From: "Kole, James D." <jkole@sidley.com>
>>To: "'Karin Petersen'" <kpetersen@streetfax.com>, "'paulceglia@msn.com'"
>><paulceglia@msn.com>