

# EXHIBIT I

**From:** Stefanie Smith <sas@ninthstreetlaw.com>  
**Sent:** Friday, November 09, 2012 11:29 AM  
**To:** Jeremy Falcone  
**Cc:** Tom Segars; Bob Ekstrand  
**Subject:** Re: McFadyen v. Duke

Jeremy,

You can choose to do whatever you think you should do. We have been and continue to make efforts to contact and communicate with Mr. Archer to obtain a signed and notarized affidavit. That is all we can do. Whether or not you file a motion to compel will not change our efforts.

Stefanie

On Fri, Nov 9, 2012 at 11:14 AM, Jeremy Falcone <[Jeremy.Falcone@elliswinters.com](mailto:Jeremy.Falcone@elliswinters.com)> wrote:

Stefanie,

We still have not received Mr. Archer's affidavit. If we have not received the affidavit by 5:00 p.m. Monday, we will be filing a motion to compel.

Jeremy

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**From:** Stefanie A. Sparks [mailto:[sas@ninthstreetlaw.com](mailto:sas@ninthstreetlaw.com)]  
**Sent:** Wednesday, October 03, 2012 8:42 AM  
**To:** Jeremy Falcone  
**Cc:** Tom Segars

**Subject:** Re: McFadyen v. Duke

Jeremy,

The billing records for Matthew Wilson and John Ryan McFadyen were mailed to you yesterday. When I'm back at my computer later on today/tonight, I can email you what was mailed to you.

As for Breck Archer, after some research the past week we were able to find out that the reason we've had so much difficulty getting in touch with Breck the past couple of months is because he has been deployed to some type of intense training on Mount Fuji in Japan. While he is there, he has no access to internet, etc. We understand that Breck will be returning to his home station in Okinoa this month. At that time, we will finally be able to communicate and coordinate with Breck.

If you want to meet and confer about Breck's affidavit, I'm available at 3pm tomorrow.

Best,

Stefanie

Sent from my iPhone

On Oct 2, 2012, at 5:37 PM, Jeremy Falcone <[Jeremy.Falcone@elliswinters.com](mailto:Jeremy.Falcone@elliswinters.com)> wrote:

Stefanie,

Will we be receiving the Breck Archer affidavit and the attorney billing records for Ryan McFadyen and Matt Wilson today?

If not, please let me know your availability tomorrow or Thursday for a meet and confer.

Thanks,

Jeremy

Jeremy Falcone  
**Ellis & Winters LLP**

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Stefanie A. Smith  
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