Schafer, Colin

From: Archinaco, Jason
Sent: Friday, July 13, 2007 5:32 PM
To: Crittenden, John; shiekmanl@pepperlaw.com
Cc: Schafer, Colin
Subject: Rule 26f Conference Report - Revised

Attachments: 43746_1.DOC

We revised the report. You can just compare it to your document to see the changes.

In particular, we reinserted language about the confidentiality agreement. Your language suggested to the Court that we are proponents of such an agreement, when Plaintiff has made it clear that it is his position that confidentiality is inappropriate. Further, you called it a "protective order". Protective orders are entered by the court. You proposed a confidentiality agreement. If you want to file for a protective order, no one can stop you.

Further, although Plaintiff stated that he believes information is missing from your client's website and you informed us that not all chat logs have been preserved by your client, we understood your statements to mean that your client had done so in the ordinary course of business. We have not reinserted this language although the discussion did occur on our call.

If the changes are acceptable to you, then you may /s/ my name and file the document with the court.

As you are aware, we are located on the east coast -- it is a Friday, and I will not be causing support to stay and work overtime to file this document. Given that business has not closed on the West Coast, we believe that it is both fair and appropriate for your offices to file the document.

-j.

43746_1.DOC (62 KB)