

EXHIBIT D

From: Andrew Weiss [aweiss@raklaw.com]
Sent: Sunday, August 01, 2010 1:04 AM
To: Shah, Mansi
Cc: .BrightResponseYahoo; Polaris Google Team; Jennifer Parker Ainsworth; _Doan, Jennifer; jthane@haltomdoan.com; Bright Response; David Pridham
Subject: Re: Chuck Williams Documents

Follow Up Flag: Follow up
Flag Status: Flagged

Mansi:

This request is very surprising given that it was made on the eve of trial and relates to documents that Defendants have had in their possession for many months, if not over a year. Despite that, I am trying to get a substantive response for you. Note that we are mere hours from trial and resources are scarce.

Can you please explain why Defendants waited until the eve of trial to make this request? Given the timing, it seems like it is only meant to prejudice Bright Response in its trial preparation efforts.

Andrew

On Jul 30, 2010, at 10:43 PM, Shah, Mansi wrote:

> Andrew,
>
> We have not received confirmation that Plaintiff has produced all
> non-privileged documents received from Ms. Rice and Mr. Angotti, nor
> have we received a privilege log of the documents you are withholding
> on the basis of privilege. When will you be able to provide this
> information to Defendants?
>
> Thanks,
> Mansi
>
> -----Original Message-----
> From: Shah, Mansi
> Sent: Friday, July 30, 2010 1:25 PM
> To: Andrew Weiss; .BrightResponseYahoo; Polaris Google Team; Jennifer
> Parker Ainsworth; _Doan, Jennifer; _jthane@haltomdoan.com
> Cc: Bright Response; David Pridham
> Subject: RE: Chuck Williams Documents
>
> Andrew,
>
> Defendants have already produced a privilege log for the Williams
> production (see attached). The Williams production is complete.
>
> As stated on the exhibit list, Defendants' Exhibit 621 is to be used
> for identification of meta-data. Exhibit 621 has not been marked by
> either party for any purpose other than identifying meta-data, such as
> the date certain documents were created. We have been separately
> marking the Williams documents and emails that we intend to use at
> trial, and we expect Plaintiff to do the same.

>
> Please confirm that Plaintiff has produced all non-privileged
> documents received from Ms. Rice and Mr. Angotti. Please also provide
> a privilege log of the documents you are withholding on the basis of privilege.
> Please provide this information as soon as you can, but no later than
> 5:00 p.m. today.

>
> Mansi

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

> From: Andrew Weiss [mailto:aweiss@raklaw.com]
> Sent: Friday, July 30, 2010 9:38 AM
> To: .BrightResponseYahoo; Polaris Google Team; Jennifer Parker
> Ainsworth; _Doan, Jennifer; _jthane@haltomdoan.com
> Cc: Bright Response; David Pridham
> Subject: BR: Chuck Williams Documents

>
> Counsel:

> We noticed that that Ex. 621 on your exhibit list is the entire
> Williams production. Please confirm that Defendants have produced all
> of the non-privileged documents give to you by Mr. Williams. Please
> also, as originally requested, provide a privilege log detailing the
> documents you are withholding on the basis for privileged.

>
> Please provide this information ASAP, and no later than 1p this
> afternoon

>
> Andrew

>
> --

> Andrew D. Weiss
> Russ August & Kabat
> 12424 Wilshire Boulevard, 12th Floor
> Los Angeles, CA 90025
> 310 826-7474
> aweiss@raklaw.com

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> * * * * *
> *

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Andrew D. Weiss
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
aweiss@raklaw.com

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