

# **EXHIBIT 11**

**TO AFFIDAVIT OF ROBERT C. MATZ IN SUPPORT OF ADVANCEME,  
INC.'S EMERGENCY MOTION TO QUASH OR MODIFY THE  
SUBPOENAS OF CLIFF HARDWICK AND JOHN KONOP, OR, IN THE  
ALTERNATIVE, FOR A PROTECTIVE ORDER**

**Matz, Robert**

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**From:** Matz, Robert  
**Sent:** Thursday, January 18, 2007 7:57 PM  
**To:** 'Gray, Joseph'; 'Preston, Hilary'; 'bschuurman@velaw.com'; 'dougmcswane@potterminton.com'  
**Cc:** Otis Carroll; 'Deborah Race'; Lemieux, Ronald (Ron) S.; Edelman, Michael N.; Bhakar, Vid; Williams, Shanee; Hayatdavoudi, Lila; Poon, Daisy  
**Subject:** AdvanceMe/RapidPay/AmeriMerchant: Notice of Emergency Motions to Quash or Modify the Subpoenas Served on Mssrs. Hardwick and Konop

Joey:

I have not heard from you, Hilary, Bill, or Doug, and therefore assume that Defendants intend to go forward with the depositions of Mssrs. Hardwick and Konop on Saturday, January 20, 2007, and Sunday, January 21, 2007, respectively. Therefore, AdvanceMe has no choice but to move, on an ex parte basis, to quash or modify these subpoenas, or, in the alternative, for a protective order.

We are unable to electronically file our emergency motion to quash or modify the deposition subpoenas of Mssrs. Hardwick and Konop or, in the alternative, for a protective order, because we do not have a case number. However, I have contacted our Atlanta office, who have stated that they will be able to file the emergency motion tomorrow morning in the United States District Court for the Northern District of Georgia. John Parker, a Partner in our Atlanta office, will be filing the emergency motion and arguing it before a United States District Court Judge or Magistrate Judge. Mr. Parker can be reached at 404-815-2400.

We will also be electronically filing our emergency motion to quash or modify the deposition subpoenas of Mssrs. Hardwick and Konop or, in the alternative, for a protective order, in the Eastern District of Texas. This filing will occur later tonight and will be directed to Magistrate Judge Love. However, it is possible that this motion will be heard by another Magistrate Judge or by the Discovery Hotline. Otis Carroll, Lead Attorney in this case, will be arguing the emergency motion, which will be filed later tonight. Mr. Carroll can be reached at 903-561-1600.

AdvanceMe reserves the right to move for sanctions for this blatant and flagrant violation of the Local Rules, Federal Rules, and Code of Professional Conduct.

Sincerely,

Robert C. Matz

1/18/2007