

Fandel, K. Michael

From: Keller, Brad [bkeller@byrneskeller.com]
Sent: Tuesday, April 15, 2008 6:52 AM
To: Byers, David M.
Cc: Fandel, K. Michael; Taylor, Paul; Minson, Steven
Subject: Re: Griffin documents

There is only 1 document that even might qualify for aeo-- Steve already told u what it is. The redactions are, with perhaps 1 or 2 exceptions, completely unwarranted based on what I can tell from context. Nor can we accept your characterization of Griffin as a third party in light of the content of the dox which show a coordinated strategy with the City to use the litigation to try to coerce a sale to Griffin. We need to be able to use these dox in the litigation and our clients have the right to see them. We have given you the opportunity to avoid further motion practice by lifting the aeo. You have declined. Thank u for your efforts but we seem to be at an impasse.

----- Original Message -----

From: DByers@GrahamDunn.com <DByers@GrahamDunn.com>
To: Keller, Brad
Cc: MFandel@GrahamDunn.com <MFandel@GrahamDunn.com>
Sent: Mon Apr 14 20:08:57 2008
Subject: Griffin documents

Brad:

I picked up your voicemail from this afternoon. As I mentioned to Steve, we're amenable to talking about specific documents if there's a need to use them in a way that the Attorneys Only Material designation wouldn't allow. At this point, though, we've just been presented the choice between un-designating everything and responding to a motion to compel. Matt Griffin obviously has a strong interest in protecting his records, and as a non-party to this case, never volunteered to subject his records to public exposure (though, of course, he understands his obligation to respond to third-party subpoenas from litigants). I hope we can avoid the time and expense that a motion to compel would require, and I again invite you to point us to any specific documents for which you believe you need more flexibility.

I'm copying my partner Mike Fandel here, because I'm getting married later this week and will be absent for some time, and I expect Mike will pick up this matter. I have told him about events to date, and you can reach him at 206-340-9693 or at mfandel@grahamdunn.com.

Thanks,
-David.

David M. Byers
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Thank you.