

Ex. H

Subject: RE: Remnant and MidCountry Bank Records
From: "Gailon Arthur Joy"
Date: Fri, 31 Oct 2008 00:19:49 -0400
To: "Greg Simpson", "Bob"
CC: "John Pucci", "Lizette Richards", "Chris Penwell"

Mr Simpson:

There is also a paragraph 7:

"7. Neither party is obligated to challenge the propriety of any Subject Discovery Materials designated as Confidential information, and a failure to do so in this action does not preclude a subsequent attack on the propriety of the designation."

And you would have to be specific when you designated all the documents you reference as "confidential".

IE: A copy of each such communication. No rule 11 violations allowed.

We should also consider doing something to protect spoliation of the evidence, should we not?

Gailon Arthur Joy

From: Greg Simpson
Sent: Thursday, October 30, 2008 4:50 PM
To: Bob; gailon@...
Cc: John Pucci; Lizette Richards; Chris Penwell
Subject: Remnant and MidCountry Bank Records

Bob and Arthur:

Paragraph 1 of the Confidentiality and Protective Order entered in this case on April 17, 2007 grants the right to any party to designate any Discovery Material, no matter who produces it, as "Confidential" and subject to the Order.

Plaintiffs have previously designated, and hereby reaffirm their designation of, the following materials as Confidential:

1. All documents produced by Remnant Publications under cover letter from Charles Bappert dated September 22, 2008, and further denoted with numbers REM001 to REM305.
2. All document produced by MidCountry Bank under seal to Judge Hillman in September of 2008.
3. Any other documents produced to Defendants pursuant to third party subpoenas issued by Defendants in this case.

4. All documents produced by Plaintiffs that have been designated by label or cover letter as "Confidential."

Per Judge Saylor's order of October 30, 2008 and the terms of the Order, you will be required to return these documents to the originator and to destroy or return all copies and notes of same. You will also be required to retrieve any copies that were provided to third parties, such as experts, and to ensure that no notes or copies of these documents remain in the custody of such third parties.

I want to impress upon both of you the importance of full compliance with the Confidentiality and Protective Order. If I become aware of any evidence that Confidential material has been retained by you or released to others by you, or if I become aware of internet postings that reflect or imply the contents of Confidential materials, my instructions are to immediately seek relief from the Court.

M. Gregory Simpson

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