

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

**From:** "Greg Simpson"

**To:** "Bob"

**CC:** "G. Arthur Joy", "John Pucci", "Lizette Richards", "GerryDuffy", "Chris Penwell", "Kristin Kingsbury"

**Sent:** 04/21/2009 12:47:06 PM -0500

**Subject:** "Confidential" documents

Yes, I oppose your motion to reconsider.

M. Gregory Simpson

Direct: (612) 337-6107

e-mail: [gregsimpson@\\*\\*\\*\\*](mailto:gregsimpson@****)

SIEGEL BRILL

GREUPNER DUFFY

& FOSTER P.A.

1300 Washington Square

100 Washington Avenue South

Minneapolis, MN 55402

T (612) 337-6100

F (612) 339-6591

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**From:** Bob

**Sent:** Tuesday, April 21, 2009 6:56 AM

**To:** Greg Simpson

**Cc:** G. Arthur Joy; John Pucci; Lizette Richards; GerryDuffy; Chris Penwell; Kristin Kingsbury

**Subject:** Re: "Confidential" documents

Counselor Simpson:

Correction: According to your previous logic, we can't possibly be in violation of any order at all. And we agree.

Since you oppose our motion to file under seal, and since you already opposed our motions to file under seal and for costs, I take it that you will oppose our motions to reconsider. I will then state that you have represented such unless you get back to me and state otherwise.

Bob Pickle

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

**From:** "Greg Simpson"

**To:** "Bob"

**CC:** "G. Arthur Joy", "John Pucci", "Lizette Richards", "GerryDuffy", "Chris Penwell", "Kristin Kingsbury"

**Sent:** 04/20/2009 10:46:18 PM -0500

**Subject:** "Confidential" documents

Bob-

Don't get your undies in a bunch. I don't want to debate things with you because there is no referee to decide who wins. You asked if the documents are subject to the confidentiality order, I answered your question. Judge Carmody ordered them produced subject to Judge Hillman's order, which makes them subject to the order. Judge Saylor ordered you to return the documents, and you are in violation of that order. I oppose your motion to file the documents under seal on the basis that they are not relevant to any pending motion, they are not relevant to your motion to reconsider, and you were ordered to return them to the originating party. If you file the documents anyway, you must file them under seal. Have a pleasant evening.

Greg Simpson

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**From:** Bob

**Sent:** Monday, April 20, 2009 7:37 PM

**To:** Greg Simpson

**Cc:** G. Arthur Joy; John Pucci; Lizette Richards; GerryDuffy; Chris Penwell; Kristin Kingsbury

**Subject:** Re: "Confidential" documents

Counselor Simpson:

First, once again, since your memory seems to be short, all documents produced in this litigation are subject to the confidentiality order, whether designated confidential or not. Just because they are subject to that order doesn't mean that they are confidential. Magistrate Judge Carmody never claimed to be a designating party.

Second, nowhere does the confidentiality order say that we need to return any documents to anyone, and you very well know that.

Third, we plan on invoking ¶ 7 of the confidentiality order, as you very well know. Thus, you need to provide some sort of basis for continued judicial protection, not simply, "We said they are."

Fourth, the lawsuit is not over yet. There is an appeal before the First Circuit. Did you forget?

Fifth, any motion for contempt will be met with a motion for sanctions.

Sixth, I think you are aware of a strong possibility of a counterclaim, and all documents would likely be relevant to that case.

Seventh, you did not answer my question as to whether you would stipulate to any or all of these documents being filed under seal. Will you so stipulate?

Bob Pickle

P.S. Did you forget to CC Mr. Joy?

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

**From:** "Greg Simpson"

**To:** "Bob"

**CC:** "Kristin Kingsbury", "Chris Penwell", "John Pucci"

**Sent:** 04/20/2009 5:58:13 PM -0500

**Subject:** "Confidential" documents

Bob-

First, the Remnant documents were designated by the Michigan judge as confidential and subject to the Protective Order of Judge Hillman. That designation has never been altered and remains in effect. The documents were also designated as confidential in the cover letter from Remnant and in a letter from me. The Remnant documents are all subject to the Protective Order and must be returned to us or to Remnant.

Second, the TABN documents I don't recognize offhand. If they were designated as confidential by us then they are subject to the order. They would have been stamped or the cover letter would indicate their status. The basis for them being subject to the Protective Order is that we designated them as such. Now that the lawsuit is over, there is no need to go into whether our designation was correct or not because the correctness of our designation is not relevant to any remaining issue in the case. Further, because the lawsuit is over, you have no continuing need for documents that were obtained for purposes of the litigation and you must return them or risk being held in contempt of court.

Third, you ask if I will stipulate to filing these documents under seal in your motion to reconsider. I had understood that you moved to file these documents under seal and Judge Saylor denied your motion on the basis that these documents are irrelevant to the motion for costs and fees. Are these different documents? Why would they not also be irrelevant?

Fourth, what is your legal authority for a motion to reconsider?

Greg Simpson

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**From:** Bob  
**Sent:** Monday, April 20, 2009 5:26 PM

**To:** Greg Simpson  
**Cc:** G. Arthur Joy  
**Subject:** "Confidential" documents

Counselor Simpson:

In reviewing documents produced by either the plaintiffs or Remnant, I find that we may seek to file documents from the following list in connection with our motion to reconsider. If the document contains more than one page, the number given refers to the entire document.

REM 002, REM 005, REM 011, REM 012, REM 013, REM 014, REM 015, REM 017, REM 020, REM 021, REM 022, REM 024, REM 071, REM 072, REM 073, REM 074, REM 075, REM 076, REM 077, REM 078, REM 079, REM 080, REM 081, REM 082, REM 083, REM 084, REM 085, REM 086, REM 087, REM 088, REM 089, REM 090, REM 091, REM 092, REM 093, REM 094, REM 095, REM 097, REM 098, REM 099, REM 102, REM 103, REM 104, REM 105, REM 106, REM 107, REM 108, REM 109, REM 110, REM 111, REM 112, REM 113, REM 114, REM 115, REM 116, REM 117, REM 118, REM 119, REM 120, REM 121, REM 122, REM 123, REM 124, REM 125, REM 126, REM 127, REM 215, REM 216, REM 217, REM 218, REM 219, REM 220, REM 221, REM 222, REM 223, REM 224, REM 225, REM 288, REM 289, REM 295, REM 301, TABN000677, TABN000680, TABN002431, TABN002620, TABN002705

Please define the confidentiality status of the above documents, and provide the basis for the same. And please tell us whether you will stipulate to our filing under seal any or all of the above documents, if they are still designated as confidential.

Bob Pickle