


Ex. F

Subject: RE: [Fwd: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents]
From: "Greg Simpson"
Date: Thu, 13 Nov 2008 15:42:23 -0600
To: "Gailon"
CC: "Bob", "Chris Penwell", "John Pucci",
"Lizette Richards"

Arthur-

 It is very simple. If you got a document from us or from Remnant that is marked as "Confidential," then it is subject to the protective order and you must give it back along with all copies and notes about it. It doesn't matter if you don't think it is confidential. It is *our* designation of it as confidential that makes it subject to the order. Appeal all you want -- you don't get to keep documents that were produced solely for litigation that has ended.

I am done debating it. The next thing you hear from me on this will be my motion papers.

M. Gregory Simpson

Direct: (612) 337-6107

e-mail: gregsimpson@***

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From: Gailon

Sent: Thursday, November 13, 2008 3:25 PM

To: Greg Simpson

Cc: 'Bob'; Chris Penwell; 'John Pucci'; 'Lizette Richards'

Subject: RE: [Fwd: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents]

Mr. Simpson,

Speaking of "exhibits" you will see your e-mail of last week yet again. I want it made clear, to you that I am not going to tolerate perpetual harassment as we continue our investigation.

You voluntarily dismissed and if you were not done, then you

should not have dismissed. It is certainly painfully clear this battle is not finished. There are several loose ends and they will need to be resolved as I am not going to have you filing motions to show cause every time I exercise free speech and journalize findings.

The confidentiality order has very specific terms that you have repeatedly voided with impunity. The most egregious is the issue of what is confidential. We have no problem returning properly designated documents, since most of what has been produced we had "collateral" sources on and the docs were merely confirmatory. Much to your chagrin!!! Many documents, particularly e-mails, we also had collaterally sourced and it is likely you will see those again.

What I do not want to see happen is perpetual allegations that we have breached the confidentiality order every time we quote sourced material that your documents verified. It is not our fault you have liars for clients and the sources reported reasonably accurately as confirmed by discovery. Your client will simply have to learn to deal with the enigma this presents as we move forward.

Perhaps you should consider verifying complaints before you put the assets of the firm on the line for the next fee for harassment case you elect to take under retainer.

I want clarification of what is deemed "confidential" pursuant to the Confidentiality Order and we will be happy to comply with the courts's rule. In the alternative we will seek clarification from the bench and also clarify that collaterally sourced information is fine to report. Perhaps a stipulation could be ironed out to avoid further conflict.



Again, let me clarify that we do intend to file an appeal of the District Court dismissal and that will also impact what will have to remain under seal. We will try to narrow that down as we progress toward developing the summary of appeal. That also weighs into the calculation.

Point is, your motion is without merit and premature and the issues can be resolved with appropriate clarifications. And while we are at it, perhaps we can resolve the issues related to the motion for costs as well.

Respectfully submitted,

Gailon Arthur Joy

From: Bob

Sent: Wednesday, November 12, 2008 11:52 PM

To: G. Arthur Joy
Subject: [Fwd: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents]

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

From: "Greg Simpson"
To: "Gailon"
CC: Bob@***, "Chris Penwell", "John Pucci",
"Lizette Richards"
Sent: 11/12/2008 5:16:37 PM -0600
Subject: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents

Arthur-

We need to stay focused on the issues and minimize digressions. I assure you that Mr. Duffy is being copied on matters that require his attention.

Returning to the issue at hand, you have said you will oppose my motion for return of confidential documents but you have not explained why. If the reason you will oppose my motion is because you plan to turn over the documents voluntarily, then please tell me that and we can avoid troubling Judge Saylor. If the reason is that you don't think you have to obey the order, then tell me that and we will have to let Judge Saylor decide the issue.



These emails will likely be an exhibit for Judge Saylor, so in your next reply please state your position clearly for his benefit and mine.

M. Gregory Simpson
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From: Gailon
Sent: Wednesday, November 12, 2008 2:19 PM
To: Greg Simpson
Cc: Bob@***
Subject: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents

Mr Simpson;

Your concept of "construe" is hardly good law, but what is new?

We will oppose your Motion and seek sanctions.

You have repeatedly violated the confidentiality Order and continue to do so. And you dare complain that we have violated an order?

Let it be known that we have never refused to return "Confidential" Documents and you have yet to demonstrate where you have invoked confidentiality properly, whether stamped or with third party documents, other than after the fact.

And I suppose you would like to seal the entire case Ex Post Facto as well?

Arthur

PS: Again, why is Duffy not in the circle of e-mails?

From: Greg Simpson
Sent: Wednesday, November 12, 2008 3:05 PM
To: gailon@***; Bob
Cc: John Pucci; Lizette Richards; Chris Penwell
Subject: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents

Arthur-

I construe your Oct. 30 email as a rejection of my request that you return the confidential documents. Judge Saylor's order is independent of your obligations under the Confidentiality Order. He told you to return the documents and you have twice indicated your refusal to do so and refused to commit to return of the documents. You are openly violating Judge Saylor's order.

Given your clear position and Mr. Pickle's lack of a response, I will file a motion to enforce Judge Saylor's order.

M. Gregory Simpson

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From: gailon
Sent: Wednesday, November 12, 2008 12:30 PM
To: Greg Simpson; 'Bob'
Cc: 'John Pucci'; 'Lizette Richards'; Chris Penwell
Subject: RE: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents

Mr. Simpson,

You continue your outrageous factually challenged allegations.

I gave a very specific response to you on the same day you sent your Letter, October 30, 2009. There has been no comment from you since that date, other than your outrageous paranoia regarding the response to questions on Advent Talk.

Further, the Confidentiality order specifically references 30 days to return documents and we still have about 18 days.

And, we are still more than seriously contemplating an appeal of the District Court decision regarding Dismissal. In fact, I would suggest the likelihood is well past 90% as the research is completing.

Further, we have until the 21st to get in our Motion to Tax expenses.

Frankly, your Motion is out of order and sanctionable in several respects and we leave you to your own demise.

Perhaps you would prefer to join us in a stipulated Motion to Reconsider And re-open the unfinished case you have so quickly retreated from. As I pointed out, I suspect your clients were reluctant litigants, but will likely be even more reluctant defendants.

Respectfully Submitted,

Gailon Arthur Joy

PS: By the way, why is Mr Duffy no longer in the loop?

From: Greg Simpson
Sent: Wednesday, November 12, 2008 11:14 AM
To: Bob; gailon@***
Cc: John Pucci; Lizette Richards; Chris Penwell
Subject: 3ABN vs. Pickle & Joy -- Motion to Return Confidential Documents

Mr. Pickle & Mr. Joy-

See attached letter regarding my prospective motion to compel the return of confidential documents.

<<Letter MGS to Pickle and Joy 06.pdf>>

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