

# **EXHIBIT F**

**Lux, James**

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**From:** Jacob N. Foster [JFoster@kasowitz.com]  
**Sent:** Thursday, July 14, 2011 7:02 PM  
**To:** Perla, Timothy  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James; Jeanette Thurber  
**Subject:** RE: Walker ESI  
**Attachments:** @

Tim,

Pursuant to our discussions today, please find attached a clean version of the production protocol. Please confirm that the parties have reached agreement on the attached agreement. Thanks,

Jacob

Jacob N. Foster  
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San Francisco, California 94111  
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Fax (415) 520-6811  
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**From:** Perla, Timothy [mailto:Timothy.Perla@wilmerhale.com]  
**Sent:** Thursday, July 14, 2011 7:25 AM  
**To:** Jacob N. Foster  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James; Jeanette Thurber  
**Subject:** RE: Walker ESI

Jacob -

See my revision. It was not the case that all instances of "required" applied to all parties. I changed two.

I still don't understand paragraph two because it still sounds like the native format of illustrations is or could be something other than PDF. That is contrary to my understanding, which is that the native format of illustrations is PDF. And you won't have to take my word for it because we're producing the illustration software to you. If there does turn out to be some other native format, we will visit this issue on the ESI spec anew. But, for the time being, let's assume that my information is correct and that the native format of illustrations is PDF. My understanding is that you nonetheless want illustrations produced in TIFF. If that is correct, then we don't need a paragraph 2 because TIFF is the default anyways. Just remove the paragraph completely.

Tim

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**From:** Jacob N. Foster [mailto:JFoster@kasowitz.com]  
**Sent:** Wednesday, July 13, 2011 9:12 PM  
**To:** Perla, Timothy  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James; Jeanette Thurber  
**Subject:** RE: Walker ESI

Tim,

Thanks for your email.

- (1) I believe that all the instances that state what is required apply to all parties. If there is any specific language you object to, please let me know.
- (2) The concept of “proprietary systems data” was contained in the earlier ESI spec and was not newly added to this version. Nonetheless, Plaintiffs have removed that verbiage in the interests of reaching agreement on this issue. See revised paragraph 2 for the modified language.
- (3) We view the reasonable efforts concept as implied and the deletion of the language does not suggest that either party agrees to undertake unreasonable efforts.

Please advise whether the revised draft of the production protocol is acceptable.

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**From:** Perla, Timothy [mailto:Timothy.Perla@wilmerhale.com]  
**Sent:** Friday, July 08, 2011 4:36 PM  
**To:** Jacob N. Foster  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James; Jeanette Thurber  
**Subject:** RE: Walker ESI

Jacob –

Thanks for sending the update. Three more edits and I’m satisfied:

- (1) All of the instances that state what your firm requires should apply to all parties. Maybe just rephrase accordingly.
- (2) With respect to the new paragraph that you added, a few comments. (i) We should not introduce the new, undefined concept of “proprietary systems data” – it is not something we have discussed, and I don’t know what it means. Your concern has been about the format of production of illustrations, and that’s what the paragraph

should be about. (ii) Also, I don't follow the meaning of the second two sentences regarding whether native format does or does not exist. I have explained to you that PDF is the format that the illustration software produces; so, PDF is the native format. (Suffice to say, if what I have told you is wrong, we will of course address illustration production anew). I thought that, based on this understanding, you nonetheless wanted TIFF format for illustrations (which is fine). If that's right, let's just say so. How about if the paragraph says: "Policy illustrations shall be produced in TIFF format." (Or, better yet, we could omit the paragraph altogether since TIFF is the default anyways.).

(3) Why delete "to the extent they are able through reasonable efforts to do so"? If you view this concept as being implied and therefore unnecessary, that's fine. Regardless of whether that phrase is included, however, let's be very clear that LSW is not agreeing to undertake efforts that prove to be unreasonable, and your proposed deletion will not be understood to so suggest.

Please let me know if this works. Have a nice weekend.

Tim

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**From:** Jacob N. Foster [mailto:JFoster@kasowitz.com]  
**Sent:** Thursday, July 07, 2011 4:45 PM  
**To:** Perla, Timothy  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James; Jeanette Thurber  
**Subject:** RE: Walker ESI

Jim,

Following up on our call today, I attach a revised version of the production specification. Let me know if it is acceptable or if you have changes.

We look forward to a response regarding our ESI questions of June 27. Best,

Jacob

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**From:** Perla, Timothy [mailto:Timothy.Perla@wilmerhale.com]  
**Sent:** Friday, July 01, 2011 1:35 PM  
**To:** Jacob N. Foster  
**Cc:** Robinson, Andrea; Shapiro, Jonathan; Lux, James  
**Subject:** Walker

Jacob -

We have not forgotten about your ESI questions, and will respond next week.

Have a nice holiday.

Tim

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