

EXHIBIT 1

Fleming, Joel

From: Shapiro, Jonathan
Sent: Tuesday, August 21, 2012 5:08 PM
To: 'bbrosnahan@kasowitz.com'
Cc: Perla, Timothy; Lux, James; Robinson, Andrea; 'cfreiberg@kasowitz.com'; 'jfoster@kasowitz.com'; 'JBarzelay@kasowitz.com'; Fleming, Joel; Moskowitz, Seth A.; Shapiro, Jonathan; Baltodano, Latricia
Subject: NL/Walker Re: Evidentiary Objections

Brian,

We didn't forget anything in the cert briefing/scheduling Order. None of us can actually remember a class cert briefing exercise that included separate deadlines (and extra page limits) for evidentiary objections, as opposed to mixed fact and law objections. You certainly never raised this; if you thought there was a need for more pages and new deadlines, I'm sure you would have said so, given how firmly you negotiated against us for extra page limits - to the point where we reluctantly agreed to file the joint motion for more generous page limits/deadlines that Judge S rejected/denied (and instead cut us back to the tight budget we've all been living with).

We complied with the Court's briefing limits/deadlines by addressing all of our objections - evidentiary, mixed law/fact objections, whatever -- with our Opposition, per the Order. We don't see any reason why the parties should, at this eleventh hour, move the Court in yet another attempt to liberalize the briefing Order.

Although we've played along with these requests in the past, we just can't agree to ask for more pages -- and more time to file yet another new round of briefs -- after the Court already explicitly rejected a more modest request for extra pages on the existing briefs that it did allow us to file.

Thanks, Jonathan

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From: Brian Brosnahan [<mailto:BBrosnahan@kasowitz.com>]
Sent: Tuesday, August 21, 2012 06:40 PM
To: Shapiro, Jonathan
Cc: Perla, Timothy; Lux, James; Robinson, Andrea; Charles Freiberg <CFreiberg@kasowitz.com>; Jacob N. Foster <JFoster@kasowitz.com>; Jeanette T. Barzelay <JBarzelay@kasowitz.com>
Subject: Evidentiary Objections

Jonathan,

It appears to us that the rules do not specify a due date for evidentiary objections with respect to the motion for class certification. We propose that the parties' evidentiary objections be filed on August 31, 2012. Please advise whether LSW agrees.

Brian

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