

EXHIBIT C

Jeanette T. Barzelay

From: Lux, James [James.Lux@wilmerhale.com]
Sent: Tuesday, August 28, 2012 2:04 PM
To: Brian Brosnahan; Fleming, Joel
Cc: Shapiro, Jonathan; Perla, Timothy; Robinson, Andrea; Charles Freiberg; Jacob N. Foster; Jeanette T. Barzelay; Eugenia M. DiSabatino
Subject: RE: Your Ex Parte Application

Brian,

I tried calling to discuss your proposal. We don't see the rule you are referring to, and in any event, Plaintiffs helped themselves to an additional 170 pages of briefing without seeking our assent and without leave of court, so it doesn't seem right to suggest that your filing is not subject to judicial review before the hearing.

Is there some rule we're missing? If so, please advise, and if not we will plan on filing on an ex parte basis as Joel described.

Jim

From: Brian Brosnahan [mailto:BBrosnahan@kasowitz.com]
Sent: Tuesday, August 28, 2012 3:41 PM
To: Fleming, Joel
Cc: Shapiro, Jonathan; Perla, Timothy; Lux, James; Robinson, Andrea; Charles Freiberg; Jacob N. Foster; Jeanette T. Barzelay; Eugenia M. DiSabatino
Subject: Your Ex Parte Application

Joel,

Having consulted the pertinent rules and Judge Selna's General Order, we do not believe that the relief you describe can be obtained via an ex parte application. We would be happy to discuss a stipulation for an order shortening time so that you can file a motion to strike to be heard on September 10, 2012.

Please advise.

Brian

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