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June 13, 2012

VIA CM/ECF

The Honorable Peter J. Messitte
United States District Court for the District of Maryland
Greenbelt Division
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *Beyond Systems, Inc. v. Kraft Foods, Inc.*, No. 08-cv-409 (PJM)

Dear Judge Messitte:

My colleague, Nicoleta Timofti, and I have been included on Connexus' witness list in our capacity as counsel for the World Avenue companies and have been subpoenaed by Connexus' counsel to testify at their trial scheduled to start next week. We understand from Connexus' counsel, Ari Rothman, that they would call us to testify if the Court excludes the video inspections taken in the *Beyond Systems, Inc. v. World Avenue USA, LLC, et al.* ("World Avenue case"). Connexus has identified the videographer for all of the video inspections, Nolan Church, on its witness list, and we understand that he has agreed to provide the Defendants with an affidavit authenticating the videos of the inspections.

We spoke with counsel for BSI, Roger Yoerges, who authorizes us to state that he anticipates that the videographer can and will authenticate the videos of the inspections. Once the videos are authenticated, the issue of their admissibility may remain open. However, if the Court will not allow the authenticated videos of the inspections into the record, it seems unlikely that the Court will allow us to testify about the content of the same videos it excluded as evidence.

Therefore, we respectfully request that the Court address this issue with the parties at the pre-trial conference and, if necessary, quash the trial subpoenas served upon Mrs. Timofti and me, and remove us from the Defendants' witness list. This relief would avoid significant disruption to our schedules and be consistent with the spirit of the Court's pre-trial ruling in the *World Avenue* case. There, approximately 11 months ago, Your Honor conducted the pre-trial conference for the *World Avenue* mini-trial and ruled that the trial should be about the three

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trial issues and not about counsel. Finally, this relief would avoid any more unnecessary expense to our client, who settled its case with BSI more than 10 months ago.

Thank you for your attention to this matter. We will be available by telephone at the time of the pre-trial conference if the Court has any questions for us.

Respectfully Submitted,

/s Sanford M. Saunders, Jr.

Sanford M. Saunders, Jr.

cc: Ari N. Rothman, Esq.
Roger Yoerges, Esq.