

Gordon, Jack B.

From: Lee, Gary [Gary.Lee@lovells.com]
Sent: Thursday, May 26, 2005 9:58 AM
To: 'Gordon, Jack B.'; Brooke Holton; jdl@rackemann.com; Eric Smith
Cc: Paula Rogers
Subject: RE: Discovery matters

We will provide you a copy of the motion today setting forth the reasons. We need a hearing Tuesday or Wednesday to avert the cost of the deposition in London - perhaps the other Fried Frank lawyer who attended the hearing or your local counsel can address the matter.

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

From: Gordon, Jack B. [mailto:GordoJa@ffhsj.com]
Sent: Thursday, May 26, 2005 9:53 AM
To: Lee, Gary; Brooke Holton; jdl@rackemann.com; Eric Smith
Cc: Paula Rogers; Gordon, Jack B.
Subject: RE: Discovery matters

1. Why would you strike the Equitas affidavit?
2. I'm unavailable Tuesday and Wednesday.

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

From: Lee, Gary [mailto:Gary.Lee@lovells.com]
Sent: Thursday, May 26, 2005 9:01 AM
To: 'Brooke Holton'; jdl@rackemann.com; Eric Smith
Cc: Paula Rogers; 'Gordon, Jack B.'
Subject: Discovery matters
Confidential

We are now in receipt of the transcript of the May 12 hearing and believe a motion is appropriate in light of the Liquidator's decision to produce no documents from Appendix 4. We will try to file something tomorrow morning. We also intend to file a motion to strike the Equitas affidavit today. In light of the Williams deposition next week and the relevance of the documents on Appendix 4, we would like to schedule a hearing for Tuesday or Wednesday next week if the Court's schedule permits.
Regards,

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5/27/2005

Exhibit C