

# EXHIBIT C

## Christopher Lavin

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**From:** Christopher Lavin  
**Sent:** Thursday, December 29, 2022 8:21 AM  
**To:** Jeffrey Gersh  
**Cc:** Michael Sherman; McCormick, Patrick Emerson; Todd Gregorian  
**Subject:** RE: PWeb - Amazon - Document issues

Jeff,

Thanks for your response below – I’ll call your office line today at 4 PM PT to discuss further.

Regards,  
Chris

Chris Lavin

[Fenwick](#) | Associate | +1 415-875-2287 | [CLavin@fenwick.com](mailto:CLavin@fenwick.com) | Admitted to practice in California.

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**From:** Jeffrey Gersh <jgersh@stubbsalderton.com>  
**Sent:** Wednesday, December 28, 2022 2:28 PM  
**To:** Christopher Lavin <CLavin@fenwick.com>  
**Cc:** Michael Sherman <masherman@stubbsalderton.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>; Todd Gregorian <TGregorian@fenwick.com>  
**Subject:** RE: PWeb - Amazon - Document issues

**\*\* EXTERNAL EMAIL \*\***

Chris

Let me clarify two points

1. In Para. 1 – we also searched the domain “stbm.com.au” which we believe relates to Monto.
2. In Para. 2 – there is a typo – it should have referenced July 31, 2021 not July 31, 2022.

Sorry for any confusion

JG

**Jeffrey F. Gersh**

**Partner, Stubbs Alderton & Markiles, LLP**

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**From:** Jeffrey Gersh

**Sent:** Wednesday, December 28, 2022 2:08 PM

**To:** Christopher Lavin <[CLavin@fenwick.com](mailto:CLavin@fenwick.com)>

**Cc:** Michael Sherman <[masherman@stubbalderton.com](mailto:masherman@stubbalderton.com)>; McCormick, Patrick Emerson <[PMcCormick@lewisroca.com](mailto:PMcCormick@lewisroca.com)>; Todd Gregorian <[TGregorian@fenwick.com](mailto:TGregorian@fenwick.com)>

**Subject:** RE: PWeb - Amazon - Document issues

Chris

In response to your Monday email please be advised as follows:

I am not available Thursday until later in the afternoon after 3 and I am not at all available on Friday. I am available this afternoon after 2:30 and if something opens for Thursday earlier, I will let you know.

With respect to your questions, let me respond to them in the order set forth in your email –

1. We searched for those domains within our search parameters that Michael previously mentioned to you including claria and monto. We searched for clariainnovations.com, as well. If someone from those domains communicated with SAM and referenced PersonalWeb they will be captured and provided to Lewis Roca. I have no specific timetable on this specific request but know that we are looking into it as quickly as we can.
2. We do not intend to search docs through the present day but are actively searching up to September 15, 2022 (rather than July 31, 2022 which you previously were concerned about), when we no longer represented Personal Web in the District Court matter. Our contemporaneous communications after that date would prohibit us from speaking with our former client and its new counsel which would make no sense and certainly nothing in those communications has been waived. If you know of some law that requires us to do otherwise, please advise and we will reconsider.
3. It is unclear what you mean by “additional detail”. If you are asking whether we are going to provide a privilege log, I see no reason that we are required to do so. No subpoena was served on SAM to produce documents which may in certain circumstances require a privilege log, but not as the discovery is presently constituted. All SAM is doing is furnishing documents to counsel for its prior client. Further, this inquiry relates to documents that are not being withheld because they are privileged as to PersonalWeb, but because they are the property of, and relate to, another client of SAM and we are NOT at liberty to produce

them. As to that client they would be privileged, and they are not documents that belong to PersonalWeb which are the documents that we are furnishing Lewis Roca.

4. Not sure what additional detail you want us to provide. Let me be clear that our office has spent hundreds of hours conducting searches which continue to date. It is my understanding that Michael has personally spent close to 150 hours on this, including through the Christmas holiday. The paper files that we have located are separated and we can discuss further when those will be available for pickup or delivery to Lewis Roca, although I anticipate having them available by then end of this week or beginning of next week.

5. Stubbs has searched the additional search terms. See below regarding specific information based on our searches.

a. Regarding Murray Markiles, we have searched -- EMAILS TO: Markiles, EMAILS FROM: Markiles, or where DOCUMENT CUSTODIAN: Markiles, as you requested.

b. Regarding Ron Richards, we searched --- EMAILS TO: [ron@ronaldrichards.com](mailto:ron@ronaldrichards.com), EMAILS FROM: [ron@ronaldrichards.com](mailto:ron@ronaldrichards.com), or where DOCUMENT CUSTODIAN: Richards. To the best of my knowledge, we have furnished 514 electronic communications to Lewis Roca.

c. We searched -- judgment w/5 (adverse or fee! or "attorney fees" or "attorney's fees" or "attorneys' fees" or sanction or cost! or 285 or PersonalWeb or "Personal Web" or PWeb or PW). To the best of my knowledge, our search parameters have captured 726 electronic communications that were furnished to Lewis Roca.

d. We searched -- (asset! or capital! or patent!) w/5 (fee! or cost! or sanction! or 285 or protect! or insulate or receiver!). To the best of my knowledge, our search parameters have captured 285 electronic communications that fall within this category that we have furnished to Lewis Roca.

e. We searched -- (note! or loan! or invest! Or pay!) w/5 ("Brilliant Digital" or BDE or Claria or Europlay or ECA or Monto or Topodia or creditor!). To the best of my knowledge, these search parameters have captured 65 electronic communications that fall within this category that we have furnished to Lewis Roca.

f. We searched -- (PWeb) w/5 ("set-up" or establish! or organiz! or purpose or structur! or protect! or insulate or receiver!). To the best of my knowledge these search parameters have captured 135 electronic communications that fall within this category that we have furnished to Lewis Roca.

Let me know when you want to speak.

JG

**Jeffrey F. Gersh**

**Partner, Stubbs Alderton & Markiles, LLP**

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**From:** Christopher Lavin <[CLavin@fenwick.com](mailto:CLavin@fenwick.com)>

**Sent:** Monday, December 26, 2022 10:46 AM

**To:** Jeffrey Gersh <[jgersh@stubbsalderton.com](mailto:jgersh@stubbsalderton.com)>

**Cc:** Michael Sherman <[masherman@stubbsalderton.com](mailto:masherman@stubbsalderton.com)>; McCormick, Patrick Emerson <[PMcCormick@lewisroca.com](mailto:PMcCormick@lewisroca.com)>; Todd Gregorian <[TGregorian@fenwick.com](mailto:TGregorian@fenwick.com)>

**Subject:** RE: PWeb - Amazon - Document issues

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Mr. Gersh,

Please provide your availability for a further meet and confer call tomorrow Tue., Dec. 27th, Thu., Dec. 29th, or Fri., Dec. 30th.

To make it a more productive call, please provide Stubbs Alderton's positions in advance of the call on the following:

1. Whether the e-mail domains for Claria ([clariainnovations.com](http://clariainnovations.com)) and Monto (Note: Ronnie Dyne used [@stbm.com.au](mailto:@stbm.com.au)) will be searched?
2. Whether the July 30, 2021 date cut-off will be amended to include documents after that date and through the present day?
3. Whether Stubbs will provide any additional detail on documents that hit on a keyword being withheld because although responsive, Stubbs was purportedly acting on behalf of a different client?
4. Whether Stubbs will provide any additional detail on its ongoing searches for responsive documents, including the keywords and paper and electronic files, searched and/or to be searched? When will those efforts be complete?
5. Whether Stubbs will search our proposed additional search terms and, if so, whether it will provide the document hit counts for each term?

Regards,  
Chris

Chris Lavin

[Fenwick](http://Fenwick) | Associate | +1 415-875-2287 | [CLavin@fenwick.com](mailto:CLavin@fenwick.com) | Admitted to practice in California.

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