

EXHIBIT 1

From: [Todd Gregorian](#)
To: [Thomas Robins](#); [Christopher Lavin](#); [Michael Fletcher](#); [Craig A. Welin](#); [Bruce D. Poltrock](#); [Alan Mirman](#); [mbubman@mbn.law](#)
Cc: [Charles, Robert](#); [McCormick, Patrick Emerson](#); [Baratz, Michael](#); [Marshak, Emma](#)
Subject: RE: Brilliant Digital Entertainment, Inc., et al. v. Personal Web Technologies, LLC, et al., Case No. 21VECV00575 (Super. Ct., Cnty. of L.A.) [-FRBC_IMAN_LA.FID2261129]
Date: Thursday, January 5, 2023 9:50:01 AM
Attachments: [image001.png](#)

Tom,

Yes, we will agree to a protective order in state court. Pending its entry we would agree to AEO treatment of the entire production. We contemplate the agreement covering any further documents to be produced under the subpoenas in the federal court case, but we could hold off on that if it is a sticking point for your clients.

Not sure I understand the 2031.010 issue. We don't plan to create busywork for anyone by propounding the identical requests in the state court action. But I also do not want to be prevented from seeking further targeted document discovery if needed. Maybe Chris can jump on the phone with you to discuss this point.

-t

From: Thomas Robins <trobins@frandzel.com>
Sent: Thursday, January 5, 2023 8:59 AM
To: Christopher Lavin <CLavin@fenwick.com>; Michael Fletcher <mfletcher@frandzel.com>; Craig A. Welin <cwelin@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>; Alan Mirman <amirman@mbn.law>; mbubman@mbn.law
Cc: Charles, Robert <RCharles@lewisroca.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>; Baratz, Michael <MBaratz@steptoe.com>; Marshak, Emma <emarshak@steptoe.com>; Todd Gregorian <TGregorian@fenwick.com>
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**** EXTERNAL EMAIL ****

Chris, I know I've let this slide somewhat while focusing on other issues in this case. The answer may be different depending on the client. I'd like to explore some questions: First, I trust there will be a protective order either similar to the current one in federal court or, if the LA court insists, the LA County Superior Court form protective order (you can get it from the court website). Second, do you contemplate a stipulation that the same document categories that are attached to the subpoenas will be deemed to have been propounded as document requests under CCP 2031.010 et seq.? Third, relative to the last one, that to the extent further documents being produced in the fed court responsive to the subpoenas would be covered by the agreement?

Thanks Tom

Thomas Robins

FRANDZEL ROBINS BLOOM & CSATO, L.C.

1000 Wilshire Boulevard, 19th Floor

Los Angeles, CA 90017-2427

Phone: (323) 658-9703

Facsimile: (323) 651-2577

E-mail: trobins@frandzel.com

Web: <http://www.frandzel.com>

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From: Christopher Lavin <CLavin@fenwick.com>

Sent: Tuesday, January 3, 2023 2:15 PM

To: Thomas Robins <trobins@frandzel.com>; Michael Fletcher <mfletcher@frandzel.com>; Craig A. Welin <cwelin@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>; Alan Mirman <amirman@mbn.law>; mbubman@mbn.law

Cc: Charles, Robert <RCharles@lewisroca.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>; Baratz, Michael <MBaratz@steptoe.com>; Marshak, Emma <emarshak@Steptoe.com>; Todd Gregorian <TGregorian@fenwick.com>

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Tom,

Following up on the below, please advise.

Regards,
Chris

Chris Lavin

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

From: Thomas Robins <trobins@frandzel.com>

Sent: Monday, December 19, 2022 3:36 PM

To: Christopher Lavin <CLavin@fenwick.com>; Michael Fletcher <mfletcher@frandzel.com>; Craig A. Welin <cwelin@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>; Alan Mirman

<amirman@mbn.law>; mbubman@mbn.law

Cc: Charles, Robert <RCharles@lewisroca.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>; Baratz, Michael <MBaratz@steptoe.com>; Marshak, Emma <emarshak@steptoe.com>; Todd Gregorian <TGregorian@fenwick.com>

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**** EXTERNAL EMAIL ****

Chris, we acknowledge your request below and are working toward obtaining consensus with our clients. Given the holidays and the fact that certain of our clients are traveling in various time zones, please give us a few more days to formally respond. I trust this proposal would include entering into a protective order under same terms as the one we agreed to in the fed action. Thanks
Tom

Thomas Robins

FRANDZEL ROBINS BLOOM & CSATO, L.C.

1000 Wilshire Boulevard, 19th Floor

Los Angeles, CA 90017-2427

Phone: (323) 658-9703

Facsimile: (323) 651-2577

E-mail: trobins@frandzel.com

Web: <http://www.frandzel.com>

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From: Christopher Lavin <CLavin@fenwick.com>

Sent: Friday, December 16, 2022 1:01 PM

To: Michael Fletcher <mfletcher@frandzel.com>; Craig A. Welin <cwelin@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>; Thomas Robins <trobins@frandzel.com>; Alan Mirman <amirman@mbn.law>; mbubman@mbn.law

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Counsel,

Amazon filed its complaint-in-intervention this week. I attach a courtesy copy.

Amazon proposes that the parties agree that document productions from the federal court action, *i.e.*, *In re PersonalWeb Technologies, LLC, Pat. Litig.*, Civ. A. No. 18-md-02834-BLF (N.D. Cal.) (*lead case*), be treated as produced in the Superior Court action. This will save significant party resources and avoid further depleting the PersonalWeb estate.

Please confirm your agreement.

Regards,
Chris

Chris Lavin

Fenwick | Associate | +1 415-875-2287 | CLavin@fenwick.com | Admitted to practice in California.