

Exhibit E

From: [Thomas Robins](#)
To: [Christopher Lavin](#); [Shiple, Michael](#); [McCormick, Patrick Emerson](#)
Cc: [Todd Gregorian](#); [Michael Fletcher](#); [Bruce D. Poltrock](#)
Subject: RE: In Re: PersonalWeb Technologies, LLC et al, Civ. A. No. 18-md-02834-BLF (N.D. Cal.) [-FRBC_IMAN_LA.FID2261129] [-FRBC_IMAN_LA.FID2261129]
Date: Friday, January 13, 2023 11:36:05 AM
Attachments: [image001.png](#)

**** EXTERNAL EMAIL ****

Chris, following our call on Wednesday I have been attempting to contact Mr. Gersh to confirm my understanding of the past involvement of him with respect to the secured loans from Secured Lenders to PW. We finally connected this morning. I need to correct a portion of my understanding that I conveyed in our call and that you have set out below. Mr. Gersh was not involved in the original creation or amendment of any of the secured notes or related security interests (he didn't formally join SAM until 6-7 years ago), though as I reported, he was involved in the discussions with my partners Michael Fletcher and Craig Welin regarding the late April 2021 amendments to those documents that were documented by my firm.

He also confirmed that his involvement in the approach to the Levene Neale firm (Ron Bender), which included Mr. Markiles and Anthony Neumann, was on behalf of the secured lenders in the wake of the Amazon fee award.

Let me know if you wish to talk about this further. We are working on our portion of the joint statement for Secured Lenders' motion to claw back the 13 emails at issue and in response to your efforts to obtain production of the 13 BDE emails.

Tom

Thomas Robins
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From: Christopher Lavin <CLavin@fenwick.com>

Sent: Wednesday, January 11, 2023 3:00 PM

To: Thomas Robins <trobins@frandzel.com>; Shipley, Michael <mshipley@kirkland.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>

Cc: Todd Gregorian <TGregorian@fenwick.com>; Michael Fletcher <mletcher@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>

Subject: [EXTERNAL] RE: In Re: PersonalWeb Technologies, LLC et al, Civ. A. No. 18-md-02834-BLF (N.D. Cal.) [-FRBC_IMAN_LA.FID2261129] [-FRBC_IMAN_LA.FID2261129]

Counsel,

In preparation for our motion regarding the clawback documents and other documents withheld as privileged by the PersonalWeb investors despite listing Mr. Gersh as a participant, I write to confirm the following facts offered by counsel for those parties during the conference of counsel:

1. That both Mr. Gersh personally and Stubbs Alderton generally advised the four PersonalWeb investors—BDE, Claria, Europlay, and Monto--on the original promissory notes (circa 2011) as well as the amendments thereafter.
2. That because of this longstanding prior representation concerning the promissory notes, those parties consulted Mr. Gersh for legal advice around April 2021 about modifying the security agreements to identify the collateral with more particularity.

Regarding treatment of the 13 clawback documents, we do not intend to refer to the content of clawback documents or use them in preparation of our motion.

As requested on the call, please be prepared to lodge the clawback documents by Tuesday as the Court ordered, as well as entries: BDE159192, BDE159196, BDE159198, BDE159199, BDE159202, BDE159207, BDE159209, BDE159210, BDE159211, BDE159329, BDE159351, BDE159355, and BDE159357, on the privilege log of the PersonalWeb investors, which similarly list Mr. Gersh as a participant (to the extent any of these documents are not already among the clawback documents).

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: Tuesday, January 10, 2023 4:55 PM
To: Christopher Lavin <CLavin@fenwick.com>; Shipley, Michael <mshipley@kirkland.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>
Cc: Todd Gregorian <TGregorian@fenwick.com>; Michael Fletcher <mfletcher@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>
Subject: RE: In Re: PersonalWeb Technologies, LLC et al, Civ. A. No. 18-md-02834-BLF (N.D. Cal.) [-FRBC_IMAN_LA.FID2261129] [-FRBC_IMAN_LA.FID2261129]

**** EXTERNAL EMAIL ****

Chris, any time in afternoon except 3-4 works for us Mike Shipley and me.
Please send an invite. Tom

Thomas Robins
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From: Christopher Lavin <CLavin@fenwick.com>
Sent: Tuesday, January 10, 2023 1:51 PM
To: Thomas Robins <trobins@frandzel.com>; Shipley, Michael <mshipley@kirkland.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>
Cc: Todd Gregorian <TGregorian@fenwick.com>; Michael Fletcher <mfletcher@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>
Subject: [EXTERNAL] RE: In Re: PersonalWeb Technologies, LLC et al, Civ. A. No. 18-md-02834-BLF (N.D. Cal.) [-FRBC_IMAN_LA.FID2261129]

Tom,

Thanks – we still request a meet and confer, please provide availability of counsel for the PersonalWeb investors.

Regards,
Chris

Chris Lavin

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From: Thomas Robins <trobins@frandzel.com>

Sent: Tuesday, January 10, 2023 12:41 PM

To: Christopher Lavin <CLavin@fenwick.com>; Shipley, Michael <mshipley@kirkland.com>; McCormick, Patrick Emerson <PMcCormick@lewisroca.com>

Cc: Todd Gregorian <TGregorian@fenwick.com>; Michael Fletcher <mfletcher@frandzel.com>; Bruce D. Poltrock <bpoltrock@frandzel.com>

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Chris, the documents subject to the clawback request are all communications with Ron Bender of the Levine Neal Bender firm, that was initially contacted to represent the Secured Lenders in this matter. They passed on the engagement and my firm was retained. That Jeff Gersh is on one or more of these emails is a function of the fact that, over the years, SAM, including Gersh, provided legal services to the Secured Lenders, including with respect to documenting the secured loans. If you do a search of our privilege log under "Bender" you should find a number of entries, including copies of 12 of the 13 that are the subject of the clawback request. (One we inadvertently produced.)

We have logged other emails on which Gersh was a party (again, you can find these by a search of our privilege log) for the same reason, i.e., he was on the communication because he had performed legal services for the secured lenders regarding the secured loans and was being consulted as such by our firm in the course of representing the secured lenders.

Let me know if you still need a meet and confer. Tom

Thomas Robins

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