

Exhibit A

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Exhibit B

Subject: Elm v. Samsung: Discovery Issues
Date: Wednesday, April 6, 2022 at 8:00:15 PM Mountain Daylight Time
From: Razick, James
To: Nosson Knobloch, Kat Hacker, adam.mortara@bartlit-beck.com, John Hughes, Matthew Ford, Daniel Taylor, Beth Costner, bfarnan@farnanlaw.com, farnan@farnanlaw.com, mfarnan@farnanlaw.com, Mailing List - Leedy
CC: ServicePH Samsung-ELM 3DS, apoff@ycst.com, pkraman@ycst.com
Attachments: image001.png

EXTERNAL EMAIL: Caution with Links and Attachments

Counsel,

We write to follow up on multiple discovery issues discussed during our March 29 meet and confer.

Mr. Epstein as Glenn Leedy's Personal Representative and Mr. Leedy's Will

Despite Elm's assertion that Mr. Epstein is Mr. Leedy's personal representative, it is Elm's position that it does not need to and will not produce documentary evidence to corroborate that assertion. Thus, Elm is maintaining its position that Mr. Leedy's will—which would bear on whether Mr. Epstein is in fact the personal representative—is irrelevant and Elm will not produce it. We are at an impasse on this issue and intend to bring the dispute to the Court.

Furthermore, you refused to tell us who represents Mr. Epstein in his purported role as Mr. Leedy's personal representative and whether Bartlick Beck does.

Compensation Information

With respect to Mr. Epstein's compensation, Elm agreed to supplement its response to Interrogatory 4 to include payments actually made to Mr. Epstein. Please confirm that you will do so by no later than Wednesday, April 13.

With respect to compensation flowing to Mr. Leedy's surviving family members, Elm is maintaining its position that this information is irrelevant and is refusing to supplement Interrogatory 4 to provide this information. As we have previously noted, this information is relevant because if Elm intends at trial to state, offer, or otherwise suggest in any way that any damages award from the litigation would be for the benefit of Mr. Leedy's surviving family members, such as his wife or children, then Samsung is entitled to rebut that argument by identifying what portion would actually flow to them or has flowed to them.

While we understand that Elm was willing to offer a narrow stipulation that it would not explicitly argue that damages in this case would go to Mr. Leedy's family, we understand that Elm reserved the right to discuss Mr. Leedy's background and work—which could include his family and the fact he is deceased. Given this reservation, we do not believe such a stipulation can adequately cover Samsung's concerns. Furthermore, at the discovery stage, this compensation information is relevant, discoverable, and should be produced. Thus, we are at an impasse on this issue and intend to bring the dispute to the Court.

Offer Related Documents

Elm confirmed during our meet and confer that it was not going to limit its search for and production of

offer related documents to only those mentioned in ELM3DS00140495. Elm also confirmed that it would search for and produce any remaining offer related documents or confirm that none exist in a couple of weeks from our March 29 meet and confer. Please confirm that you will produce all such remaining documents or confirm that none exist by Wednesday, April 13.

As noted above, we intend to bring the disputes regarding Mr. Leedy's will and the compensation information for Mr. Leedy's surviving family members to the Court and will follow up with the joint discovery dispute letter.

Sincerely,
James

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