

From: Christina Marshall [mailto:cmarshall@sutter-law.com]
Sent: Friday, September 29, 2006 10:54 AM
To: Lisa A. Wafer
Cc: Marisa Bartlette Willis
Subject: ***SPAM*** (10.1) Ferron v. VCES & OPTIN
Importance: High

Lisa:

You unilaterally noticed the depositions of Scott Richter and Steven Richter of Optinrealbig.com for October 2nd and 3rd, despite my objection that we would need to review the thousands of e-mails produced by your office in connection with this case. In addition, you did not notice the depositions for their office, which is located in Colorado, but for your own office in Columbus.

You may or may not realize this, but literally tens of thousands of the e-mails you produced have nothing to do with either VCES or OPTIN. This has caused a substantial delay in being able to review your client's e-mails and address the allegations listed in Plaintiff's First Amended Complaint. As such we have not yet completed a review of the over 62,000 emails you produced. If there is an e-mail you believe was sent by either VC E-Commerce Solutions or Optinrealbig.com, you have sufficiently buried that needle in a haystack of superfluous and irrelevant material.

In addition, it has come to my attention that your client has other litigation pending in the USDC, Southern District of Ohio, involving similar allegations surrounding e-mails your client received. In fact, in your client's case against "Search Cactus", you have already moved the Court to add Optinrealbig.com as an additional defendant. It is my understanding that because of the similarities in allegations, and your request to add a defendant that is already a party to this lawsuit, that there may be a request for consolidation of the two cases.

That being said, I am asking that you reschedule both depositions for a date, time and location that is convenient to both parties. I'm sure you can appreciate that it makes sense to sort these issues out before subjecting either party to numerous depositions. I also ask that you reschedule the depositions until such time that my clients have had an opportunity to review all the e-mails your client produced. It only makes sense to do that, as it may avoid you having to re-depose them in the future, as additional information surfaces throughout the discovery process.

I look forward to hearing from you regarding these matters.

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