

EXHIBIT B

Matthew Buschi

From: Matthew Buschi
Sent: Thursday, August 4, 2016 3:23 PM
To: 'Kathryn Nelson'; Geoffrey Berg
Cc: Kenneth Krock
Subject: RE: Sinn deposition dates

Kathryn,

Yes you will be getting those discovery materials tomorrow, just as we read into the record by agreement at the hearings on July 22, 2016 – the responses would be provided two weeks from that date. The discovery at issue is: (a) answers to two interrogatories that just put names with phone numbers, and (b) responses to two requests for production (which will include all of one single document and a privilege log), so we are not talking about a substantial amount of information here. When you noticed this deposition for Sunday, August 7, 2016 you knew that tomorrow was the date you would be receiving the responses, so I can think of no other reason for this than to aid in your motion to continue the case. Ken and I have had to re-arrange personal schedules with our families to accommodate this Sunday deposition, despite the order specifically stating Saturdays, and my client has already made costly travel arrangements for this deposition. I told you previously my client is not available the 14th, nor is he available in the middle of the week on August 9, 10, or 11. We already had oral argument on this issue and the Court ruled the deposition could be on a Saturday which we have offered (along with September 2nd which was a weekday you rejected), yet you have categorically excluded Saturdays without any reason, and now you want to cancel the compromise our side made by being available this Sunday. None of the proposed dates are acceptable, and if you are going to cancel this deposition, then please tell me that now so I can let my family know and we will simply have to revisit this issue with the Court.

Matt

Matthew M. Buschi



Rapp & Krock, PC
1980 Post Oak Blvd., Ste. 1200
Houston, Texas 77056

Telephone: 713.759.9977
Facsimile: 713.759.9967

mbuschi@rk-lawfirm.com
www.rk-lawfirm.com

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EXHIBIT B

From: Kathryn Nelson [mailto:knelson@bergfeldman.com]
Sent: Thursday, August 4, 2016 2:02 PM
To: Matthew Buschi <mbuschi@rk-lawfirm.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Matt,

I assume that we will receive supplemental discovery responses from you tomorrow. Unfortunately, there just isn't enough time between receipt of that information and your client's deposition to adequately prepare.

We have consistently done everything possible to accommodate your client's scheduling issues and will continue to do so. With that in mind, on August 1, 2016, I asked why your client could not be available to be deposed on August 14. I never received an answer.

In an effort to further accommodate Mr. Sinn, we are willing to reschedule his deposition on any of the following four days at his option: August 9, 10, 11, or 14.

Please let us know which of those dates works best for you and Mr. Sinn.

Regards,
Kathryn

From: Kathryn Nelson
Sent: Monday, August 1, 2016 4:13 PM
To: 'Matthew Buschi' <mbuschi@rk-lawfirm.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Matt:

Since you requested that the deposition begin at 9:00am, that is when we scheduled the court reporter and videographer. I will ask whether they are available to begin at 8:30 and whether Geoff can be there at that time.

Please advise what the conflict is that prevents Mr. Sinn from being in Houston on the 14th since we will not agree to end his deposition by noon on the 7th.

Regards,
Kathryn

From: Matthew Buschi [mailto:mbuschi@rk-lawfirm.com]
Sent: Monday, August 1, 2016 2:00 PM
To: Kathryn Nelson <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Kathryn,

Mr. Sinn is not available to be in Houston on the 14th.

Are you willing to start the depo at 8:30 am on Sunday? This should help meet the time constraints.

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Matt

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Rapp & Krock, PC
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Houston, Texas 77056

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From: Kathryn Nelson [<mailto:knelson@bergfeldman.com>]
Sent: Monday, August 1, 2016 1:26 PM
To: Matthew Buschi <mbuschi@rk-lawfirm.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Matt:

Geoff and I have two and maybe as many as three trial settings during the week of September 2. That date does not work. What is the conflict with August 14?

If August 7 is the only available date, we can only do our best in good faith to complete the deposition by noon. We do not agree to end it by that time.

Regards,
Kathryn

From: Matthew Buschi [<mailto:mbuschi@rk-lawfirm.com>]
Sent: Monday, August 1, 2016 12:38 PM
To: Kathryn Nelson <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Kathryn,

Please let me know about this ASAP because my client has to make travel arrangements.

EXHIBIT B

Matt

Matthew M. Buschi



Rapp & Krock, PC
3050 Post Oak Blvd., Ste. 1425
Houston, Texas 77056

Telephone: 713.759.9977
Facsimile: 713.759.9967

mbuschi@rk-lawfirm.com
www.rk-lawfirm.com

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From: Matthew Buschi
Sent: Monday, August 1, 2016 10:30 AM
To: 'Kathryn Nelson' <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>
Cc: Kenneth Krock <kkrock@rk-lawfirm.com>
Subject: RE: Sinn deposition dates

Kathryn, August 14 is not available. The deponent has to end the deposition at 12 on Sunday, August 7, 2016. We can either agree to that, or you can depose him on the Saturday before, August 6, 2016, for up to 3 hours 59 minutes (starting no sooner than 1:30), or for up to 3 hours 49 minutes on September 2, 2016. I have not heard from you on your availability for September 2.

Matt

Matthew M. Buschi



Rapp & Krock, PC
3050 Post Oak Blvd., Ste. 1425
Houston, Texas 77056

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Telephone: 713.759.9977

Facsimile: 713.759.9967

mbuschi@rk-lawfirm.com

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From: Kathryn Nelson [<mailto:knelson@bergfeldman.com>]

Sent: Friday, July 29, 2016 10:54 AM

To: Matthew Buschi <mbuschi@rk-lawfirm.com>; Geoffrey Berg <Gberg@bergfeldman.com>

Cc: Kenneth Krock <kkrock@rk-lawfirm.com>

Subject: RE: Sinn deposition dates

Matt,

We will not agree to adjourn the deposition until it is completed. As you know, we are also available on August 14. Please let me know if that date is better for you.

Regards,
Kathryn

From: Matthew Buschi [<mailto:mbuschi@rk-lawfirm.com>]

Sent: Friday, July 29, 2016 8:58 AM

To: Kathryn Nelson <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>

Cc: Kenneth Krock <kkrock@rk-lawfirm.com>

Subject: RE: Sinn deposition dates

Kathryn,

12pm is a hard stop for us on Sunday, August 7. We gave a Sunday to try to work with you on your demand for Sundays (although as you can see the Order specifically states Saturday). If you won't agree to wrap it up by noon on August 7, then we will have to schedule another date. We can offer to start the deposition at 8:30am if that will help, but in no way is the deposition going past noon on August 7.

Matt

Matthew M. Buschi



Rapp & Krock, PC
3050 Post Oak Blvd., Ste. 1425
Houston, Texas 77056

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Telephone: 713.759.9977

Facsimile: 713.759.9967

mbuschi@rk-lawfirm.com

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From: Kathryn Nelson [<mailto:knelson@bergfeldman.com>]

Sent: Thursday, July 28, 2016 3:01 PM

To: Matthew Buschi <mbuschi@rk-lawfirm.com>; Geoffrey Berg <Gberg@bergfeldman.com>

Cc: Kenneth Krock <kkrock@rk-lawfirm.com>

Subject: RE: Sinn deposition dates

Matt:

We will reissue the deposition notice for August 7 at 9:00am and will do our best to finish by 12:00, but make no promise to do so. The deposition will continue until completed.

Regards,
Kathryn



BERG FELDMAN JOHNSON
LLP

Kathryn E. Nelson | Of Counsel
Berg Feldman Johnson, LLP
4203 Montrose Boulevard, Suite 150
Houston, Texas 77006
713-526-0200
713-766-3993 (direct)
832-615-2665 (fax)

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From: Matthew Buschi [<mailto:mbuschi@rk-lawfirm.com>]

Sent: Thursday, July 28, 2016 1:35 PM

EXHIBIT B

To: Kathryn Nelson <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>

Cc: Kenneth Krock <kkrock@rk-lawfirm.com>

Subject: RE: Sinn deposition dates

Also, the earliest we could start that day would be 9:00 am

Matt

Matthew M. Buschi



Rapp & Krock, PC
3050 Post Oak Blvd., Ste. 1425
Houston, Texas 77056

Telephone: 713.759.9977
Facsimile: 713.759.9967

mbuschi@rk-lawfirm.com
www.rk-lawfirm.com

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From: Matthew Buschi

Sent: Thursday, July 28, 2016 1:22 PM

To: 'Kathryn Nelson' <knelson@bergfeldman.com>; Geoffrey Berg <Gberg@bergfeldman.com>

Cc: 'Kenneth Krock' <kkrock@rk-lawfirm.com>

Subject: Sinn deposition dates

Kathryn and Geoff,

I have gotten confirmation from my client that I can offer Mr. Sinn's deposition in Houston on Sunday, August 7, however due to travel, the deposition would have to start in the morning and could not go later than 12 noon. Is that a date and time you can do?

Matt

Matthew M. Buschi

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3050 Post Oak Blvd., Ste. 1425
Houston, Texas 77056

Telephone: 713.759.9977
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