

**From:** Brad Edwards [REDACTED]

**To:** [REDACTED]

**Subject:** CVRA

**Date:** Tue, 26 Oct 2010 20:20:37 +0000

**Importance:** Normal

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[REDACTED]

Good speaking with you this morning. As you know, we must file a response to the Order to Show Cause by Wednesday (tomorrow). I know you suggested filing a Joint Motion to Extend our deadlines, but I am not comfortable with delaying responding to Judge Marra's Order – particularly in light of [REDACTED] statement in his last e-mail that your Office is preparing to file a motion to dismiss based on lack of prosecution. We have detailed pleadings fully prepared to be filed tomorrow. I want to get those filed timely and at the same time work together with you and your office to resolve our issues in this case.

This is my suggestion, which I think will get us both what we want for now. We will file our Response to the Order to Show Cause – explaining that we have been moving diligently. Then we will file an Unopposed Motion to File our Motion for finding Violations under the CVRA (as well as the accompanying affidavit and exhibits) all under seal. This is not the typical stuff that is filed under seal, so my thought is that we could file a Joint Motion to file these pleadings Under Seal and we can say in the pleading that the parties jointly request the Court to keep the pleadings under seal for (at least) two weeks to allow the parties time to discuss the accuracy of the information in the pleadings and a possible resolution of the case.

That will allow us to get our pleadings timely filed and also a chance for us to reach an agreement within the next two weeks. If we agree to file these pleadings under seal, then we expect that your Office would confirm in advance that it would not be moving to dismiss based on failure to prosecute and not arguing that we need to file a formal civil complaint to move forward with our action (both points raised in [REDACTED] e-mail). I don't think there is any case law to support such arguments anyway, but in working together on this I would expect that you would not take that position.

I am going to take out the section of our Motion that you and I discussed this morning, and I have some ideas about how to resolve this case that we can begin discussing over the next couple of weeks.

I am wrapping up a few things right now and can talk to you after 5 if you still want to talk today. Let me know if this proposed "plan" for tomorrow works for you and I will get everything prepared to send to you for your review before filing.

**Brad Edwards**  
Civil Justice Attorney  
**Farmer, Jaffe, Weissing,  
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