

From: Darren Indyke <[REDACTED]>

To: [REDACTED]

Subject: Fwd: AliphCom

Date: Mon, 01 Oct 2012 15:04:13 +0000

Attachments: Amendment to 3rd AR ROFR.PDF; Amendment_to_4th_AR_VOTING_Agreement.PDF; [REDACTED]; Compliance_Cert.PDF; opinion.pdf; Secretary's Certificate.pdf; [REDACTED]; Side_Letter.PDF; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Please print all of these docs when you come in tomorrow. Thanks.

DARREN K. INDYKE
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575 Lexington Avenue, 4th Floor,
New York, New York 10022
Telephone: [REDACTED]
Telecopier: [REDACTED]
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Begin forwarded message:

From: "Roberts, Matthew" <[REDACTED]>
Date: September 27, 2012 9:02:07 PM EDT
To: "[REDACTED]" <[REDACTED]>
Cc: "Jacoby, Craig" <[REDACTED]>, "Hoffman, Susan" <[REDACTED]>
Subject: RE: AliphCom

Hi Darren,

Please find attached the remaining fully executed documents from the 9/25 Closing. Please let me know if you need anything else.

Best regards,

Matt

From: Darren Indyke <[REDACTED]>
Date: September 27, 2012, 8:43:33 AM PDT
To: "Jacoby, Craig" <[REDACTED]>
Subject: Re: AliphCom

Craig,

I received the Fed Ex containing the stock certificates and the opinion, but no email or fed ex of the operative agreements and related docs with the actual 9/25/ Closing Dates on them. Please advise. Thanks.

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On Sep 25, 2012, at 11:52 AM, Jacoby, Craig wrote:

We will prepare a new opinion dated 9/25 and all the closing documents will be as of the 25th. The final opinion for release will be on its way to you today, and we will date all of the other agreements as of 9/25.

Thanks,

Craig

From: Darren Indyke [mailto: [REDACTED]]
Sent: Tuesday, September 25, 2012 8:21 AM
To: Jacoby, Craig
Subject: AliphCom

Mort, Inc. has sent a wire for 10MM in connection with the purchase of the 695,301 shares of Series 5 Preferred Stock and 1,260,233 shares of Common Stock of AliphCom upon the terms and conditions of the Purchase Agreement executed by Mort and AliphCom in connection with the same.

So that our records both reflect the same information, and given that the Cooley opinion is dated September 19 and makes reference to the date of the Purchase Agreement as September 19, we should use September 19 and the date for all of the closing documents, unless you have a reason not to do so. Please let me know.

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