

Jill E. Clark

From: Michael Sullivan [MSullivan@lkslaw.com]
Sent: Thursday, July 02, 2009 3:06 PM
To: Jill E. Clark; jborger@faegre.com
Cc: Jeanette Bead; lwalker@faegre.com; Chad Bowman
Subject: RE: Emails from corporate legal
Attachments: Stepnes v. Ritschel, et al. (00221758).MSG

Jill,

When we spoke in the hallway before Bill Kruskop's deposition on May 21, I explained to you that in response to your inquiry regarding the date CBS was first informed about a potential legal claim, we located a voice mail transcript of your call to Andy Siegel on July 16 and provided a copy to you as part of our supplemental production. We also located a July 16 email from Scott Libin to Esme Murphy and managers that was sent at counsel's direction and copied to CBS counsel. I told you that email was privileged and that we would include it on a revised privilege log.

That revised privilege log was provided to you via email on June 9. For your convenience, I am reattaching the email here. The July 16 email that I mentioned to you when we talked on May 21 is included on the log as item no. 17. As you will see, the privilege log includes the requested info re sender, recipient and date of communication.

We will follow up with CBS legal and the station concerning any communications from Kari Nolan about your telephone conversation with her and get back to you next week to let you know the outcome of our investigation. I hope you find this helpful.

Thanks,

Michael

From: Jill E. Clark [mailto:jill@jillclarkpa.com]
Sent: Thursday, July 02, 2009 9:30 AM
To: Michael Sullivan; jborger@faegre.com
Cc: Jeanette Bead; lwalker@faegre.com; Chad Bowman
Subject: Emails from corporate legal

Exhibit 40

Michael,

As you know, there have been several times in recent depositions that emails to or from CBS lawyers have come up. You told me verbally in the hall before Libin's deposition that Siegel (I think that the lawyer – maybe Posner?) emailed Libin to tell him to preserve (something along those lines, not quoting you exactly), and that you wanted me to have the information before the deposition and CBS would provide a privilege log. At this time, I do not believe that such a log has been produced.

Plaintiffs are requesting the email itself. We assume that CBS is going to claim A-C privilege, so for now, it is OK to redact any portion of the email that has the content/communications. But we would like to see the email "to/from/date" part. Indeed, the date of that email is very important.

While that is being looked into, I would appreciate if CBS would consider/investigate whether there are any other emails between CBS legal and WCCO staff, in the timeframe between Stepnes/agent's 7/16/08 request to preserve and the actual gathering of physical videotapes by Kruskop. For example, Kari Nolan was not sure, but it is possible she emailed Andy Siegel about the phone call from Clark. Again, for the time being, OK if redacted, but we would like to see any emails that Nolan sent about the phone call to preserve. Of course, if she emailed her boss (or anyone at WCCO station or other non-lawyer), we would like those as well.

I am going to get a date for the spoliation motion hearing, so the sooner the better on the requests made here.

Thanks,

Jill Clark, Esq.

Jill Clark, P.A.

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