

# Exhibit H

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**Subject:** RE: Other scheduling matters  
**From:** "Scott Jerger" <scott@fieldjerger.com>  
**Date:** Fri, Dec 07, 2007 4:10 pm  
**To:** <victoria@vkhall-law.com>

Victoria:

I have reviewed the legal and factual basis your proposed Rule 11 motion sent December 6, 2007 and have determined that it has no legal or factual merit. Therefore, I will not be withdrawing my Rule 11 motion or my opposition to the amended motion for leave to file a second amended complaint.

I agree with you that it makes the most sense for the judge to consider all of these issues at the January 18, 2008 hearing. Therefore, I agree to waive the 21-day safe harbor. You may file your Rule 11 motion with the Court at any time. The briefing schedule you outline under Option #1 is also fine with me.

Scott

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**From:** victoria@vkhall-law.com [mailto:victoria@vkhall-law.com]  
**Sent:** Friday, December 07, 2007 1:08 PM  
**To:** Scott Jerger  
**Subject:** Other scheduling matters

Scott,

As you know, I served you with Plaintiff's Rule 11 motion yesterday. I am writing to discuss scheduling matters relating to this motion.

We have two options, assuming that you do not withdraw your Rule 11 motion and your opposition to the amended motion for leave to file a second amended complaint.

1. You can waive the 21-day safe harbor, and I will file early next week. This would allow you to begin your opposition to Plaintiff's Rule 11 motion, based on the final version that I file with the Court. (Because the Court allows parties to file a Rule 11 motion that has been modified over the served Rule 11 motion, I can make modifications to the motion you received yesterday.) You will be able to begin work on your opposition prior to having to begin work on the appellee's brief, so it does work an advantage to you in that regard. If you choose this option, I suggest that your opposition is due Dec. 28, and my reply due Jan. 4, with hearing on Jan. 18.

2. You can choose not to waive the 21-day safe harbor, in which case I will file at the earliest possible date, Dec. 28. I suggest that your opposition is due Jan. 9, and my reply is due Jan. 14, with hearing on the motion on Jan. 18.

If I do not hear from you by 5 p.m. Pacific time Monday, I will file an administrative motion based on the second option.

Victoria

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