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March 5, 2012

Douglas M. Poland
Godfrey & Kahn S.C.
One E. Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719

Re: Baldus, et al. v. Brennan, et al. (Case No. 11cv562)

Dear Doug:

This concerns your letter dated March 1, 2012. In that letter you address a particular email message, a copy of which was attached, and inquire whether that email message was produced by Tad Ottman in response to Plaintiffs' subpoena of December 13, 2011.

That email message was not produced in response to Plaintiffs' subpoena. It is Mr. Ottman's understanding that this email message was produced in the spring of 2011 in response to a public records request directed to the office of Senator Scott Fitzgerald. However, following its production at that time, and consistent with applicable statutes, a copy of the email message was not retained. Mr. Ottman in fact testified about such matters generally at his deposition. (See e.g., Ottman Dep., p. 163). Thus, setting aside the issue of whether the email message is otherwise responsive, the email message had not been in the possession, custody or control of Mr. Ottman for several months prior to the issuance of Plaintiffs' subpoena.

Please let me know if you have any further questions.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

Eric M. McLeod

EMM:skt

cc: Maria Lazar
Patrick Hodan
Daniel Kelly
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