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(Revised) Respondents' Brief

1 message

McBride, Ryan P. <McBrideR@lanepowell.com>

Fri, Oct 2, 2009 at 4:40 PM

To: Mark DeCoursey <mhdecoursey@gmail.com>

Cc: "Nourse, Brent L." <NourseB@lanepowell.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>

Hey Mark and Carol:

Attached is a revised version of the brief. I included an intro and summary at the beginning. I also carefully considered the style/grammar and substantive suggestions you sent me in redline. For the most part, I incorporated your style and wording changes, and added some of the factual detail/corrections. Regarding some of the additional argument you suggested, I incorporated some but not all. The point about the [REDACTED] settlement/allocation encompassing CPA attorneys fees was great, and I added and embellished that point. Also on the Judge Erlick/Judge Fox atty's fees issue, I added a point about Rule 54(b) based on something you suggested, as well as some input I got from Brent along the same lines. Both aspects of the brief are stronger because of these additions. I hope you agree.

I am very happy with (and proud of) this brief. I think it is very close to where it needs to be for filing. Next week we need to do a few things to finalize it: ensure proper formatting, cite checking and creation of the tables of contents and authority. If I could have feedback by Monday, we should be in good shape. Obviously, we'll also put together the motion for overlength brief. I know you will devote some of your weekend to reviewing this, and I appreciate and apologize for that.

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