

ATTORNEY MARK FITZHUGH LEE

October 5, 2020

Judge Michael Shea, Federal District Court

VIA EMAIL: emily_gait@ctd.uscourts.gov

RE: R&I Trading v. Executive Aircraft 3:20 CV 00074

Dear Judge Shea:

This is the defendant's (Mr. Seeram James for Executive Aircraft) statement as to the current discovery dispute. Following the August order to produce emails, the defendant did produce all known and available emails. These were in his personal gmail account. The plaintiff continues to insist there are more emails. The defense then offered to resubmit all of the previously disclosed emails in a single transmission, with the hope this would clarify the matter.

My client did collect all of the previously disclosed emails, and sent them to me as a single email attachment. My computer could not open the attachment as it was too large and will require me to install a new browser and then reconfigure my java script. I am reluctant to change the browser and java configuration, and have asked my client to place the entire file on a thumb drive, which I can provide to counsel. This is under way now. Plaintiff counsel is aware of this.

My client believes the majority of the "missing emails" are in fact connected to the email account which was the primary work email prior to the sale of the company in November of 2019. Mr. Seeram James does not have access to this account anymore, as the passwords have all been changed. Mr. James has been in discussions with the new owner to obtain access, but the new owner (and now co-defendant Jet Interiors) is not willing to give this defendant the access. What the new owner is doing is conducting a search based on key words and phrases which are relevant to this case. These will then be provided. This is also under way now. Plaintiff counsel is aware of this.

There is a third email account which existed in the three to six months following the purchase, where the seller remained as consultant with the purchaser. Mr. James is quite certain there is nothing connected to this case in that particular account. He has no other email accounts.

The new co-defendant has been requested to disclose these same emails, so it appears the plaintiff will obtain the "missing emails" through one or both methods. I do not have a definite sense of exactly when the thumb drive and the search of the old work email account will be completed. I have followed up with both elements of the matter both last week and today, and have indicated the urgency of the situation. I represent I do not have them in hand, and that as soon as I do, they will be sent on to the plaintiff. I do not think there is any allegation I have these items and have refused to present them, it is just a matter of digging through an account which was effectively "closed" to Mr. James upon sale of the company.

As to the allegedly missing schedules of the sales agreement itself. I am not the attorney who conducted the sale, so I have no control over the accuracy or completeness of another attorney's file. I have indicated many times to the plaintiff I sent him the entire file as it was presented to me.

Thank you for your time and consideration of these issues.

Very truly yours

Mark F. Lee, Attorney

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