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Subj: Subpoena

Phil; This email follows up on our telephone conversation of earlier today as well as my call with Lisa Joiner. As we discussed, I was out of town last week when you faxed the subpoena to me. As we further discussed, Mr. Smith's deposition was marked confidential in the Fairfax case and was subject to the protective order entered in the case. This will confirm that Mr. Smith does not waive the confidentiality, or the provisions of the protective order which govern the transcripts. Thanks, Bruce

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