

# Exhibit C

## Adam Balick

**From:** Smith, Linda [LSmith@OMM.com]  
**Sent:** Monday, December 22, 2008 6:29 AM  
**To:** Adam Balick  
**Subject:** Fw: Deposition Dates for Dan Allen

----- Original Message -----

From: Smith, Linda  
To: Thomas R. Jackson <trjackson@JonesDay.com>; RStone@gibsondunn.com <RStone@gibsondunn.com>; stevef@hbsslaw.com <stevef@hbsslaw.com>; mmann@rkollp.com <mmann@rkollp.com>; Barry, William <WBarry@rkollp.com>  
Cc: csmaynard@JonesDay.com <csmaynard@JonesDay.com>; Evan P Singer <epsinger@JonesDay.com>  
Sent: Tue Dec 16 07:51:11 2008  
Subject: RE: Deposition Dates for Dan Allen

Tom,

I have reviewed your exchange with counsel for Class Plaintiffs and am concerned that you are overlooking the main point that Class Plaintiffs were making--the parties to this MDL need a firm schedule for the depositions of the six Dell witnesses, not a short fuse offer to dribble them out one witness at a time and then only for part of the Court ordered time allotment for that one witness.

Having wrangled and litigated with you for over six months to get deposition dates for the six Dell witnesses, I do not appreciate receiving just two weeks notice of the pair of dates you are proposing for Mr. Allen, particularly since (1) those days are smack in the middle of the holiday season, (2) the proposed dates are not sufficiently long to complete the Allen deposition in one sitting and (3) you have left us completely hanging as to when we will complete the Allen deposition or conduct the depositions of the remaining five Dell witnesses. At this point, we are entitled well in advance to a complete schedule of when all six witnesses will be made available for the time allotments that Judge Poppiti ordered. Advance scheduling should be in Dell's interests as well, given what you have characterized as the difficulty of finding open days for these busy executives.

As for Mr. Allen, I am vacationing with my family out of the country during Christmas. I will be returning on January 2nd and am prepared to start Mr. Allen's deposition on the next business day. But we insist on receiving from you before then the dates for the full time allotment ordered by Judge Poppiti for Mr. Allen's deposition and the dates, again using the full time allotment ordered by Judge Poppiti, for the other five depositions.

Linda J. Smith  
O'Melveny & Myers  
1999 Avenue of the Stars  
Los Angeles, CA 90067  
Direct 310-246-6801  
Fax 310-246-6779

-----Original Message-----

From: Thomas R. Jackson [mailto:trjackson@JonesDay.com]  
Sent: Monday, December 15, 2008 9:08 AM  
To: RStone@gibsondunn.com; Smith, Linda; stevef@hbsslaw.com  
Cc: csmaynard@JonesDay.com; Evan P Singer  
Subject: Deposition Dates for Dan Allen

Recognizing that Dan Allen will, most likely be deposed for at least two

12/22/2008

days, and without waiving any rights to maintain that his deposition should not take anywhere near that long (including the right to pursue any appeal of any orders to the contrary), and trying to accommodate Mr. Allen's schedule, please be informed that Mr. Allen will be available for deposition in Austin, Texas on December 29 and December 30. If a third day is required, it will not be possible to conduct until early January.

Our assumption is that the deposition will be held at V&E's Austin office given the address in the subpoena and that it will start early in order to assure a complete 7 hour day. We will expect that the parties will keep the breaks and off record conversations to a bare minimum in order to move the deposition along as efficiently as possible.

Thomas R. Jackson  
Jones Day  
2727 North Harwood Street  
Dallas, Texas 75201  
214-969-2978

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**Adam Balick**

**From:** Smith, Linda [LSmith@OMM.com]  
**Sent:** Monday, December 22, 2008 6:26 AM  
**To:** Adam Balick  
**Subject:** Fw: Dell Deposition Dates

----- Original Message -----

From: Thomas R. Jackson <trjackson@JonesDay.com>  
To: Smith, Linda; Rod J. Stone <RStone@gibsondunn.com>; Steve Fimmel <stevef@hbsslaw.com>  
Cc: Mary Pape <Mary\_Pape@Dell.com>; William Barry <WBarry@rkollp.com>; Christopher S Maynard <csmaynard@JonesDay.com>; Evan P Singer <epsinger@JonesDay.com>; Floyd, Daniel S. <DFloyd@gibsondunn.com>; Cottrell, Frederick <Cottrell@RLF.com>; Fineman, Steven <Fineman@RLF.com>; Lisa Magids <Imagids@smith-robertson.com>; Lauren Maguire <Imaguire@ashby-geddes.com>  
Sent: Fri Dec 19 18:46:03 2008  
Subject: Re: Dell Deposition Dates

Linda, we intend to insure 7 hour days. Be prepared to do so. Don't expect anything less and be sure to plan breaks accordingly.

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----- Original Message -----

From: "Smith, Linda" [LSmith@OMM.com]  
Sent: 12/19/2008 05:26 PM PST  
To: Thomas Jackson; <RStone@gibsondunn.com>; <stevef@hbsslaw.com>  
Cc: <Mary\_Pape@Dell.com>; <WBarry@rkollp.com>; Christopher Maynard; Evan Singer; "Floyd, Daniel S." <DFloyd@gibsondunn.com>; <RStone@gibsondunn.com>; "Cottrell, Frederick" <Cottrell@RLF.com>; "Fineman, Steven" <Fineman@RLF.com>; "Lisa Magids" <Imagids@smith-robertson.com>; <Imaguire@ashby-geddes.com>; <Mary\_Pape@Dell.com>  
Subject: RE: Dell Deposition Dates

Tom,

Let me respond before our messages cross again.  
At first look, Luecke, Neeld, Dell and Clarke look fine.  
Rollins is the same week as Art Roehm. Let me discuss that with Intel and Class.  
Allen won't work for all the reasons previously discussed.  
Let's discuss a new plan for Allen.  
Also we will use BEST efforts with the cooperation of the Dell witnesses to finish within the days you've allotted, but of course reserve if the parties need more time to comply with the Court-ordered times.

12/22/2008

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Los Angeles, CA 90067  
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-----Original Message-----

From: Thomas R. Jackson [mailto:trjackson@JonesDay.com]  
Sent: Friday, December 19, 2008 4:59 PM  
To: Smith, Linda; RStone@gibsondunn.com; stevef@hbsslaw.com  
Cc: Mary\_Pape@Dell.com; WBarry@rkollp.com; csmaynard@JonesDay.com; Evan  
P Singer; Floyd, Daniel S.; RStone@gibsondunn.com; Cottrell, Frederick;  
Fineman, Steven; Lisa Magids; lmaguire@ashby-geddes.com;  
Mary\_Pape@Dell.com  
Subject: Dell Deposition Dates

I have the remainder of the schedule, though I leave it to Will to confirm that I have the right dates for Mr. Rollins, for all of the Dell depositions. Michael Dell's deposition will take place at Dell's Headquarters, the other Dell witnesses will be as noticed at V&E (unless someone tells me otherwise). Mr. Rollins will be in Boston. (Will to provide the location.) Class counsel need to make their remaining payment to Dell for the last of the document production.

Here are the dates:

Dan Allen 12/29/08; 12/30/08; 1/05/09  
Alan Luecke 1/13/09; 1/14/09  
Jerele Neeld 1/21/09; 1/22/09  
Michael Dell 2/11/09; 3/02/09  
Jeff Clarke 2/18/09; 2/19/09; 2/20/09  
Kevin Rollins 3/04/09; 3/05/09

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