EXHIBIT A

Smith, Linda

From: Stone, Rod J. [RStone@gibsondunn.com]
Sent: Monday, October 06, 2008 1:01 PM
To: Smith, Linda
Subject: RE: Follow Up: Dell Depositions/Second Inspection Set

Linda, Dan is going to discuss the adjournment issue today with Richard Horwitz to get his views on the issue. I will call you after I hear back from Dan on that discussion. I'd also like to discuss further your position that AMD intends to go first in all 6 of the Dell depositions. While it may be true that you have been negotiating for months with Tom Jackson about depositions, the fact is that is because Dell objected to AMD's list of more than 20 potential deponents. Intel took the position with Dell and in its Preliminary Statement that only 3 Dell depositions were necessary: Michael Dell, Kevin Rollins and Jeff Clarke. Dell has always agreed that these decision makers (although Tom Jackson does not represent Mr. Rollins) would be deposed but the question was how many of the additional deponents that AMD was seeking would be deposed. As a result of your negotations, Dell has agreed to make Alan Luecke, Jerele Neeld and Dan Allen available as well. Anyway, let's talk further about this issue as well but we think at least as to the 3 witnesses identified in Intel's Preliminary Statement we have as much right to go first as AMD.

Rod

From: Smith, Linda [mailto:LSmith@OMM.com]
Sent: Thursday, October 02, 2008 5:28 PM
To: Stone, Rod J.
Subject: Follow Up: Dell Depositions/Second Inspection Set

REDACTED

Here's a quick response to your lengthy email. I would prefer to discuss as it is more efficient, particularly given my lack of typing skills. If we are creating a record here and/or you need me to lay out AMD's position so you can discuss/evaluate with your people, I can pen a more detailed response. The paragraphs below track the paragraphs of your email.

First paragraph--I am relying heavily on CMO#6. The procedure for third parties is set forth in paragraph 5. It contemplates that each side pursuant to paragraph 1(b) will send a notice to the other side of intended depositions. For third parties that notice is sent to the appropriate counsel for the third party along with a copy of CMO#6 (which has already been served on all third parties who have been subpoenaed in this case). The third party, through its counsel, has 14 calendar days to respond with dates "sufficient to accommodate the time estimates of the parties." We have figured out how much time we need and both you and Class have provided heavily caveated estimates (as well you should since estimates are very difficult).
We do intend to go first. We have been negotiating with Tom for months to wrest his consent on behalf of Dell to these 6 candidates (one of whom he does not control) without waiving our rights to take other Dell current or former employees. I have kept both you and Class apprised of all of these negotiations.

Second paragraph--while I see no burden or expense to Dell, we would be happy to enter into a stipulation with Intel regarding Dell's rebate numbers as recently produced. All we want is an agreement that "it is what it is" -- that these are the amounts

which Dell believes it received as MCP and non-MCP in rebates from Intel during the time period in Dell's charts ; that the charts are a business record, and that the charts are admissible. We are not asking Intel to agree that the numbers are correct or are the same as Intel's (although we could save a huge amount of time if Intel would do so) but simply that this is what Dell believes it received.

Third paragraph--Let's do the easy part first. CMO #3, paragraph 5.d. provides: "No TIFF subject to this paragraph [the self-TIFF provisions] shall be used at a deposition unless it has been provided to the other side at least fourteen calendar days in advance of the date of its use." It does not provide for fourteen calendar days "in advance of the first day of the deposition." It provides for fourteen calendar days "in advance of the date of its use."

On the re-preparation, the Federal Local Rule, unlike the Delaware Chancery Rule, provides:

RULE 30.6. **Depositions Upon Oral Examination.**

From the commencement until the conclusion of deposition questioning by an

opposing party, including any recesses or continuances, counsel for the deponent shall

not consult or confer with the deponent regarding the substance of the testimony already

given or anticipated to be given, except for the purpose of conferring on whether to assert

a privilege against testifying or on how to comply with a court order.

The Federal Rule is clear and given that it was modeled on the Delaware Chancery Court Rule, the omission of the 5 day provision must have been intentional.

You and I have discussed at length the issue of re-preparing a deponent after an adjournment. I would love to figure out a compromise that would work. However, having been part of negotiating 6 CMOs and other stipulations in this unique case, I can not figure out how to do anything that does not end up being caveated with tolling arrangements and all sorts of other procedures to account for the difficulties inherent in your proposal. Our proposal is that each side can prepare the deponent during an adjournment on newly TIFFed exhibits only. If there are none, no re-preparation is permitted. That accords with the rule, yet allows exhibits put in play after the time periods proscribed in CMO#3 to be discussed with the deponent. It is not a perfect solution in terms of line drawing, but I have confidence that both sides will adhere to the rule with our usual professionalism. The alternative is no further preparation at all.

Let me give you an example of the complexities layered on if we go to a 5 or 14 day adjournment rule. Most of the deponents in this case are important executives who have to struggle to clear the time for their depositions. How can either side assure that the continuation of a deposition can be scheduled in 5 or 14 calendars days? What's the incentive to schedule the continuance of the deposition in 5 or 14 calendar days if by postponing the continuance the deponent can be re-prepared? And doesn't that defeat the purpose of the Federal Rule.

Another example is Kristin McCollam. We wanted to go through the quarterly final true ups of the rebates from Intel to Dell for each quarter during the relevant time period. You indicated that there was a shared drive that you believed had the data and would substantially expedite this process. We adjourned, and it took some time for Intel to produce the shared drive. When we received it, whole portions were unusable. Intel and its folks labored to correct the technical problems and after 2 more tries, we now have it, although we are still working through with you what is there. This lengthy adjournment was prompted by you in an effort to create an efficient and clean record. It was not prompted by any other purpose. Under your proposed rule, we would not have accepted your offer since it would have put us past the 5 or 14 days.

Similarly, Marc Williams offered to finish Schmisseur the next day. (His 2 day estimate is based on his need for another day and your indication that you needed time for direct.) Mr. Schmisseur was not able to continue his deposition the next day . Would your proposed rule have a tolling provision or exception if the adjournment has to be more than 5 or 14 days because the deponent is unavailable? What if the deponent's counsel is unavailable. Or should we all overestimate the number of hours so that no can not be faulted for not blocking out enough time to conclude. And as you know, time estimates are extremely variable, with much of that variability dependant on the deponent.

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

From: Stone, Rod J. [mailto:RStone@gibsondunn.com]
Sent: Thursday, October 02, 2008 12:07 PM
To: Smith, Linda
Subject: RE: Follow Up: Dell Depositions/Second Inspection Set

Linda, since these are third-party depositions we expect we will have limited time with each of them, most likely no more a day with each witness. Our preliminary estimate is that we can cover what we need in half a day, but of course this may change depending on how much time the parties are ultimately given to depose these witnesses and the scope of the issues and documents that you or the class may choose to cover with them. Without knowing how long the depositions are going to be or the scope of the issues to be covered by AMD and the class, it is difficult to provide a definite or certain time estimate. I also do not know what you mean when you say "AMD will notice them up." I assume when agreeable dates and times are worked out with Dell's counsel, that the parties will issue subpoenas to Dell's (and Mr. Rollins') counsel. Both sides obviously have intended to depose these Dell witnesses and if you mean by "AMD will notice them up" that AMD will automatically go first in the questioning for all of these depositions that is not something that we agree to. We should discuss this and other procedural issues once the issue of length and timing are worked out. I know that Tom Jackson has said that Dell wants the parties to come to agreement on issues such as scheduling.

Tom Jackson also called me and asked if Intel and AMD could work out a stipulation on the MCP spreadsheet that Dell produced in response to subpoenas from AMD and the class. He indicated he would like to avoid the burden and cost of Dell having to submit a declaration regarding the spreadsheet. We should also discuss this potential stipulation.

As for continuing the Paul Schmisseur deposition on October 23 and 24, he is available on those days but if we are going to proceed we need to resolve the issue of re-prepping witnesses when there has been a lengthy adjournment. We are not going to make him available until this issue has been resolved. Last week you suggested that the parties could re-prep the witness on any new documents that had been tiffed since the first session of the deposition. Without agreeing that it was appropriate to use documents tiffed after 14 days before the start of the deposition, I said I would discuss your counterproposal with Dan and others here. I've done that and we don't think it is workable. For one thing, I was told the rule for using tiffs with a witness is they have to be tiffed 14 days before the deposition not 14 days before each day on which the witness may be deposed. Regardless, even if such new tiffs could be used in a subsequent session of a deposition, re-prepping a witness just on those documents is not a very manageable rule in our opinion. There would be no certain standard nor any way to monitor compliance without invading privilege. So we think we need to have an objective exception as in the Delaware state rule that allows a witness to be prepped again if there has been an adjournment of 5 days or longer in the deposition. We don't think it is fair for the questioning party to exceed the estimated amount of time for the deposition and then preclude the defending party from re-prepping the witness if there is a long break before the witness can be rescheduled for additional days. We are willing to be flexible on the length of the adjournment that would trigger the exception and would be willing to use 14 days instead of the 5 days in the state rule if we can compromise and avoid motion practice on the issue. But if we have to seek a ruling from the Special Master, then we will be seeking the 5-day exception such as that present in the state rule.

Finally, thanks for asking about my back situation. I saw the doctor yesterday and said from the x-rays that my disc has "collapsed" and he scheduled an MRI, CT scan and another test. I am then going to see him again but if the tests show I am eligible I am going to need an artificial disc. If I am not eligible, then it will likely be fusion instead. I do so love getting old!

Rod

From: Smith, Linda [mailto:LSmith@OMM.com]
Sent: Wednesday, October 01, 2008 10:48 AM
To: Stone, Rod J.
Subject: FW: Follow Up: Dell Depositions/Second Inspection Set

I am going to get back to Tom Jackson tomorrow. Please provide your estimates ASAP. Thanks.

From: Smith, Linda
Sent: Wednesday, September 17, 2008 4:16 PM
To: Stone, Rod J.
Subject: Follow Up: Dell Depositions/Second Inspection Set

Rod, you were going to provide me with deposition time estimates for the 6 Dell deponents listed below.

From: Smith, Linda
Sent: Monday, September 08, 2008 2:51 PM
To: Stone, Rod J.
Subject: Dell Depositions/Second Inspection Set

Spoke to Tom Jackson today.

We discussed three matters. I will outline 2 below and the third in a second email since that discussion may be longer. Please respond on matter number 2 since I may not get

to the third matter today.

1- Intel, Class and AMD have paid our aliquot shares of the First Inspection Set. The Agreement obligated Dell to run a second set of search terms to create a Second Inspection Set and to produce those documents (after review). We have already jointly provided the list of reasonable search terms. Dell requested that we revise the search terms because it believed the initial set returned too many documents. Although we did not believe the initial set was overbroad, we significantly revised the terms to dramatically reduce the overall amount of documents (we cut over 66% of the hits). The yield from the revised second set of search terms is approximately 65, 000 documents.

Accordingly, Tom has agreed to commence the project (to review the yield from the revised second set of search terms) and to provide Dell's production to all of us on a rolling basis. He has asked us all to begin the check cutting process so when the project is completed, Dell can be paid on an expeditious basis.

2-As part of our discussions, we had previously met and conferred on Dell deponents.

REDACTED

After I expressly and unequivocally reserved the right to seek more Dell witnesses and Tom expressly and unequivocally reserved the right to resist more Dell witnesses, I chose 6 Dell deponents--Michael Dell, Kevin Rollins, Jeff Clarke, Dan Allen, Alan Luecke, and Jerele Neld.

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Thanks Rod.

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

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"MMS <Gibsondunn.net>" made the following annotations.

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EXHIBIT B

Smith, Linda

From: Stone, Rod J. [RStone@gibsondunn.com]
Sent: Thursday, October 02, 2008 3:07 PM
To: Smith, Linda
Subject: RE: Follow Up: Dell Depositions/Second Inspection Set

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REDACTED

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Thanks Rod.

Linda J. Smith
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EXHIBIT C

O'MELVENY & MYERS LLP

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TOKYO
WASHINGTON, D.C.

October 3, 2008

OUR FILE NUMBER
008346,163

WRITER'S DIRECT DIAL
(213) 430-7801

WRITER'S E-MAIL ADDRESS
kmorries@omm.com

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Jackson
Jones Day
2727 North Harwood Street
Dallas, TX 75201

Re: ***AMD v. Intel - Notification Regarding Deposition of Michael Dell, Dan Allen, Jerele Neeld, Alan Luecke and Jeff Clarke***

Dear Mr. Jackson:

Pursuant to paragraph 5.a. of Case Management Order No. 6 ("CMO #6"), I am serving you with (i) a copy of our notification letters to Intel of AMD and the Class's intent to depose Michael Dell, Dan Allen, Jerele Neeld, Alan Luecke and Jeff Clarke and (ii) a copy of CMO #6. I am also enclosing the email notification of Bernie Barmann sent to you on October 3.

If you have any questions please feel free to contact me.

Sincerely,

Kendra Morries /SZ

Kendra S. Morries
Professional Paralegal
O'Melveny & Myers LLP

KSM:ksm

Enclosures

LA2:870891.1

From: Barmann, Bernard
Sent: Friday, October 03, 2008 11:06 AM
To: 'trjackson@JonesDay.com'
Cc: Smith, Linda
Subject: AMD v. Intel - notification

Dear Mr. Jackson:

Pursuant to paragraph 5.a. of Case Management Order No. 6 ("CMO #6"), I am serving you, as counsel for Dell, with (i) a copy of our notification letter to Intel of AMD's intent to depose Michael Dell, Dan Allen, Jerele Neeld, Alan Luecke, Jeff Clarke and Kevin Rollins, and (ii) a copy of CMO #6. We also will be serving you with hard copies of the notification letter and CMO #6 by certified mail.

Please note the provisions of paragraph 5 of CMO #6 regarding third-party depositions, particularly paragraph 5.b. regarding the scheduling of depositions. You will note that we are required to serve copies of our notification letter and CMO #6 on the witnesses or their counsel. We understand your firm will be representing Messrs. Dell, Allen, Neeld, Luecke and Clarke in connection with their depositions; if not, please let me know who, if anyone, will be representing them so we can provide them with these materials.

Finally, as soon as you are able, and within 14 calendar days of your receipt of this email, please provide to us proposed dates for the commencement of the depositions of the witnesses your firm represents. If you have any questions or wish to discuss this matter further, please give Linda Smith (cc'd above, 310-246-6801) a call, or send an email.

Bernie Barmann

Bernard C. Barmann, Jr.
O'Melveny & Myers LLP
400 S. Hope Street
Los Angeles, California 90071
(213) 430-6000
Direct Dial (213) 430-7634
Fax (213) 430-6407
bbarmann@omm.com

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OUR FILE NUMBER
008,346-163

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WRITER'S E-MAIL ADDRESS
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October 3, 2008

VIA E-MAIL AND U.S. MAIL

Sogol K. Pirnazar, Esq.
Gibson Dunn & Crutcher
333 South Grand Avenue
Los Angeles, California 90071

Re: ***AMD v. Intel***

Dear Sogol:

Consistent with our agreed-upon protocols regarding deposition logistics, I am providing notice of certain third party depositions that AMD intends to take in late November or in December. These are in addition to the Intel and third party witness depositions previously noticed and/or scheduled for October and November.

We intend to take the depositions of Michael Dell, Dan Allen, Jerele Neeld, Alan Luecke, Jeff Clarke, and Kevin Rollins, all currently or formerly of Dell. We estimate AMD's examinations will take the following numbers of hours: Mr. Dell twelve hours, Mr. Allen twenty-one hours, Mr. Neeld fourteen hours, Mr. Luecke fourteen hours, Mr. Clarke twenty-one hours, and Mr. Rollins fourteen hours. These estimates are for AMD's examination only.

Sincerely,

Bernard C. Barmann, Jr.
for O'MELVENY & MYERS LLP

cc: Daniel S. Floyd, Esq.
Mindy G. Davis, Esq.
Steve Fimmel, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION	MDL No. 1717-JJF
ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICES, LTD., a Delaware corporation, Plaintiffs, v. INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation, Defendants.	C.A. No. 05-441-JJF
PHIL PAUL, on behalf of himself and all others similarly situated, Plaintiffs, v. INTEL CORPORATION, Defendants.	C.A. No. 05-485-JJF CONSOLIDATED ACTION

AMENDED CASE MANAGEMENT ORDER NO. 6

The following provisions shall apply to the taking of depositions in this case and, where applicable, modify the provisions of Rule 26 and any applicable local rules of the Court. By these provisions, the parties do not waive any objections a witness

may have to the taking of a deposition, including, but not limited to, the location or length, which will be raised promptly and addressed by the Special Master, as required.

1. Notice and Logistics.

a. Deposition Point Person. Intel, AMD, and Class Plaintiffs each will appoint a deposition point person to whom all communications regarding depositions will be sent. The parties will cooperate to expand the notifications as necessary and convenient, but for a communication concerning the notice or scheduling of a deposition to be effective it must be made by email to the deposition point person(s).

b. Advance Notice Of Depositions. Between the first and fifth of each month, each side will notify the other by e-mail or letter of the depositions each party wishes to take the following month, including third parties, and will include in the notification the estimated number of hours of examination by the noticing party. For party witnesses, the e-mail or letter should be followed-up by a formal deposition notice within 7 days. The deposition notice need not include a specific date or location to be effective, nor does it need to comply with the seven (7) day notice provision set forth in Local Rule 30.1. For 30(b)(6) depositions, the initial e-mail or letter should include a preliminary list of the topics of examination for that deposition. A final list of the topics of examination should be provided with the formal deposition notice within 7 days. Subpoenas will be prepared and served on witnesses as required, although the parties agree to cooperate to minimize the burdens. Absent unusual circumstances or compelling scheduling issues, party related witnesses (*i.e.*, current and former employees of a party) will be produced for deposition in the month requested, and third party depositions should also, to the extent possible, take place in the month requested.

c. Scheduling of Depositions. The parties will use best efforts to confirm the dates and locations for depositions as soon as practicable but no later than 14 calendar days after receipt of the letter requesting the depositions. The date for a deposition shall be final or "locked in" and not subject to further change 10 days before the deposition is scheduled to take place, absent agreement of the parties or a specific showing of unavoidable good cause.

d. Reporting and Videotaping of Depositions. The parties have entered into a joint arrangement with a court reporting and videographer firm that will govern all depositions. All depositions will be videotaped unless the noticing side informs the parties to the contrary. For purposes of tabulating deposition hours each party has used, the videographer shall track to the nearest quarter-hour (rounding up) the time consumed by each party's examination (which is defined as the time from commencement of the examination through completion, excluding breaks), and the videographer shall announce the totals on the stenographic record at the conclusion of each day of examination. In the event a deposition is not videotaped, time-tracking shall be performed by the court reporter.

e. Numbering of Deposition Exhibits. The parties will meet and confer to develop a protocol for the numbering of deposition exhibits to facilitate use of depositions at trial. The parties have agreed on distinct exhibit number ranges for use in depositions: AMD will use exhibit numbers 1 to 5000, Intel will use exhibit numbers 5001 to 10000, and Class Plaintiffs will use exhibit numbers 10001 to 15000. Additional ranges will be assigned, if need be. Each party, with assistance from the court reporters,

will track its own deposition exhibits and use their numbers sequentially from one deposition to the next by the same party.

f. Deposition Hour Allocations. The parties are collective allocated 2,086 hours of merits depositions exclusive of expert depositions. AMD and Class Plaintiffs are collectively allotted 1,147 hours; Intel is allocated 939 hours. For scheduling purposes, a full day of deposition shall consist of 7 hours of examination.

2. **Location and Other Scheduling Issues.**

Depositions will be held in a city convenient to the deponent. The specific location of the deposition in that city will be selected by the deposing lawyer. Depositions lasting more than one day will be conducted day to day, unless the witness agrees to an adjournment requested by the examining party or unanticipated scheduling exigencies otherwise requires. Attendance and conduct at a deposition will be governed by Local Rules 30.3 and 30.6 and the protective order entered in this case.

3. **Special Master**

The parties agree that discovery issues that arise during depositions may be presented telephonically to the Special Master. Any decisions made in connection with such issues, except those involving privilege or other immunity or protection from disclosure, will be final and not subject to further review by the Court. Any objections raised will be deemed preserved for all purposes.

4. **Review, Signing, and Custody of Transcript.**

The parties agree that that the original transcript will be sent to the attorney defending a witness, who will then promptly forward the transcript to the witness to review. Subject to reasonable extensions, which will be freely given, party witnesses will

have thirty days from the date the transcript is sent by the court reporter to the defending attorney to review and sign the transcript, and the attorney will notify all parties of changes or corrections promptly, but no later than five (5) days after receiving them. The attorney representing a party witness or the attorney for the party that requested or noticed a third party deposition shall maintain custody of the original transcript and make it available upon reasonable request. The parties agree that copies of a transcript may be used as if they were the original litigation transcript, including where a witness fails to sign the original transcript for any reason after given an opportunity to do so, subject to the protective order.

5. **Special Provisions Applicable to Third-Party Depositions**

a. Service of Notification. In the case of deponents who are neither current nor former employees of a party, or other persons who are not under the control of a party, the notification provided for in Paragraph 1(b) will also be served on (i) the deponent if unrepresented, or counsel known to represent the deponent in this litigation, and (ii) in the case of current or former employees of any entity served with a subpoena in this case, the entity or any counsel representing it. Service to the deponent will be by certified mail, and email, where available and reasonably ascertainable. All notices served under this paragraph will include a copy of this Order. Should the non-noticing party contemplate conducting an examination of the deponent lasting more than one hour, it will provide to the same persons a counter-notice setting forth the estimated duration of its examination.

b. Scheduling of Deposition. Any person receiving such a notice (and counter-notice), or counsel acting on his or her behalf, will provide date(s) for the

commencement of the deposition in the month requested as soon as practicable but no later than 14 calendar days after receipt of the letter requesting the deposition. The proposed date(s) should be sufficient to accommodate the time estimates of the parties. Upon receiving a proposed start date, the requesting party will promptly cause a subpoena for that date to be served on the deponent or any counsel authorized by the deponent to accept service. In the event the deponent or his/her representative fails timely to provide a start date, the deposition will be noticed for a date selected by the requesting party. Absent some further agreement of the parties and the deponent, **the deposition will commence on the date specified in the subpoena unless the deponent applies for a protective order from this Court pursuant to the Procedures for the Handling of Discovery Disputes Before the Special Master dated June 26, 2006, as amended on October 9, 2007 (available on Pacer). Any such proceeding shall be commenced sufficiently early so as to permit the deposition to proceed on the scheduled start date in the event the application is denied.**

c. Disputes Over the Scheduling of Third-Party Depositions. The parties recognize that document productions, including some third party productions, are ongoing. A party receiving notice of a proposed third-party deposition that believes the deposition is premature given the status of pertinent document productions, will within seven days provide a written objection to the requesting party and to the deponent. Any scheduling dispute the parties are unable to resolve shall promptly be brought to the attention of the Special Master for resolution. The pendency of any such dispute, however, shall not relieve the deponent and the parties of their scheduling obligations under this Order.

d. **Local Rule 30.6.** Local Rule 30.6 shall apply to the defense of third-party depositions.

6. **Third Party Document Production Cut-Off.** So as to permit timely completion of third-party depositions, all third parties currently under subpoenas duces tecum are ordered to complete their production of documents on or before August 29, 2008. Plaintiffs shall so inform third-parties of this production cut-off by serving copies of this Order on them or their counsel. **Any third-party that believes it cannot comply with this deadline shall apply to this Court for relief from it on or before July 1, 2008.**

7. **Reports to the Special Master.** Within fifteen days of the end of every second month (beginning July 15, 2008), the parties will jointly report to the Special Master on the number of hours of depositions each has expended during the preceding two months and any issues relating to progress of the depositions, or any other issues, that have arisen in connection with the depositions.

ENTERED this 20th day of June, 2008.

Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this 20 day of June, 2008.

The Honorable Joseph J. Farnan, Jr.
Delaware District Court Judge

O'MELVENY & MYERS LLP

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October 3, 2008

OUR FILE NUMBER
008346,163

WRITER'S DIRECT DIAL
(213) 430-7801

WRITER'S E-MAIL ADDRESS
kmorries@omm.com

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael D. Mann
William P. Barry
Richards Kibbe & Orbe, LLP
Portrait Building
701 8th Street NW
Washington, DC 20001-3727

Re: ***AMD v. Intel - Notification Regarding Deposition of Kevin Rollins***

Dear Sirs:

Pursuant to paragraph 5.a. of Case Management Order No. 6 ("CMO #6"), I am serving you with (i) a copy of our notification letters to Intel of AMD and the Class's intent to depose Kevin Rollins. I am also enclosing the email notification of Bernie Barmann sent to you on October 3.

If you have any questions please feel free to contact me.

Sincerely,

Kendra Morries /SZ

Kendra S. Morries
Professional Paralegal
O'Melveny & Myers LLP

KSM:ksm

Enclosures

LA2:870898.1

From: Barmann, Bernard
Sent: Friday, October 03, 2008 11:17 AM
To: 'mmann@rkollp.com'; 'wbarry@rkollp.com'
Cc: Smith, Linda
Subject: AMD v. Intel - notification regarding depositions of Dell witnesses

Dear Counsel:

Pursuant to paragraph 5.a. of Case Management Order No. 6 ("CMO #6"), I am serving you, as counsel for Kevin Rollins, with (i) a copy of our notification letter to Intel of AMD's intent to depose Mr. Rollins, and (ii) a copy of CMO #6. We also will be serving you with hard copies of the notification letter and CMO #6 by certified mail.

Please note the provisions of paragraph 5 of CMO #6 regarding third-party depositions, particularly paragraph 5.b. regarding the scheduling of depositions. As soon as you are able, and within 14 calendar days of your receipt of this email, please provide to us proposed dates for the commencement of the depositions of the witnesses your firm represents. If you have any questions or wish to discuss this matter further, please give Linda Smith (cc'd above, 310-246-6801) a call, or send an email.

Regards,

Bernie Barmann

Bernard C. Barmann, Jr.
O'Melveny & Myers LLP
400 S. Hope Street
Los Angeles, California 90071
(213) 430-6000
Direct Dial (213) 430-7634
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OUR FILE NUMBER
008,346-163

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WRITER'S E-MAIL ADDRESS
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October 3, 2008

VIA E-MAIL AND U.S. MAIL

Sogol K. Pirnazar, Esq.
Gibson Dunn & Crutcher
333 South Grand Avenue
Los Angeles, California 90071

Re: ***AMD v. Intel***

Dear Sogol:

Consistent with our agreed-upon protocols regarding deposition logistics, I am providing notice of certain third party depositions that AMD intends to take in late November or in December. These are in addition to the Intel and third party witness depositions previously noticed and/or scheduled for October and November.

We intend to take the depositions of Michael Dell, Dan Allen, Jerele Neeld, Alan Luecke, Jeff Clarke, and Kevin Rollins, all currently or formerly of Dell. We estimate AMD's examinations will take the following numbers of hours: Mr. Dell twelve hours, Mr. Allen twenty-one hours, Mr. Neeld fourteen hours, Mr. Luecke fourteen hours, Mr. Clarke twenty-one hours, and Mr. Rollins fourteen hours. These estimates are for AMD's examination only.

Sincerely,

Bernard C. Barmann, Jr.
for O'MELVENY & MYERS LLP

cc: Daniel S. Floyd, Esq.
Mindy G. Davis, Esq.
Steve Fimmel, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION	MDL No. 1717-JJF
ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICES, LTD., a Delaware corporation, Plaintiffs, v. INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation, Defendants.	C.A. No. 05-441-JJF
PHIL PAUL, on behalf of himself and all others similarly situated, Plaintiffs, v. INTEL CORPORATION, Defendants.	C.A. No. 05-485-JJF CONSOLIDATED ACTION

AMENDED CASE MANAGEMENT ORDER NO. 6

The following provisions shall apply to the taking of depositions in this case and, where applicable, modify the provisions of Rule 26 and any applicable local rules of the Court. By these provisions, the parties do not waive any objections a witness

may have to the taking of a deposition, including, but not limited to, the location or length, which will be raised promptly and addressed by the Special Master, as required.

1. Notice and Logistics.

a. Deposition Point Person. Intel, AMD, and Class Plaintiffs each will appoint a deposition point person to whom all communications regarding depositions will be sent. The parties will cooperate to expand the notifications as necessary and convenient, but for a communication concerning the notice or scheduling of a deposition to be effective it must be made by email to the deposition point person(s).

b. Advance Notice Of Depositions. Between the first and fifth of each month, each side will notify the other by e-mail or letter of the depositions each party wishes to take the following month, including third parties, and will include in the notification the estimated number of hours of examination by the noticing party. For party witnesses, the e-mail or letter should be followed-up by a formal deposition notice within 7 days. The deposition notice need not include a specific date or location to be effective, nor does it need to comply with the seven (7) day notice provision set forth in Local Rule 30.1. For 30(b)(6) depositions, the initial e-mail or letter should include a preliminary list of the topics of examination for that deposition. A final list of the topics of examination should be provided with the formal deposition notice within 7 days. Subpoenas will be prepared and served on witnesses as required, although the parties agree to cooperate to minimize the burdens. Absent unusual circumstances or compelling scheduling issues, party related witnesses (*i.e.*, current and former employees of a party) will be produced for deposition in the month requested, and third party depositions should also, to the extent possible, take place in the month requested.

c. Scheduling of Depositions. The parties will use best efforts to confirm the dates and locations for depositions as soon as practicable but no later than 14 calendar days after receipt of the letter requesting the depositions. The date for a deposition shall be final or "locked in" and not subject to further change 10 days before the deposition is scheduled to take place, absent agreement of the parties or a specific showing of unavoidable good cause.

d. Reporting and Videotaping of Depositions. The parties have entered into a joint arrangement with a court reporting and videographer firm that will govern all depositions. All depositions will be videotaped unless the noticing side informs the parties to the contrary. For purposes of tabulating deposition hours each party has used, the videographer shall track to the nearest quarter-hour (rounding up) the time consumed by each party's examination (which is defined as the time from commencement of the examination through completion, excluding breaks), and the videographer shall announce the totals on the stenographic record at the conclusion of each day of examination. In the event a deposition is not videotaped, time-tracking shall be performed by the court reporter.

e. Numbering of Deposition Exhibits. The parties will meet and confer to develop a protocol for the numbering of deposition exhibits to facilitate use of depositions at trial. The parties have agreed on distinct exhibit number ranges for use in depositions: AMD will use exhibit numbers 1 to 5000, Intel will use exhibit numbers 5001 to 10000, and Class Plaintiffs will use exhibit numbers 10001 to 15000. Additional ranges will be assigned, if need be. Each party, with assistance from the court reporters,

will track its own deposition exhibits and use their numbers sequentially from one deposition to the next by the same party.

f. Deposition Hour Allocations. The parties are collective allocated 2,086 hours of merits depositions exclusive of expert depositions. AMD and Class Plaintiffs are collectively allotted 1,147 hours; Intel is allocated 939 hours. For scheduling purposes, a full day of deposition shall consist of 7 hours of examination.

2. **Location and Other Scheduling Issues.**

Depositions will be held in a city convenient to the deponent. The specific location of the deposition in that city will be selected by the deposing lawyer. Depositions lasting more than one day will be conducted day to day, unless the witness agrees to an adjournment requested by the examining party or unanticipated scheduling exigencies otherwise requires. Attendance and conduct at a deposition will be governed by Local Rules 30.3 and 30.6 and the protective order entered in this case.

3. **Special Master**

The parties agree that discovery issues that arise during depositions may be presented telephonically to the Special Master. Any decisions made in connection with such issues, except those involving privilege or other immunity or protection from disclosure, will be final and not subject to further review by the Court. Any objections raised will be deemed preserved for all purposes.

4. **Review, Signing, and Custody of Transcript.**

The parties agree that that the original transcript will be sent to the attorney defending a witness, who will then promptly forward the transcript to the witness to review. Subject to reasonable extensions, which will be freely given, party witnesses will

have thirty days from the date the transcript is sent by the court reporter to the defending attorney to review and sign the transcript, and the attorney will notify all parties of changes or corrections promptly, but no later than five (5) days after receiving them. The attorney representing a party witness or the attorney for the party that requested or noticed a third party deposition shall maintain custody of the original transcript and make it available upon reasonable request. The parties agree that copies of a transcript may be used as if they were the original litigation transcript, including where a witness fails to sign the original transcript for any reason after given an opportunity to do so, subject to the protective order.

5. **Special Provisions Applicable to Third-Party Depositions**

a. Service of Notification. In the case of deponents who are neither current nor former employees of a party, or other persons who are not under the control of a party, the notification provided for in Paragraph 1(b) will also be served on (i) the deponent if unrepresented, or counsel known to represent the deponent in this litigation, and (ii) in the case of current or former employees of any entity served with a subpoena in this case, the entity or any counsel representing it. Service to the deponent will be by certified mail, and email, where available and reasonably ascertainable. All notices served under this paragraph will include a copy of this Order. Should the non-noticing party contemplate conducting an examination of the deponent lasting more than one hour, it will provide to the same persons a counter-notice setting forth the estimated duration of its examination.

b. Scheduling of Deposition. Any person receiving such a notice (and counter-notice), or counsel acting on his or her behalf, will provide date(s) for the

commencement of the deposition in the month requested as soon as practicable but no later than 14 calendar days after receipt of the letter requesting the deposition. The proposed date(s) should be sufficient to accommodate the time estimates of the parties. Upon receiving a proposed start date, the requesting party will promptly cause a subpoena for that date to be served on the deponent or any counsel authorized by the deponent to accept service. In the event the deponent or his/her representative fails timely to provide a start date, the deposition will be noticed for a date selected by the requesting party. Absent some further agreement of the parties and the deponent, **the deposition will commence on the date specified in the subpoena unless the deponent applies for a protective order from this Court pursuant to the Procedures for the Handling of Discovery Disputes Before the Special Master dated June 26, 2006, as amended on October 9, 2007 (available on Pacer). Any such proceeding shall be commenced sufficiently early so as to permit the deposition to proceed on the scheduled start date in the event the application is denied.**

c. Disputes Over the Scheduling of Third-Party Depositions. The parties recognize that document productions, including some third party productions, are ongoing. A party receiving notice of a proposed third-party deposition that believes the deposition is premature given the status of pertinent document productions, will within seven days provide a written objection to the requesting party and to the deponent. Any scheduling dispute the parties are unable to resolve shall promptly be brought to the attention of the Special Master for resolution. The pendency of any such dispute, however, shall not relieve the deponent and the parties of their scheduling obligations under this Order.

d. Local Rule 30.6. Local Rule 30.6 shall apply to the defense of third-party depositions.

6. Third Party Document Production Cut-Off. So as to permit timely completion of third-party depositions, all third parties currently under subpoenas duces tecum are ordered to complete their production of documents on or before August 29, 2008. Plaintiffs shall so inform third-parties of this production cut-off by serving copies of this Order on them or their counsel. **Any third-party that believes it cannot comply with this deadline shall apply to this Court for relief from it on or before July 1, 2008.**

7. Reports to the Special Master. Within fifteen days of the end of every second month (beginning July 15, 2008), the parties will jointly report to the Special Master on the number of hours of depositions each has expended during the preceding two months and any issues relating to progress of the depositions, or any other issues, that have arisen in connection with the depositions.

ENTERED this 20th day of June, 2008.

Vincent J. ~~Poppiti~~ (#100614)
Special Master

SO ORDERED this 20 day of June, 2008.

The Honorable Joseph J. Farnan, Jr.
Delaware District Court Judge

EXHIBIT D

GIBSON, DUNN & CRUTCHER LLP

SPirnazar@gibsondunn.com

October 6, 2008

VIA ELECTRONIC AND U.S. MAIL

(213) 229-7444 T42376-00764

(213) 229-6444

Bernard Barmann, Esq.
O'Melveny & Myers
400 South Hope Street
Los Angeles, California 90071-2899

Re: *AMD v. Intel –Depositions to be scheduled in November 2008 and beyond*

Dear Bernie:

Consistent with our agreed-upon protocols regarding deposition logistics, I am writing to inform you of the depositions of AMD witnesses that Intel seeks to take in November and beyond.

I. Notice for Deposition of Individual AMD Witnesses

In addition to Patrick Moorhead's deposition, which we requested for October and for which we still need proposed dates, please note that Intel intends to take the depositions of John C. Morris in November 2008.

Also, to ensure that we provide ample advance notice to have AMD's executives block the requested dates on their calendars, I inform you now that Intel intends to take the depositions of Dirk Meyer and Hector Ruiz in January 2009.

1) We expect that the deposition of ***John C. Morris*** will require approximately five (5) hours of examination time and we would like to proceed with that deposition on November 3.

2) As indicated in my letter of September 5, we estimate the deposition of ***Patrick Moorhead*** will require approximately fourteen (14) hours of examination time. We have proposed to take this deposition on November 12 to 14 or during the week of November 17.

3) We estimate that the deposition of ***Dirk Meyer*** will require fourteen (14) hours of examination time over three days. We would like to proceed with this deposition during the week of January 12, 2009.

4) Likewise, we estimate that the deposition of ***Hector Ruiz*** will require fourteen (14) hours of examination time over three days. We propose to proceed with that deposition during the week of January 26, 2009.

Please confirm these dates, or provide alternative dates for each of these witnesses. Also, please inform us of the appropriate locations for these depositions as soon as possible so that notices and/or subpoenas are issued as appropriate. I assume you will accept service of these documents for these witnesses – please let me know immediately if that is not the case.

5) I also want to confirm that Intel will continue with the deposition of ***William Edwards*** on October 15, 2008 in Austin, Texas.

II. Notice for Deposition of Third Party Witnesses

Intel also plans to depose the following third-party witnesses in November:

- Intel intends to take the deposition of ***Robert Davidson*** of Gateway. Intel estimates needing approximately six (6) hours of examination time for the deposition of Mr. Davidson.
- Intel plans to take the deposition of ***Susan Whitney*** of IBM. Intel will need seven (7) hours of examination time and it proposes to take the deposition on November 17.

In addition, Intel plans to depose the following Dell witnesses in late November and December:

- ***Michael Dell, Jeff Clarke,*** and ***Kevin Rollins***. At this time, Intel estimates that it will need approximately three and a half (3.5) hours of examination time for each of these three witnesses. Please note that these time estimates may change based upon the ultimately agreed upon total length of the deposition and the scope of the issues and documents that the parties cover during each deposition.

III. Counter Notice of Examination Time For Deposition of Third Party Witnesses

To ensure clear communications and proper scheduling of depositions, Intel provides the following estimates for the counter-examination time it requires for third-party witness depositions requested by AMD and/or the Class.

- Intel will require approximately three (3) hours of examination time during the deposition of ***Richard Pereira*** (Tech Data) which has been scheduled for November 7.
- As to AMD's request for the depositions of ***Dan Allen, Jerele Neeld,*** and ***Alan Luecke***, please note that Intel will require approximately three and a half (3.5) hours of counter-examination time for each of these three witnesses, subject to the same caveats with respect to examination time as mentioned above with respect to the three Dell witnesses requested by Intel.

These counter designations by Intel are in addition to prior counter designations of third-party witnesses identified in my August and September letters to you and in direct communications between other counsel for Intel and AMD. As always, please feel free to contact me if you have any questions.

Very truly yours,

Sogol K. Pirnazar

SKP/skp
cc: Michael M. Maddigan, Esq.
Daniel S. Floyd, Esq.
Darren B. Bernhard, Esq.

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