

# EXHIBIT L

**Subject:** RE: Call to discuss Fix Wilson Yard subpoenas  
**From:** "Tom Johnson" <tjohnson@jsgd.com>  
**Date:** Mon, 27 Jul 2009 10:45:18 -0500  
**To:** "Matt Zimmerman" <mattz@eff.org>

I don't think there is much to talk about. I am trying to leave town on Wed myself and have a bench trial tomorrow. I have not focused in on your subpoenas, but if I want to enforce them, the judge said I have to file a motion in court. I will do so if I need to enforce them. We will be moving to dismiss the amended complaint first.

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

From: Matt Zimmerman [<mailto:mattz@eff.org>]  
Sent: Sunday, July 26, 2009 6:23 PM  
To: Tom Johnson  
Cc: [cmudd@muddlawoffices.com](mailto:cmudd@muddlawoffices.com)  
Subject: Call to discuss Fix Wilson Yard subpoenas

Tom,

Could we set up a time to talk on Monday or at the latest on Tuesday? I'm going to be out of town the latter part of the week but before then I'd like to discuss whether or not you are going to drop the Fix Wilson Yard subpoenas now that an amended complaint has been filed.

Best,

Matt

Tom Johnson wrote:

Would you agree to enter and continue your motion until July 17th at 10 am, when the plaintiffs are scheduled to present their amended complaint. As we have discussed, there may be no need to pursue the subpoenas. It will depend on what the plaintiffs allege in their amended complaint. Why litigate something if we do not have to?

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

From: Matt Zimmerman [<mailto:mattz@eff.org>]  
Sent: Monday, June 22, 2009 7:00 PM  
To: Tom Johnson  
Cc: Thomas Ramsdell  
Subject: Motion to quash in Fix Wilson Yard matter

Tom (and Tom),

As per our previous conversation, today we filed our motion to quash the discovery subpoenas that targeted the anonymous online critics of the Wilson Yard development project, with a hearing noticed for July 9th at 10:00 am.

You should both receive service copies, but please also find attached courtesy copies of what was filed.

To anticipate a possible request, and as we note in our brief, we don't see any basis to continue the hearing because of (for example) the possible upcoming filing of an amended complaint. It seems that we're well aware of our competing arguments about the appropriateness and enforceability of the subpoenas, and we should just get to it.

If you have any questions, please feel free to give me a call.

Best,

Matt

Tom Johnson wrote:

It was willing to narrow them as we previously discussed, but now that the issues in the case are a bit up in the air, it is harder to figure out how to narrow them until the plaintiffs file their amended complaint. If you want to notice up a motion to quash, it is ok by me. It seems like it would be a waste of time. We would simply ask the judge to continue the motion generally until we see what, if any, factual questions the plaintiffs are raising. I am quite sure she would do

that.

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

From: Matt Zimmerman [<mailto:mattz@eff.org>]  
Sent: Monday, June 15, 2009 5:06 PM  
To: Tom Johnson  
Subject: Re: Fix Wilson Yard update

Tom,

Thanks for the update. While the question may continue to be a futile one, I'll ask again just to confirm your position: if you are not willing to withdraw the subpoenas, are you willing to formally narrow the scope of the subpoenas in any way? If we move to quash, I want to be sure to accurately represent your position.

Matt

Tom Johnson wrote:

On June 12th, the plaintiffs told the court that they want to file an amended complaint. They have until July 17th to do so. They were vague about what exactly they plan on pleading. So, I am not willing to withdraw my subpoenas, as the material sought may have relevance to the new or renewed claims the plaintiffs attempt to bring.

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

From: Matt Zimmerman [<mailto:mattz@eff.org>]  
Sent: Monday, June 15, 2009 12:17 PM  
To: Tom Johnson  
Subject: Fix Wilson Yard update

Tom,

Could you confirm that the hearing previously scheduled for June 12 in the Fix Wilson Yard matter has been continued until July 17? Is there any other information (e.g. a stipulation or case management statement) that you could share that would give me a sense of where things

stand?

Thanks,

Matt

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[www.eff.org](http://www.eff.org)

No virus found in this incoming message.  
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Version: 8.5.339 / Virus Database: 270.12.70/2177 - Release Date:  
06/15/09 05:54:00

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No virus found in this incoming message.  
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Version: 8.5.339 / Virus Database: 270.12.89/2197 - Release Date:  
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Version: 8.5.392 / Virus Database: 270.13.32/2266 - Release Date: 07/27/09  
05:58:00