Kirstin Stoll-DeBell

From: David C. Lee <dlee@sillscummis.com>
Sent: Friday, June 01, 2012 5:43 PM
To: 'Vazquez, Jesus'
Cc: Scott Murray; Kirstin Stoll-DeBell; 'Kanan, Greg'; 'Kostolansky, Kris J.'; Scott D. Stimpson
Subject: RE: MDx document production
Attachments: MDX 0104122.PDF; MDX 0104111.PDF; MDX 0104112.PDF

Counsel,

Attached please find MDx Medical, Inc.'s supplemental document production bates labeled MDX 0104111 - MDX 0104127.

Regards,

Sills Cummis & Gross P.C.
website | v-Card | email
David C. Lee
Associate
New York | Map d (212) 500-1546 f (212) 643-6500 30 Rockefeller Plaza New York, NY 10112

From: David C. Lee
Sent: Friday, June 01, 2012 11:13 AM
To: 'Vazquez, Jesus'
Cc: Scott Murray; Kirstin Stoll-DeBell; Kanan, Greg; Kostolansky, Kris J.; Scott D. Stimpson
Subject: RE: MDx document production

Jesus:

For the MDX supplemental production yesterday, my email contained a mistake in the bates numbers. That production actually contained documents bates labeled MDX 0103827 - MDX 0104110.

Of those, MDX 0103827 - MDX 0104072 contain full email bodies for previous bates range MDX 0027311 - MDX 0027385, with the exception of documents withheld on the basis of attorney-client privilege. The privileged documents were dated after the filing of the complaint in this case, so they need not be in the privilege log, per our agreement.

We will be making another supplemental production today. With regard to the native excel files, they must be obtained from our vendor. The vendor tells us the documents are in an archive, which they are re-loading now, but they cannot get to the natives until early next week. We will send the natives to you as soon as we receive them.

Regards,
David

EXHIBIT 19

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Associate

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From: Vazquez, Jesus [mailto:jvazquez@rothgerber.com]
Sent: Friday, June 01, 2012 5:30 AM
To: David C. Lee
Cc: Scott Murray; Kirstin Stoll-DeBell; Kanan, Greg; Kostolansky, Kris J.; Scott D. Stimpson
Subject: Re: MDx document production

David,

Can you please advise in as much detail as possible, referencing bates numbers, what this "supplemental production" relates to, and do the same for the "further production" you anticipate making? By when do you expect to make the "further production" you reference?

Thanks, Jesús

Jesús M. Vázquez, Esq.
Rothgerber Johnson & Lyons LLP
One Tabor Center | Suite 3000 |
1200 17th Street | Denver, CO 80202 |
Direct 303.628.9517 | Main 303.623.9000 | Fax 303.623.9222
E-mail: jvazquez@rothgerber.com
Website: www.rothgerber.com

On May 31, 2012, at 3:26 PM, "David C. Lee" <dlee@sillscummis.com> wrote:

> Jesus:
>
> Further to our email below, with regard to documents bates labeled MDX 0027311 - 0027385, the requested documents were produced in the supplemental production from earlier today.
>
> We are preparing a further production and will address the other issues in your email separately.
>
> Regards,
> David

EXHIBIT 19

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Associate

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From: Scott Murray
Sent: Wednesday, May 30, 2012 10:53 AM
To: 'Vazquez, Jesus'
Cc: 'Kirstin Stoll-DeBell'; Kanan, Greg; Kostolansky, Kris J.; Scott D. Stimpson; David C. Lee
Subject: RE: MDx document production

Jesus - We are preparing a production of documents regarding these issues and intend to send them to you this week.

Regards,
Scott

Scott Murray
Member

Sills Cummis & Gross P.C.

website | bio | vCard | newsroom | email

One Riverfront Plaza, Newark, NJ 07102
p (973) 643-5388 | f (973) 643-6500 **map**

From: Vazquez, Jesus [mailto:jvazquez@rothgerber.com]
Sent: Tuesday, May 29, 2012 4:28 PM
To: Scott Murray
Cc: 'Kirstin Stoll-DeBell'; Kanan, Greg; Kostolansky, Kris J.; Scott D. Stimpson; David C. Lee
Subject: MDx document production

Scott:

On February 14 we wrote you regarding documents **MDX 0027311 - MDX 0027385**, which are single page emails with the body of the emails redacted, deleted or otherwise missing. On February 29 you responded and indicated you would "review the issue with MDx" and that you believed the documents were produced in the form that MDx kept them in MDx's normal course of business. We have not heard back from you on this issue. Did you review the issue with MDx? Please explain why the body of these emails were erased or redacted by MDx and whether you will provide us with unredacted copies of these emails.

On February 27 we re-sent you a list of MDx documents with unexplained redactions (attached) that we originally sent you on January 6, and renewed our request that you produce unredacted versions. We also included a **new** list of documents with unexplained redactions, or that were entirely blank, or illegible. In your email of February 29 you responded that any redactions

EXHIBIT 19

"relate to MDx's objections" - or otherwise the documents were produced "as they appeared in MDx's possession." Obviously it is impossible for us to know what purported objection(s) the redactions relate to. Further, the only objections that merit redactions are privilege objections, and those must be listed on a privilege log. Below is the list of documents we sent you on February 27 - the first group, numbers 1 - 71, contain unexplained redactions or have entirely blank pages. The second group, numbers 1- 69, have missing pages or missing attachments. The third group, numbers 1 - 124, are spreadsheets that we need in native format:

1) MDX0072764

2) MDX0072765

3) MDX0072766

4) MDX0072767

5) MDX0072768

6) MDX0072807

7) MDX0072808

8) MDX0072809

9) MDX0072810

10) MDX0072811

11) MDX0072812

12) MDX0072813

13) MDX0072857

14) MDX0072858

15) MDX0072859

16) MDX0072860

17) MDX0072861

18) MDX0072862

19) MDX0072863

20) MDX0072974

21) MDX0072975

22) MDX0072976

23) MDX0072977

24) MDX0072978

25) MDX0072979

26) MDX0072980

27) MDX0073030

28) MDX0073031

29) MDX0073032

30) MDX0073033

31) MDX0073034

32) MDX0073035

33) MDX0073036

34) MDX0024428

35) MDX0024429

36) MDX0024430

37) MDX0024431

38) MDX0024432

39) MDX0024433

40) MDX0024434

41) MDX0024435

42) MDX0024436

43) MDX0024437

44) MDX0024526

45) MDX0024768

46) MDX0025202

47) MDX0025203

48) MDX0025204

EXHIBIT 19

49) MDX0025205

50) MDX0027970

51) MDX0028284

52) MDX0029391

53) MDX0029392

54) MDX0029393

55) MDX0029394

56) MDX0029916– MDX0029923

57) MDX0029924 – MDX0029931

58) MDX0029932 – MDX0029939

59) MDX0029940 – MDX0029947

60) MDX0029948 – MDX0029955

61) MDX0029996

62) MDX0029998

63) MDX0031889

64) MDX0062313 – MDX0062319

65) MDX0062338 – MDX0062344

66) MDX0062354 – MDX0062360

67) MDX0062379 – MDX0062385

68) MDX0062392 – MDX0062398

69) MDX0062406 – MDX0062412

70) MDX0070039

71) MDX0072762

Documents with missing pages or attachments:

1) MDX0061725

2) MDX0063260

EXHIBIT 19

3) MDX0063280

4) MDX0063282

5) MDX0063307

6) MDX0063311

7) MDX0063315

8) MDX0063319

9) MDX0063362

10) MDX0063798

11) MDX0063802

12) MDX0063843

13) MDX0063845

14) MDX0063894

15) MDX0064901

16) MDX0065048

17) MDX0065049

18) MDX0065097

19) MDX0065112

20) MDX0065124

21) MDX0065131

22) MDX0065132

23) MDX0065133

24) MDX0065142

25) MDX0065150

26) MDX0065209

27) MDX0065210

28) MDX0065408

EXHIBIT 19

29) MDX0065409

30) MDX0065706

31) MDX0065710

32) MDX0065718

33) MDX0065738

34) MDX0065745

35) MDX0065747

36) MDX0065749

37) MDX0065752

38) MDX0065774

39) MDX0071171

40) MDX0024828 – MDX0024829

41) MDX0026018

42) MDX0026202 – MDX0026205

43) MDX0026450

44) MDX0026622

45) MDX0026671

46) MDX0026696 – MDX0026699

47) MDX0026700 – MDX0026702

48) MDX0027026

49) MDX0030145

50) MDX0030146

51) MDX0038233

52) MDX0038234

53) MDX0038583

54) MDX0038584 – MDX0038585

EXHIBIT 19

55) MDX0038589

56) MDX0038627

57) MDX0038628 – MDX0038630

58) MDX0038631 – MDX0038632

59) MDX0038636 – MDX0038637

60) MDX0038639 – MDX0038640

61) MDX0038645

62) MDX0038652 – MDX0038653

63) MDX0038855

64) MDX0038859 – MDX0038861

65) MDX0038877

66) MDX0038889

67) MDX0038967 – MDX0038968

68) MDX0059690

69) MDX0062428

Spreadsheets produced in non-native format:

1) MDX0007303-MDX0008339

2) MDX0008340– MDX0010276

3) MDX0010277 – MDX0011840

4) MDX001200 – MDX0012036

5) MDX0014491 – MDX0014612

6) MDX0014883 – MDX0015259

7) MDX0015286 – MDX0015292

8) MDX0015639 –MDX0015746

9) MDX0015747 – MDX0016065

10) MDX0016066 – MDX0016112

EXHIBIT 19

11) MDX0016131 – MDX0016300

12) MDX0016308 – MDX0016333

13) MDX0016334 – MDX0016359

14) MDX0016360 – MDX0016368

15) MDX0016885 – MDX0016887

16) MDX0017534 – MDX0017551

17) MDX0019328 – MDX0019377

18) MDX0019440 – MDX0019911

19) MDX0019915 – MDX0020367

20) MDX0020370 – MDX0020811

21) MDX0020813 – MDX0021231

22) MDX0021233 – MDX0021633

23) MDX0021635 – MDX0022017

24) MDX0022019 – MDX0022371

25) MDX0022373 – MDX0022707

26) MDX0022709 – MDX0023027

27) MDX0023029 – MDX0023330

28) MDX0023332 – MDX0023623

29) MDX0023625 – MDX0023865

30) MDX0023867 – MDX0024081

31) MDX0024083 – MDX0024282

32) MDX0024284 – MDX0024291

33) MDX0024292 – MDX0024296

34) MDX0024297 – MDX0024400

35) MDX0024441 – MDX0024524

36) MDX0024527 – MDX0024682

EXHIBIT 19

37) MDX0024683 – MDX0024767

38) MDX0024821 – MDX0024827

39) MDX0024840 – MDX0024861

40) MDX0025236 – MDX0025239

41) MDX0025386 – MDX0025690

42) MDX0025722 – MDX0025764

43) MDX0025920 – MDX0026011

44) MDX0026025 – MDX0026159

45) MDX0026206 – MDX0026249

46) MDX0026516 – MDX0026607

47) MDX0027282 – MDX0027287

48) MDX0027433 – MDX0027581

49) MDX0027636 – MDX0027778

50) MDX0027824 – MDX0027825

51) MDX0027827 – MDX0027965

52) MDX0027991 – MDX0027996

53) MDX0028003 – MDX0028138

54) MDX0028146 – MDX0028280

55) MDX0028289 – MDX0028416

56) MDX0028421 – MDX0028539

57) MDX0028594 – MDX0028896

58) MDX0028915 – MDX0028924

59) MDX0028951 – MXD0028981

60) MDX0028982 – MDX0028992

61) MDX0029005 – MDX0029014

62) MDX0029015 – MDX0029020

EXHIBIT 19

63) MDX0029052 – MDX0029053

64) MDX0029054 – MDX0029057

65) MDX0029058 – MDX0029079

66) MDX0029100 – MDX0029119

67) MDX0029194 – MDX0029211

68) MDX0029218 – MDX0029354

69) MDX0029400 – MDX0029536

70) MDX0029576 – MDX0029585

71) MDX0029603 – MDX0029738

72) MDX0029745 – MDX0029754

73) MDX0029755 – MDX0029762

74) MDX0029763 – MDX0029767

75) MDX0029768 – MDX0029775

76) MDX0030047 – MDX0030075

77) MDX0030596 – MDX0030759

78) MDX0031062 – MDX0031181

79) MDX0031184 – MDX0031388

80) MDX0031459 – MDX0031639

81) MDX0031893 – MDX0031897

82) MDX0032215 – MDX0032215

83) MDX0032236 – MDX0032323

84) MDX0032325 – MDX0032642

85) MDX0032644 – MDX0032689

86) MDX0032710 – MDX0032795

87) MDX0032797 – MDX0032965

88) MDX0033222 – MDX0033240

EXHIBIT 19

89) MDX0034421 – MDX0034422

90) MDX0034423 – MDX0034432

91) MDX0034433 – MDX0034436

92) MDX0034437 – MDX0034440

93) MDX0034441

94) MDX0034793 – MDX0034993

95) MDX0035002 – MDX0035214

96) MDX0036072 – MDX0036131

97) MDX0036134

98) MDX0036135 – MDX0036146

99) MDX0036148 – MDX0036159

100) MDX0036161 – MDX0036184

101) MDX0036186 – MDX0036225

102) MDX0036227 – MDX0036264

103) MDX0038008 – MDX0038013

104) MDX0038015 – MDX0038049

105) MDX0038238 – MDX0038366

106) MDX0038509 – MDX0038512

107) MDX0038514 – MDX0038515

108) MDX0038519 – MDX0038523

109) MDX0038670 – MDX0038677

110) MDX0038681 – MDX0038683

111) MDX0038864 – MDX0038865

112) MDX0038894 – MDX0038906

113) MDX0038919 – MDX0038923

114) MDX0038949 – MDX0038953

EXHIBIT 19

115) MDX0039006 – MDX0039012

116) MDX0039013 – MDX0039021

117) MDX0039025 – MDX0039032

118) MDX0039075 – MDX0039218

119) MDX0039222 – MDX0039365

120) MDX0039368 – MDX0039537

121) MDX0039769 – MDX0039770

122) MDX0039774 – MDX0039777

123) MDX0039791 – MDX0039946

124) MDX0039947 – MDX0040240

In your email of February 29 you noted that both parties have exchanged spreadsheets in non-native format. This is true, and it is also true that both parties have requested certain spreadsheets in native format from each other, and have complied with such requests. Please produce the spreadsheets numbered 1 - 124 listed immediately above in native format. If there are any spreadsheets produced by HG that you want in native format, please tell us the bates numbers and we will send them to you in native format.

Finally, below is a new list of documents with unexplained redactions:

MDX0027633

MDX0015320

MDX0069146

MDX0069147

MDX0069148

MDX0069150

MDX0069154

MDX0069157 (blank box on bottom half page)

MDX0069160

MDX0069162 (looks like something is missing in bottom half of box)

MDX0069163

EXHIBIT 19

MDX0069164 (blank box on bottom half page)

MDX0069166 (looks like something is missing in bottom half of box)

MDX0069167 (blank box on bottom half page)

MDX0069168 (blank box on bottom half page)

MDX0069172 (blank box on bottom half page)

MDX0069173 (blank box on bottom half page)

MDX0069179

MDX0069183

MDX0069185

MDX0069188 (blank box on bottom half page)

MDX0069191

MDX0069194

MDX0069198

MDX0069211

MDX0069215

MDX0019292

MDX0019304

MDX0071952

MDX0071960

MDX0071967

MDX0071989

MDX0012060

MDX0012103

MDX0012106

MDX0012114

MDX0012144

EXHIBIT 19

MDX0012147

MDX0012183

MDX0012213

MDX0012234

MDX0012236

MDX0012242

MDX0012245

MDX0012249

MDX0012252

MDX0012258

MDX0012268

MDX0012280

MDX0012283

MDX0012284

MDX0012286

MDX0012287

MDX0012288

MDX0012289

MDX0012291

MDX0012293

MDX0012294

MDX0012295

MDX0012296

MDX0012299

MDX0012300

EXHIBIT 19

We need the unredacted versions of all of the documents listed in this email (or a privilege log with entries corresponding to each redaction) in advance of the depositions in NY. Please advise whether you will provide the unredacted documents and/or privilege log. We of course must reserve the right to reopen the depositions to inquire regarding these documents if these issues are not resolved before we take the depositions.

Thanks, Jesus

Jesús M. Vázquez, Attorney-at-Law
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