E-Mail Request for Emergency Relief

1. Case Number: 05 -cv- 506 -SLR

2. Check the box that applies:

☐ Requesting a teleconference with the parties and the court
☐ Requesting an in-person conference with the parties and the court
✓ Requesting either of the above listed options at the court's determination

3. BRIEFLY describe the reason for this **emergency** request:

Plaintiff Vanderbilt University filed a letter yesterday afternoon (DI #105) delineating an ongoing dispute between the parties over the extent of further expert reports in this matter. We believe that if counsel for Vanderbilt was going to bring this to your attention at this point, they should have used Your Honor's Emergency Email Procedure but they did not. Please let us know if the Court would like ICOS to respond in a letter format or if the Court will strike Vanderbilt's letter.

*Any text added beyond the limits of this space will be disregarded by the court.

4. Name of opposing counsel contacted about this request:

5. Response of opposing counsel to this request:

6. Name of local counsel making this request: Richard K. Herrmann

7. Today's Date: April 3, 2007

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For court use only:

☐ A teleconference will be held on to be coordinated and initiated by

☐ An in-person discovery conference will be held on:

☑ Other: The court will not address any matters raised by letter and, in fact, will strike such.

Opposing Counsel's Response to E-Mail Request for Emergency Relief

1. Case Number: 05-cv-506-SLR

2. BRIEFLY state your response to the **emergency** request made by opposing counsel:

Counsel did not feel that the nature of the correspondence (D.I. # 105) met the criteria set forth on the Court's website as no emergent relief was sought. The matter at issue is in the nature of reconciling the parties' respective understanding of the scope of the Court's definition of the permissible scope of expert reports given recently produced discovery materials.

*Any text added to beyond the limits of this space will be disregarded by the court.

3. Name of local counsel submitting this response: James E. Drnec

4. Today's Date: April 3, 2007

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