

EXHIBIT B

Castellano, Jeff

From: Byron Pickard <BPICKARD@sternekessler.com>
Sent: Tuesday, February 27, 2024 10:33 AM
To: Panikowski, Stanley; Will Milliken; Castellano, Jeff; Anna Phillips; TwinStrandUW; 'Adam W. Poff'; Keith, Colin A.; 'Samantha G. Wilson'; Fanelli, Dominic
Cc: GUARDANT-DLA-Team
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

 EXTERNAL MESSAGE

Dear Stan,

Please let us know whether Guardant is opposed to pre-judgment interest of any sort or if the disagreement is to the appropriate rate for pre-judgment interest. If it is the latter, what rate does Guardant propose as the appropriate one?

As to the bond, we believe that 150% would be sufficient, recognizing that the bond amount may need to be revised upwards if the Court enhances damages etc. If that framework is acceptable, I think we can work through details so we can present something to the Court as a non-contested matter.

Look forward to hearing from you,

Byron

From: Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Sent: Tuesday, February 20, 2024 6:35 PM
To: Byron Pickard <BPICKARD@sternekessler.com>; Will Milliken <WMilliken@sternekessler.com>; Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>; Anna Phillips <aphillips@sternekessler.com>; TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

EXTERNAL EMAIL: Use caution before clicking links or attachments.

Dear Byron,

I am responding on Jeff's behalf while he is out of the office on international business travel.

Thank you for your proposal, and sorry for our delayed response. Guardant is unwilling to stipulate to pre-judgment interest in that amount, so we are preparing to post an appeal bond before the expiration of 30 days from entry of the judgment.

Would you please let us know (1) TwinStrand's position on an appeal bond amount of 120% of the current judgment amount and (2) if TwinStrand has any other questions relating to our intended appeal bond?

Thanks and best regards,

Stan

Stanley J. Panikowski
Partner

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DLA Piper LLP (US)
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From: Byron Pickard <BPICKARD@sternekessler.com>
Sent: Tuesday, February 20, 2024 10:20 AM
To: Will Milliken <WMilliken@sternekessler.com>; Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>; Anna Phillips <aphillips@sternekessler.com>; TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>; Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

 EXTERNAL MESSAGE

Dear Jeff,

I don't believe we received any response to the proposal outlined below. Please let me know GH's position by the end of day tomorrow.

Sincerely,

Byron

From: Will Milliken <WMilliken@sternekessler.com>
Sent: Wednesday, December 13, 2023 6:53 PM
To: Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>; Anna Phillips <aphillips@sternekessler.com>; TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>; Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

Counsel,

Following up on our discussion last week about a possible stay, Plaintiffs would be willing to agree to extend the Rule 62(a) stay of execution of the judgment with no bond until Judge Williams rules on the parties' post-trial motions if we can reach agreement on the appropriate rate for pre- and post-judgment interest. As I'm sure you know, the latter is set by statute as the weekly average 1-year constant maturity Treasury yield (which right now is hovering a little over 5%) computed daily and compounded annually. So I assume there is no obstacle to agreement there. Regarding the former, this District's practice is to award the prime rate for pre-judgment interest, compounded quarterly. Right now that rate is 8.5%, so that is the figure we would propose.

We also propose that the stay of execution conclude 14 days following a decision setting the final amount of the judgment. That should afford Guardant ample time to provide a bond or other security, as I understand Guardant intends to do in lieu of paying the judgment.

Please let us know if Guardant is on board with this proposal.

Thanks,
Will

William H. Milliken
Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
Email: wmilliken@sternekessler.com
Direct: 202.772.8854
Main: 202.371.2600

From: Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>
Sent: Wednesday, December 6, 2023 3:41 PM
To: Anna Phillips <aphillips@sternekessler.com>; TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>; Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

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Anna,

We would like to discuss a possible stay of execution on the judgment pending appeal without a bond or other security, or alternatively a stay of execution until 30 days after the Court's final ruling on post-trial motions (essentially extending Rule 62(a)'s automatic stay until 30 days after ruling instead of 30 days after entry of judgment) without a bond or security.

We are available at 10am ET tomorrow. I will send an invite.

Best,
Jeff

From: Anna Phillips <aphillips@sternekessler.com>
Sent: Wednesday, December 6, 2023 9:26 AM
To: Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>; TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>; Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Subject: RE: TwinStrand v. Guardant - call to discuss execution on judgment

EXTERNAL MESSAGE

Jeff,

To make any discussion meaningful, please provide Guardant's proposal in advance of any meet and confer. We are available tomorrow from 10-11am or Friday from 2-3pm.

Sincerely,

Anna G. Phillips
Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
Email: aphillips@sternekessler.com
Direct: 202.772.8550

From: Castellano, Jeff <Jeff.Castellano@us.dlapiper.com>
Sent: Monday, December 4, 2023 2:33 PM
To: TwinStrandUW <TwinStrandUW@sternekessler.com>; 'Adam W. Poff' <APOFF@ycst.com>; Keith, Colin A. <CKeith@ycst.com>; 'Samantha G. Wilson' <SWilson@ycst.com>; Fanelli, Dominic <DFanelli@ycst.com>
Cc: GUARDANT-DLA-Team <GUARDANT-DLA-Team@us.dlapiper.com>; Panikowski, Stanley <stanley.panikowski@us.dlapiper.com>
Subject: TwinStrand v. Guardant - call to discuss execution on judgment

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Counsel,

Would you please let us know when you are available this week to discuss a stay of execution of judgment pending the Court's decision on post-trial motions, including possible terms for agreement on a stay of execution? Thanks.

Best,
Jeff

Jeff Castellano (he, him, his)
Of Counsel

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