

EXHIBIT A

From: [Connolly, Michaela](#)
To: [Bender, Kristin](#); [Alice Buttrick](#); [Bryan Freedman](#); [Ellyn Garofalo](#); [Alexandra Shapiro](#); [Jonathan Bach](#); [Kim Zeldin](#); [Mitra Ahouraian](#); [Summer Benson](#); [Theresa Troupson](#); [Amir Kaltgrad](#); [Jason Sunshine](#); [Local KAF. Counsel](#); [Local MS. Counsel](#); [Stacey Ashby](#); [Gottlieb, Michael](#); [Hudson, Esra](#); [Meryl Governski](#); [Roeser, Stephanie](#); [anathan](#); [Bruno, Matthew](#); [Moses, Sarah](#); [Taustine, Melissa](#); [Climaco, Katelyn](#); [Armani, Sareen](#); [Fabien Thayamballi](#); [William I. Taylor](#); [Julian S. Brod](#)
Subject: RE: Lively v. Wayfarer - Pretrial Submissions
Date: Wednesday, March 25, 2026 9:35:10 PM
Attachments: [image001.png](#)

[EXTERNAL] Please do not reply, click links, or open attachments unless you recognize the source of this message and know the content is safe.

Alice, all,

Thank you for connecting this afternoon. We write specifically in response to our discussion on Ms. Lively's exhibit list.

As you know, the parties exchanged initial exhibit lists on Friday. With the understanding that the parties had mutually agreed to exchange objections and exhibit list revisions, if any, by this Friday (March 27), we reviewed Defendants' exhibit list over the weekend and identified several deficiencies that we flagged promptly for you on Sunday. By contrast, it was not until today—*five days after* the parties' initial exchange and just two days prior to the anticipated exchange of objections—that you raised, for the first time, concerns about the end bates on certain documents listed on Ms. Lively's exhibit list. At your request, we investigated purported defects with certain exhibits' end bates and discovered that, by virtue of a technical error, several of the exhibits on Ms. Lively's exhibit list inadvertently listed an incorrect end bates value. We are in the process of amending the exhibit list to correct this error and will provide an updated version tomorrow. Had you identified your concerns regarding the end bates promptly upon receipt of our exhibit list, we would have happily responded with a corrected version over the weekend, which would have allowed you sufficient time to lodge objections in advance of Friday. Given that our forthcoming exhibit list will come tomorrow, we are amenable to extending the deadline for parties to exchange objections and further exhibit list revisions to Monday (March 30). We propose adjourning the deadline for deposition designations to the same date. On this timeline, all parties should be in a position to maintain the Court-ordered April 3 deadline for pre-trial submissions.

While we maintain that Ms. Lively is under no obligation to identify a final list of exhibits at this juncture and that FRCP 26 contemplates disclosures regarding evidence a party *may* present at trial, we are evaluating ways in which we can narrow our exhibit list. Because we expect to taper our exhibit list, we will provide the non-bates stamped documents, bearing revised exhibit numbers, with our forthcoming amended exhibit list tomorrow.

Ms. Lively reserves all rights.

Best,
Michaela

Michaela Connolly
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8808](tel:+12127288808) | Fax: +1 212 728 9808
mconnolly@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Bender, Kristin <KBender@willkie.com>

Sent: Tuesday, March 24, 2026 4:16 PM

To: Alice Buttrick <abuttrick@shapiroarato.com>; Connolly, Michaela <MConnolly@willkie.com>; Bryan Freedman <bfreedman@lftcllp.com>; Ellyn Garofalo <egarofalo@lftcllp.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jonathan Bach <jbach@shapiroarato.com>; Kim Zeldin <kzeldin@lftcllp.com>; Mitra Ahouraian <mitra@ahouraianlaw.com>; Summer Benson <sbenson@lftcllp.com>; Theresa Troupson <ttroupson@lftcllp.com>; Amir Kaltgrad <akaltgrad@lftcllp.com>; Jason Sunshine <jsunshine@lftcllp.com>; Local KAF. Counsel <kaf@msf-law.com>; Local MS. Counsel <ms@msf-law.com>; Stacey Ashby <sma@msf-law.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Hudson, Esra <EHudson@manatt.com>; Meryl Governski <mgovernski@dirllp.com>; Stephanie Roeser (SRoeser@manatt.com) <SRoeser@manatt.com>; Nathan, Aaron E. <ANathan@willkie.com>; Matthew F. Bruno (MBruno@manatt.com) <MBruno@manatt.com>; Moses, Sarah <SMoses@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>; Climaco, Katelyn <KClimaco@manatt.com>; Armani, Sareen <SArmani@manatt.com>; Fabien Thayamballi <fthayamballi@shapiroarato.com>; William I. Taylor <wtaylor@shapiroarato.com>; Julian S. Brod <jbrod@shapiroarato.com>

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Hi Alice,

We are available to discuss tomorrow between 11 – 2 pst.

While we are reviewing your email, we initially note that your proposal to number PTX from 1-1000 contemplated the volume for exhibits that we have used. In any event, the exhibit lists are still in draft form and the final volume may well change. As to the non-bates stamped documents, Defendants have or can easily access virtually all of the non-bates stamped documents (public articles with URLs, pleadings, written discovery in this case, expert materials, social media posts, etc.). Again, we will provide anything remaining this week. Please confirm that Defendants will reciprocally provide the remainder of their non-bates-stamped documents this week. In the future, please raise in advance if you wish to unilaterally not adhere to the agreed-upon exchange schedule for materials – in this case, the verdict form.

On another topic, we think that Daubert oppositions should average to no more than 20 pages per expert (same as opening). We are fine with your proposal that MIL oppositions be no more than 5 pages more than each corresponding MIL.

Last, please let us know if Defendants are amenable to submitting a jury questionnaire in connection with voir dire. We can add this to the agenda tomorrow if you'd like to discuss.

Thanks,
Kristin

Kristin Bender
Willkie Farr & Gallagher LLP
1875 K Street, N.W. | Washington, DC 20006-1238
Direct: [+1 202 303 1245](tel:+12023031245) | Mobile: [+1 703 732 4995](tel:+17037324995)
kbender@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)

From: Alice Buttrick <abuttrick@shapiroarato.com>

Sent: Monday, March 23, 2026 8:42 PM

To: Connolly, Michaela <MConnolly@willkie.com>; Bryan Freedman <bfreedman@lftcllp.com>; Ellyn Garofalo <egarofalo@lftcllp.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jonathan Bach <jbach@shapiroarato.com>; Kim Zeldin <kzeldin@lftcllp.com>; Mitra Ahouraian <mitra@ahouraianlaw.com>; Summer Benson <sbenson@lftcllp.com>; Theresa Troupson <ttroupson@lftcllp.com>; Amir Kaltgrad <akaltgrad@lftcllp.com>; Jason Sunshine <jsunshine@lftcllp.com>; Local KAF. Counsel <kaf@msf-law.com>; Local MS. Counsel <ms@msf-law.com>; Stacey Ashby <sma@msf-law.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Hudson, Esra <EHudson@manatt.com>; Bender, Kristin <KBender@willkie.com>; Meryl Governski <mgovernski@dirllp.com>; Stephanie Roeser (<SRoeser@manatt.com>) <SRoeser@manatt.com>; Nathan, Aaron E. <ANathan@willkie.com>; Matthew F. Bruno (<MBruno@manatt.com>) <MBruno@manatt.com>; Moses, Sarah <SMoses@manatt.com>; Taustine, Melissa <MTaustine@willkie.com>; Climaco, Katelyn <KClimaco@manatt.com>; Armani, Sareen <SArmani@manatt.com>; Fabien Thayamballi <fthayamballi@shapiroarato.com>; William I. Taylor <wtaylor@shapiroarato.com>; Julian S. Brod <jbrod@shapiroarato.com>

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*** EXTERNAL EMAIL ***

Dear Counsel:

We write with respect to the Pretrial Order and various remaining tasks. We share some thoughts below. Please advise us of your availability to meet and confer about them tomorrow (Tuesday).

1. **Jury instructions.** We attach some preliminary comments and revisions, in clean and in redline against the draft you sent us. In general, we believe that it is difficult to finalize this without the Court's ruling on the pending dispositive motions, and much of this will need to be further revised. The instructions as a whole need to be streamlined and simplified so that the jury is instructed only once as to common elements for like causes of action. For example, various elements of the federal and state harassment causes of action overlap, but for the moment we have proposed language for both state and

federal claims. Let's discuss the best way forward during our meet and confer so that we can work together to reduce the verbiage in a helpful and meaningful way.

2. **Verdict sheet.** We think it is premature to turn to the verdict sheet. It will be easier to draft once we have distilled down the common elements of multiple causes of action in connection with the jury instructions, as discussed above. It would also be helpful to await the Court's ruling, so we know which causes of action remain at issue.
3. **Plaintiff's Trial Exhibits.** You have identified more than 900 exhibits, more than 150 of which you have not yet provided to us, despite an agreement between the parties to exchange such materials last Friday. We know of no trial in which 900 exhibits have been introduced into evidence. We ask that you narrow down your exhibits considerably -- to what you actually intend to use at trial. As the plaintiff, you should know your order of proof and the evidence you plan to present. It is not appropriate to deluge us with surplusage, and it is unrealistic to expect us to review and state objections to 900 exhibits by the end of this week. (We think your identification of more than 40 trial witnesses is both impractical and unrealistic as well.) We reserve all rights, including the right to seek relief from the Court.
4. **Current schedule.** The current JPTO submission deadline and related motions deadline is April 3, 2026, but we do not yet have the benefit of the Court's rulings and guidance with respect to the pending dispositive motions. We remain eager to move the case forward, but in light of the circumstances we would like to discuss a further one-week adjournment of the current submission deadlines, or a joint request for a court conference to discuss the issue.

Please let us know best times for a call tomorrow to work through these issues.

Thanks,
Alice

Alice Buttrick



1140 Avenue of the Americas, 17th Floor
New York, NY 10036
Tel: 212-257-4888 (direct) | 212-257-4880 (main)
abuttrick@shapiroarato.com
www.shapiroarato.com

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