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Date: 11/13/2008 4:54:25 PM

Subject: RE: 08cv2265 Summers et al v Adams et al -- Briefing schedule and oral argument

See below, in red.

From: James Burns [mailto:James.Burns@nelsonmullins.com]

Sent: Thursday, November 13, 2008 3:19 PM

To: Val.Valenta@scdmv.net

Cc: Butch Bowers; Kevin A. Hall; Todd Carroll

Subject: RE: 08cv2265 Summers et al v Adams et al -- Briefing schedule and oral argument

Val,

I would like to confirm by email, our telephone conversation this afternoon regarding the two issues we discussed. First, we discussed the production schedule for the "I Believe" license plate. You indicated to me that production will take place between December 15 and December 29. Please confirm that this is production, as well as dissemination of the plate. Yes, these are the potential dissemination dates.

Second, we discussed the discovery responses that are due tomorrow. You indicated that DMV is currently collating the data necessary to respond to the request. Further, you indicated that DMV would not have the pricing data, pursuant to Plaintiffs' Interrogatories 5 and 6, ready by tomorrow due to the myriad cost structures of the different license plates. I told you that Plaintiffs' counsel contacted us regarding their denial of our request for an extension to respond to discovery, but that they may be willing to work with us. As of this email, I have not heard back from Plaintiffs' counsel, but will let you know the determination soonest. We have the data worked out. I just need time to assemble and transmit.

Please let me know if I missed anything.

Best regards,
James

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From: James Burns

Sent: Thursday, November 13, 2008 2:14 PM

To: Val.Valenta@scdmv.net

Subject: FW: 08cv2265 Summers et al v Adams et al -- Briefing schedule and oral argument

Importance: High

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From: Virginia_Vroegop@scd.uscourts.gov [mailto:Virginia_Vroegop@scd.uscourts.gov]
Sent: Thursday, November 13, 2008 12:49 PM
To: aaron@capitolcounsel.us; luchenitser@au.org; khan@au.org; stevens@au.org; agesmith@ag.state.sc.us; James Burns; Butch Bowers; Kevin A. Hall; Todd Carroll; Thad Westbrook
Subject: 08cv2265 Summers et al v Adams et al -- Briefing schedule and oral argument
Importance: High

Greetings Counsel:

As you are no doubt aware, Plaintiffs filed a motion for a preliminary injunction yesterday. Under the normal briefing schedule, Defendants' responsive brief will be due December 1, 2008, the Monday after the Thanksgiving holiday. Plaintiff's reply brief would be due on December 8, 2008 (assuming "hand" delivery).

Judge Currie's last availability for oral argument in December is Thursday, December 18, 2008. She cannot hold oral argument in January as she will be out-of-town (Committee meeting) or in trial virtually the entire month.

Before we schedule oral argument, it would be helpful to know when distribution of the challenged license plates is anticipated to begin. If there is to be no distribution before the end of February in any event, we could relax the briefing schedule and set oral argument in early February.

In light of the above, Judge Currie asks that Defendants advise us right away (a response to this email would suffice) as to when distribution might begin. Until you hear otherwise, please plan on the above briefing schedule and oral argument on December 18th.

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