

Exhibit A

[Print](#) | [Close Window](#)**Subject: Proposed supplemental counterclaim****From: victoria@vkhall-law.com****Date: Thu, Aug 13, 2009 10:03 am****To: "Scott Jerger" <scott@fieldjerger.com>****Cc: "David McGowan" <david.dmcgowan@gmail.com>**

Dear Scott,

We are willing to consent to this, with conditions.

As you know, we did not receive your full production in June, as we had hoped we would. (As you also know, we provided approximately 25 million documents to you in June, and the JMRI members that you subpoenaed not only provided documents in their possession, but sought documents that were not in their possession and produced them, on or before your deadlines.) QSI's return date was July 3, but we did not receive anything for weeks. QSI's production has been inexcusably late, woefully inadequate and, to date, incomplete. These delays have prejudiced us, and on that basis, we would oppose.

However, if you can persuade QSI to complete its production by Friday, August 21, and if you provide an analysis of what Katzer claims was copied from these manuals and the earlier manual, then we would file a response, but not oppose this filing. When I say that QSI must complete its production, I mean that I want all QSI manuals, all documents relating to who wrote those manuals, and all the information they are withholding as confidential on my desk--not in the mail--by Friday, August 21. Also, I don't want to have to wade through hundreds, perhaps thousands, of pages, trying to figure out what your client believes was copied. I want your client's analysis of what he contends was copied from the QSI manuals to the relevant JMRI files. Because of the delays, we will be prejudiced by this supplemental counterclaim unless we receive this information.

Regards,

Victoria

> ----- Original Message -----

> Subject:

> From: "Scott Jerger" <scott@fieldjerger.com>

> Date: Tue, August 11, 2009 3:26 pm

> To: <victoria@vkhall-law.com>, "David McGowan"

> <david.dmcgowan@gmail.com>

> Dear Victoria and David:

>

> Attached please find my client's first supplemental counterclaim

> incorporating versions of the QSI manual in addition to Version 3.0,

> which was the only manual pled in the original counterclaim. Please let

> me know if you consent to the filing of the supplemental counterclaim.

> Best,

> Scott

Copyright © 2003-2009. All rights reserved.