

From: Darin Foster [dfoster@kennedyhan.com]  
Sent: Monday, February 06, 2012 3:31 PM  
To: Shiloh Pallante  
Cc: Kimmie Selinger; Lee Deschamps; Stephen Kortemeier  
Subject: RE: SEC v. West - Request for Extension of Time

Ms. Pallante,

If Mr. Kortemeier will agree to stipulate to our Motions for Stay and for Protective Order, then Defendants will gladly agree to a reasonable extension of time for Plaintiff to respond to the more substantive motions.

However, as long as the current deadlines remain in place, and as long as Mr. Wagner continues to improperly hamper Cooperative meetings, to make public statements in violation of his fiduciary duty to the Cooperative, and to refuse to use trial discovery to seek information from the Cooperative, we cannot agree to any further delay. These issues need to be before the Court as quickly as possible.

Furthermore, your suggested extension would mean that briefing would be completed only a short time before the previously established March 21, 2012 hearing date. Given the number and complexity of the Motions to be considered at that hearing, I believe we all have a duty to the Court to insure that briefing is completed as early as possible.

While I understand that Mr. Ikard has been ill, Ms. Selinger has not. I am certain that she and her firm have addressed these issues before, and that they will be able to complete their Responses within the regularly established deadlines.

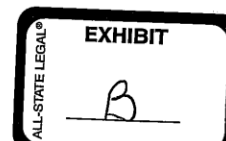
Please let me know how you would like to proceed.

-Darin

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From: Shiloh Pallante [mailto:shiloh.m.p@gmail.com]  
Sent: Monday, February 06, 2012 1:54 PM  
To: Darin Foster  
Cc: Kimmie; Lee Deschamps; Stephen Kortemeier  
Subject: SEC v. West - Request for Extension of Time



Hello Mr. Foster,

Mr. Kortemeier is seeking an extension of time to respond to the Motions to Dismiss and Motion for Summary Judgment.

Mr. Kortemeier has similar motions to reply to in seven federal cases, therefore Mr. Ikard will be assisting Mr. Kortemeier with these Motions. As Mr. Ikard was out due to illness last week, we are requesting a two-week extension, for a response deadline of February 23, 2012, on the Motions to Dismiss and Motion for Summary Judgment.

Mr. Kortemeier will be able to respond to the Motion for Stay and Motion for Protective Order currently due on 2/16/12.

I thank you for your time and attention to this matter and look forward to hearing from you soon.

If you should have any questions or concerns, please feel free to contact me.

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Sincerely,

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Shiloh Pallante

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"What saves a man is to take a step. Then another step."  
- Antoine de Saint-Exupéry (1900-1944)

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