

EXHIBIT G

REDACTED

**Material Designated Confidential
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EXHIBIT H

REDACTED

**Material Designated Confidential
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EXHIBIT I

REDACTED

**Material Designated Confidential
Pursuant to Protective Order**

Connor, Thomas

From: Pollack, Jeffrey S. [JSPollack@duanemorris.com]
Sent: Wednesday, October 22, 2014 4:50 PM
To: Connor, Thomas; Taylor, Matthew A.; Beausoleil, James L.; wasieck@vorys.com; wgporter@vorys.com; Apicelli, Samuel W.; Porter, William G. (WGPorter@vorys.com); ccwager@vorys.com
Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Davis, Allison; Besl, April L.
Subject: RE: American Energy Corporation v. American Energy Partners, LP, et al.

Tom:

Responding to your email: Mr. McClendon is not available until December 17 or 18. To accommodate his schedule, we're willing to conduct the deposition after the close of discovery. Because his schedule fills up quickly, please confirm a date for his deposition. We are inquiring as to a possible deponent and dates for the deposition of American Energy Midstream for which we will accept service of a subpoena.

Those depositions place Plaintiff at the maximum number of depositions permitted by the Rules. Additionally, Plaintiff has already deposed American Energy Partners, LP and American Energy - Utica, LLC on among other things:

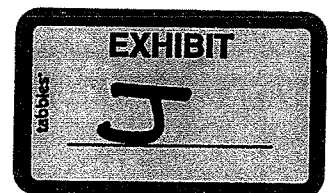
- The target geographic market(s), consumer(s), and customer(s) for Defendants' products or services that Defendants sell or intend to sell.
- The ways in which goods and services sold under or in connection with the "American Energy" or "American Energy Partners" name are, or are intended to be, marketed and promoted by Defendants or by anyone acting on their behalf.
- The purchasing process through which Defendants' customers, or intended customers, do or are expected to purchase the goods and services offered for sale by Defendants
- The channels of trade through which Defendants' goods and/or services are sold or will be sold
- How and by whom goods offered or to be offered for sale by or on behalf of Defendants are shipped or transported.
- Methods and processes for the extraction and distribution of fossil fuels, including natural gas.

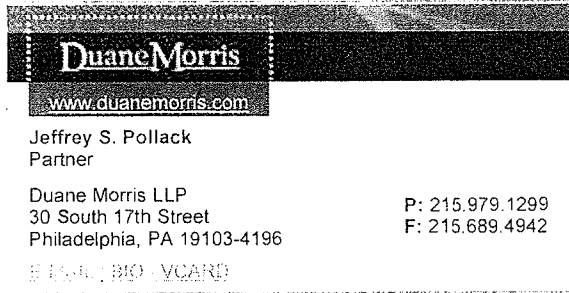
Plaintiff's newly proposed deposition notices to Defendants are duplicative of these broad topics. Additionally, Plaintiff recently deposed Ms. Psencik on American Energy - Utica's marketing and midstream activities. Accordingly, Plaintiff's newly proposed deposition notices are cumulative and unnecessary, and Defendants will object to proffering a witness on any of the proposed topics.

Defendants also object to proffering Mr. Fuller for a deposition on the grounds briefed in Defendants' Motion for a Protective Order.

Regards,

Jeff





From: Connor, Thomas [mailto:thomas.connor@dinsmore.com]

Sent: Thursday, October 16, 2014 2:27 PM

To: Pollack, Jeffrey S.; Taylor, Matthew A.; Beausoleil, James L.; wasieck@vorys.com; wgporter@vorys.com; Apicelli, Samuel W.; Porter, William G. (WGPorter@vorys.com); ccwager@vorys.com

Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Davis, Allison; Besl, April L.

Subject: American Energy Corporation v. American Energy Partners, LP, et al.

Jeff,

We plan to take the depositions of the following, so I ask that you provide proposed dates when they are available. Mr. McClendon should be last.

- Marketing/Midstream Corporate Representatives – I have attached two draft notices so that you may select the appropriate person. My assumption is that the same person(s) will speak to both American Energy Partners and American Energy-Utica in the same deposition, but we can do separately if you like. The topics are essentially the same.
- Corporate representative of American Energy Midstream – I have attached a draft of topics that will be attached to the subpoena so you can identify the appropriate individual. It is my assumption that your firm is going to represent American Energy Midstream, but if not, please let me know so that we can serve them directly. Also please confirm that you will accept service of the subpoena on American Energy Midstream's behalf.
- Keith Fuller
- Aubrey McClendon

Thanks

Dinsmôre

Thomas M. Connor
Attorney

Dinsmore & Shohl LLP • Legal Counsel
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Suite 1900
Cincinnati, OH 45202
T (513) 977-8454 • F (513) 977-8141
E thomas.connor@dinsmore.com • dinsmore.com

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EXHIBIT K
REDACTED
(IN PART)

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Pursuant to Protective Order**

Legal Counsel.

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Thomas M. Connor
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thomas.connor@dinsmore.com

October 24, 2014

VIA EMAIL

Jeffrey S. Pollack
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103
Email: jspollack@duanemorris.com

Re: *American Energy Corporation v. American Energy Partners, LP, et al.*
U.S. District Court, Southern District of Ohio, Eastern Division
Case No. 2:13-CF-00886-GCS-MRA

Jeff:

I write in response to your email of October 22 addressing the depositions Plaintiff intends to take in this case. As always, we are willing to accommodate deponents' schedules when we can. Your proposal of December 17 or 18, however, can only work if the current case schedule is modified to allow for the additional time you seek. Mr. McClendon is a named Defendant and your proposal would place his deposition just one or two days prior to the expert disclosure date. That is simply unworkable. Please let me know whether you prefer to move forward under the existing schedule or not.

For American Energy Midstream, we can accommodate either of your proposed dates.

As to the other two depositions, you appear to suggest that they would exceed a 'maximum' under the rules. Magistrate Abel already addressed this when he told the parties that 30(b)(6) depositions do not factor in any such calculation. Both of us represent large, sophisticated business entities, and I note that there are 14 lawyers on distribution of your email. We can handle two depositions. Let me know whether you intend to refuse to produce witnesses on this basis so that we can get the issue resolved quickly.

With respect to the deposition of Mr. Fuller, you indicate that you will refuse to produce him on essentially relevance grounds. The footnote on page 2 of Defendants' recent reply brief in support of Defendants' Motion for a Protective Order seems to invite further motion practice on this point. Your footnote represents to the Court that Mr.



Jeffrey S. Pollack
October 24, 2014
Page 2

Fuller is irrelevant because he is "Director of Government Relations," although I note that you conspicuously neglected to mention the second part of his title "Director - Government Relations & Corporate Development." It is publicly listed that way on Linked In, as well as on his business card.

REDACTED

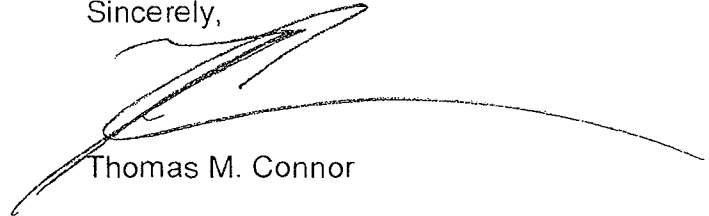
Furthermore, to the extent that Defendants have produced any documents on these topics, almost all of that occurred well after the 30(b)(6) depositions taken in April. Additionally, Defendants' admission that they may sell to utility companies, as well as their formation of a midstream company occurred after that time. Moreover, what few documents Defendants have produced on these topics appear to be the result of a highly selective cherry-picking of materials.

For example, we have seen no emails, letters, or internal analyses from anyone that relate in any way to marketing and midstream efforts or plans. It is implausible that such material does not exist, so I presume it has been withheld. Had Defendants been forthcoming in document discovery, we could likely name the individuals we wish to depose on this topic based on what the documents show, but as it is we must rely on Rule 30(b)(6) in light of the non-production issue. Since you have raised this issue, however, we expect Defendants to fully respond to RFP Nos. 12 and 16, served on AEP and Mr. McClendon on September 27, 2013 and AEU on November 8, 2013, as well as RFP Nos. 14, 20, 22, 23, and 33 served on Defendants on July 16, 2014. If you will commit to doing so in the next seven days, perhaps we can avoid the need to use a Rule 30(b)(6) deposition to address these topics.

Jeffrey S. Pollack
October 24, 2014
Page 3

Please confirm by Tuesday, October 28, whether you will be providing dates for the requested witnesses. If not, we will notice the depositions at a convenient time for us, and we can proceed from there.

Sincerely,



Thomas M. Connor

TMC:psk

7316659v1

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October 28, 2014

VIA EMAIL

Thomas M. Connor
Dinsmore & Shohl, LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202

Re: *American Energy Corporation v. American Energy Partners,
LP, et al., No. 13-886*

Dear Tom:

We write on behalf of Defendants in response to Plaintiff's October 24, 2014 letter. With respect to Mr. McClendon's deposition, we do not disagree that Plaintiff can take the deposition of Mr. McClendon and provided available dates for Mr. McClendon's deposition. As you might expect, Mr. McClendon is very busy. Because the dates available for his deposition are outside the discovery period, we agreed that the deposition could be conducted after the discovery cut-off. We do not believe a fact witness' testimony is pertinent to the preparation of an expert report, but if it resolves the issue, we are willing to stipulate to moving the expert disclosure deadline by one or two weeks.

We propose November 12 for the deposition of American Energy – Midstream, LLC.

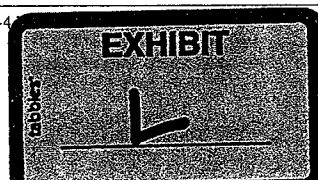
Excluding Rule 30(b)(6) depositions, this places Plaintiff at the 10-deposition limit set by the Federal Rules: (1) American Energy – Ohio, LLC, (2) AEU Services, LLC, (3) American Energy – Utica Minerals, LLC, (4) Tom Wible, (5) Serena Evans, (6) Katie Bullock, (7) Orange Energy Consultants, (8) Annie Psencik, (9) Mr. McClendon, and (10) American Energy – Midstream, LLC. Plaintiff's argument that additional deposition should or may proceed because of the size of the parties' law firms is found nowhere in the Federal Rules of Civil Procedure.

Additionally, as to Mr. Fuller, Plaintiff's letter concedes that Plaintiff seeks to depose him because of his "goodwill efforts" directed to the "public." This is precisely the issue briefed in Defendants' Motion for a Protective Order.

DUANE MORRIS LLP

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Duane Morris

October 28, 2014
Page 2

As to the Rule 30(b)(6) depositions, we refer to our prior correspondence. Plaintiff has already noticed similar topics and has, now, deposed the former Director of Marketing and Midstream for American Energy – Utica, LLC and questioned her about the documents produced in this case. Additional depositions on this issue are cumulative and unnecessary.

Regarding Plaintiff's request for documents related to marketing and midstream efforts and plans, we refer you to the documents produced discussing midstream and marketing efforts including internal and external presentations and contracts with midstream companies. *See e.g.*, Utica00305, Utica00510, Utica01656, Utica01809, Utica01888, Utica01896, Utica01900, Utica01906, Utica01963, Utica01983, Utica01928, Utica02029, Utica02041, and Utica02070. Plaintiff has deposed witnesses regarding each of these documents.

Sincerely,



Jeffrey S. Pollack

JSP:

cc: Matthew A. Taylor, Esquire (via e-mail)
James L. Beausoleil, Esquire (via email)
William G. Porter, Esquire (via e-mail)
William A. Sieck, Esquire (via email)
John E. Jevicky, Esquire (via e-mail)
Vlad Belo, Esquire (via e-mail)
Allison G. Davis, Esquire (via e-mail)

Legal Counsel.

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October 31, 2014

VIA EMAIL

Jeffrey S. Pollack
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103
Email: jspollack@duanemorris.com

Re: *American Energy Corporation v. American Energy Partners, LP, et al.*
U.S. District Court, Southern District of Ohio, Eastern Division
Case No. 2:13-CF-00886-GCS-MRA

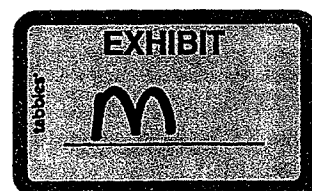
Jeff:

I write in response to your letter of October 28 addressing the depositions Plaintiff intends to take in this case.

With respect to the deposition of Mr. McClendon, you have asked for his deposition to take place just over three weeks past the current fact discovery deadline. In my prior letter I noted that we were willing to work to accommodate Mr. McClendon's schedule, but that the expert disclosure date falls at essentially the same time as the deposition dates you propose. While I don't understand your assertion that the testimony of a defendant is somehow immaterial to expert opinions, you have suggested extending the expert disclosure dates by one or two weeks. I note, however, that this would shorten the spacing of events in the current schedule and also place the disclosure date squarely over the holidays.

Since Defendants are asking for three extra weeks to schedule the deposition of Mr. McClendon, I believe we should maintain the pacing of the existing schedule and keep the expert disclosure date three weeks after the fact discovery date, and adjust the remaining dates accordingly. If Defendants wish to go that route, Plaintiff will agree to Defendants' request to the Court for the modification of the dates. Otherwise, we will need to find time for the deposition prior to November 26.

As for the proposed depositions regarding marketing and midstream topics, I previously noted that Defendants responses to Plaintiff's midstream and marketing RFPs consist of a handful of cherry-picked documents that prevent any meaningful



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MIRANDA & ESTAVILLO

November 5, 2014

VIA EMAIL

Thomas M. Connor
Dinsmore & Shohl, LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202

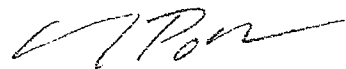
Re: *American Energy Corporation v. American Energy Partners,
LP, et al., No. 13-886*

Dear Tom:

We write on behalf of Defendants in response to Plaintiff's October 31, 2014 letter. With respect to Mr. McClendon's deposition, it appears that we may be in agreement. Because Mr. McClendon's deposition is being taken outside of the period of time for fact discovery, we agree to extend the other deadlines set by the Court, starting with expert disclosures, by three weeks.

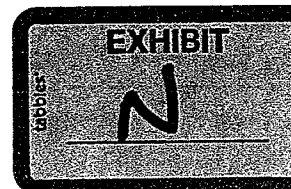
Mr. Wilson, who contrary to the assertions made in Plaintiff's October 31, 2014 letter was discussed during Ms. Psencik's deposition, will be the corporate representative for American Energy – Midstream, LLC. Mr. Wilson will also be made available as a fact witness exclusive of Rule 30(b)(6) depositions. Mr. Wilson will not be offered again. This, now, provides Defendants with 11 depositions of fact witnesses. As to Plaintiff's unsubstantiated statements regarding Defendants' document production, we refer to our previous correspondence.

Sincerely,



Jeffrey S. Pollack

JSP:



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PHONE: +1 215 979 1000 FAX: +1 215 979 1020

DuaneMorris

November 5, 2014

Page 2

cc: Matthew A. Taylor, Esquire (via e-mail)
James L. Beausoleil, Esquire (via email)
William G. Porter, Esquire (via e-mail)
William A. Sieck, Esquire (via email)
John E. Jevicky, Esquire (via e-mail)
Vlad Belo, Esquire (via e-mail)
Allison G. Davis, Esquire (via e-mail)

Legal Counsel.

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November 7, 2014

VIA EMAIL

Jeffrey S. Pollack
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103
Email: jspollack@duanemorris.com

Re: *American Energy Corporation v. American Energy Partners, LP, et al.*
U.S. District Court, Southern District of Ohio, Eastern Division
Case No. 2:13-CF-00886-GCS-MRA

Jeff:

I write in response to your letter of November 5, 2014. On October 31, I noted that, for a variety of reasons, Defendants' document production relating to midstream and marketing functions is not complete, and that the few documents that were produced appear to be cherry-picked by Defendants. As such, I requested in a straightforward manner that you certify that Defendants had in fact produced all responsive documents from Mr. Wilson's files and email, and that the midstream and marketing requests for production identified in my October 24 letter have also been fully responded to.

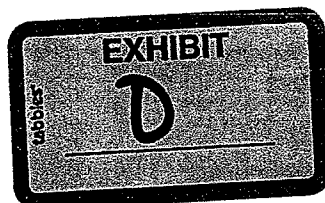
In response, you simply stated "we refer to our previous correspondence." But your previous correspondence was similarly evasive, so this is essentially a non-response to my simple question. As such, I must conclude that Defendants do not intend to engage in a meaningful meet and confer on this topic, and we are at an impasse.

Sincerely,



Thomas M. Connor

TMC:psk



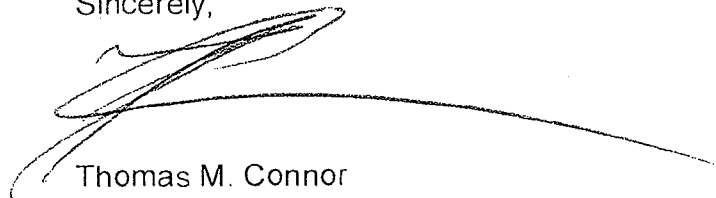
Jeffrey S. Pollack
October 31, 2014
Page 2

identification of deponents, and that exclude any emails, letters and internal analyses on these topics. In response, you simply refer me to the bates numbers of the cherry picked documents. This does not address the issue. The issue is not what Defendants have produced; it is what Defendants have not produced. I will provide an example: three days ago, Defendants disclosed for the first time that Adam Wilson has discoverable information regarding American Energy – Utica's midstream and marketing activities, and that he holds the title "Director – Midstream A&D and Commercial." As reiterated in my prior letter we have a number of document requests that go directly to midstream and marketing activities and plans. Yet, at this late date in the litigation, Defendants have not produced even a single document that so much as references Mr. Wilson, and there is no indication that any of his documents or email files have ever been produced.

Given this late disclosure, Plaintiff will take Mr. Wilson's deposition, and reserve the right to call additional witnesses on these subjects if he, like Ms. Psencik before him, is unable to testify to key subject areas. I ask Defendants to provide his dates of availability, and to certify no later than 7 days from today, or 3 days prior to his deposition, whichever is sooner, that Defendants have produced all responsive documents from his files and email, and that the midstream and marketing requests for production identified in my October 24 letter have also been fully responded to.

With respect to Mr. Fuller and American Energy-Midstream, I understand that Defendants are refusing to produce them because of a supposed "limit" on depositions, as well as 'relevance' objections as to Mr. Fuller. I also understand that further debate would be fruitless, and that we are at an impasse requiring resolution by the Court. If I am mistaken in this regard, please let me know by Tuesday, November 4.

Sincerely,



Thomas M. Connor

TMC:psk

7324144v1

EXHIBIT P
REDACTED

**Material Designated Confidential
Pursuant to Protective Order**

EXHIBIT Q
REDACTED
(IN PART)

**Material Designated Confidential
Pursuant to Protective Order**

Connor, Thomas

From: Connor, Thomas
Sent: Tuesday, November 25, 2014 12:53 PM
To: 'Pollack, Jeffrey S.'; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)'; Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.
Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.
Subject: RE: American Energy Corporation v. American Energy Partners, et al.

Counsel,

We've been at this for weeks on this class of documents and made zero progress. On November 7 I noted that Defendants' responses to our inquiries on the completeness of the production of marketing and midstream materials were evasive and that we were consequently at an impasse. My requests were ignored and nothing was produced in advance of Mr. Wilson's deposition. And he was pretty clear that he never even tried to look for responsive documents. Furthermore, Mr. Wilson is just one document custodian who has unproduced materials – there are clearly others.

I have unfortunately now become accustomed to the game of placing the obligation to identify responsive documents on the requesting party. After all, the requesting party has no way to search for documents or to review files of the witnesses. It's a way of avoiding responsibility for doing what the rules require: reviewing ones' clients files for responsive materials and producing them. It's also a tactic for trying to limit the scope of the discussion to whatever specific documents a witness happened to recall from memory during a deposition, while ensuring that any documents are produced only after the deposition has been taken.

So we are on the same page, are Defendants now certifying that they have carefully reviewed Mr. Wilson's, Ms. Pscencik's, [REDACTED] and Mr. McClendon's documents and files for information relating to the manner in which Defendants plan to go to market, through which channels of trade, and the customers to whom they are considering selling? And that Defendants then identified any responsive documents and produced those documents to Plaintiff in this case? I ask that Defendants please respond plainly so that there are no misunderstandings on this point.

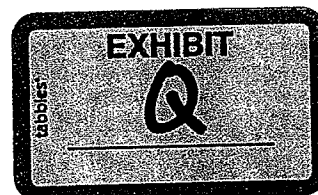
If Defendants are looking for a place to start with Mr. Wilson's files perhaps they can begin with the documents referenced [REDACTED]

Dinsmore

Thomas M. Connor
Attorney

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E thomas.connor@dinsmore.com • dinsmore.com

From: Pollack, Jeffrey S. [mailto:JSPollack@duanemorris.com]
Sent: Monday, November 24, 2014 4:50 PM



To: Connor, Thomas; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)'; Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.
Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.
Subject: RE: American Energy Corporation v. American Energy Partners, et al.

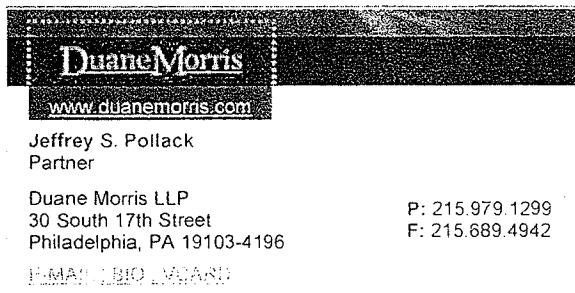
Tom:

From Plaintiff's email it appears there is a disagreement between the parties. As to Mr. Wilson's deposition it is not only unclear what documents Plaintiff claims should be produced (because none are identified in your email) but also because the vast majority of the deposition focused on irrelevant matters that have no bearing on the merits of the case. The fact that Plaintiff still has not identified a single document speaks directly to that issue and to Plaintiff's desire to artificially generate discovery disputes and to push them beyond the discovery end date. If Plaintiff wishes to identify documents, we are willing to meet-and-confer. However, we are not available this week.

Plaintiff would not agree to our reasonable request to extend the deadline to respond to Plaintiff's Motion to Extend Deadlines so as to avoid the upcoming holiday and related travel and family commitments. As a result, we will be working on Defendants' opposition to that motion this week, which I could not start in earnest this weekend because I was in Connecticut visiting my 94 year old grandmother who is ill and cannot leave home this year. I also have a post-trial brief due today and will be traveling tomorrow. Jim Beausoleil is likewise hampered by other cases and holiday-related commitments. If Plaintiff truly believes a meet-and-confer is necessary, we can be available next week.

Regards,

Jeff



From: Connor, Thomas [mailto:thomas.connor@dinsmore.com]
Sent: Friday, November 21, 2014 6:15 PM
To: Pollack, Jeffrey S.; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)'; Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.
Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.
Subject: RE: American Energy Corporation v. American Energy Partners, et al.

Jeff,

Suggesting that Ms. Psencik, Mr. Wilson, and Mr. Haynes are interchangeable, or 'duplicitous', is flatly contradicted by the testimony of Defendants' own personnel. [REDACTED] And we have still not seen a substantive production of documents from the files of any of these individuals.

The fact that we have been trying to identify witnesses and obtain relevant discovery materials on matters that are squarely at issue for a significant amount of time speaks more to the lengths to which Defendants have gone to slow-roll

discovery through endless dubious objections and motion practice. The passage of time is not the correct measure of the effectiveness of fact discovery – the disclosure of relevant information in a timely manner through good faith cooperative efforts of counsel is. Posturing such as that below is little more than a form of theater and does not advance the cooperative conduct of discovery envisioned by the Rules of Procedure.

[REDACTED]
[REDACTED] I take it by your comment that "It is unclear what documents Plaintiff claims should be produced because none are identified in your email" that Defendants are either unable or unwilling to review potentially responsive materials to identify and produce those that are responsive, as is required by Rule 34. If you prefer to make potentially responsive documents available to Plaintiff's counsel for inspection and copying so that we can identify for you which are responsive to our discovery requests, we are open to discussing such a procedure and are available to discuss on Monday.

Dinsmore^Â

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From: Pollack, Jeffrey S. [<mailto:JSPollack@duanemorris.com>]
Sent: Monday, November 17, 2014 12:39 PM
To: Connor, Thomas; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)'; Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.
Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.
Subject: RE: American Energy Corporation v. American Energy Partners, et al.

Tom:

We disagree with the many false assertions in your email. Plaintiff has now deposed Annie Psencik and Adam Wilson the former and current heads of American Energy – Utica's midstream and marketing division. Plaintiff, now, also wants to depose [REDACTED]. As Judge Abel noted in his August 11 Order, "much of the testimony" Plaintiff seeks to elicit from "deponents is duplicitous." That is no less the case with [REDACTED].

The parties have conducted over a year of fact discovery. During much of that time, Plaintiff neither noticed nor took any depositions. Rather, Plaintiff filed and then retracted (without taking any depositions) a Motion for a Preliminary Injunction. The Federal Rules of Civil Procedure allow a party to take up to 10 fact depositions. This is not an especially complex case. Rather, it is a straightforward action alleging trademark infringement. There is no reason to go beyond the depositions allowed in this case. Nonetheless, because of Ms. Psencik's resignation, Defendants permitted the deposition of Mr. Wilson. Thus, once Mr. McClendon's deposition is taken, Defendants will have taken 11 depositions

(that does not include the Rule 30(b)(6) depositions of American Energy Partners, LP and American Energy Utica, which would push Plaintiff's total to 13 depositions).

[REDACTED]

It is unclear what documents Plaintiff claims should be produced because none are identified in your email. Regardless, this is a straightforward case. Plaintiff wanted to know how American Energy – Utica's goods are sold and transported. Contracts and other documents discussing those matter have been produced and several witnesses have been deposed on that subject. From the discovery conducted, the parties know, as they always did, that (1) Plaintiff sells coal, (2) that American Energy – Utica transports and sells natural gas via pipeline, (3) that coal cannot be transported via pipeline, and (4) that the processes by which natural gas and coal are sold involve very different complex transactions between highly sophisticated parties who know exactly with whom they are contracting. Additionally, as outlined in Defendants' November 14, 2014 letter, Plaintiff has no more protectable interest in the formative "American Energy" than the multitude of other companies operating under that name (including the company that owns the www.americanenergycorporation.com website) – that is to say that Plaintiff has no protectable interest in that formative. No additional discovery can change these facts and it is time to address the merits of this action.

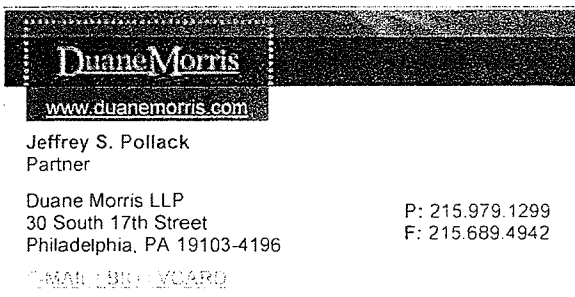
As to Mr. McClendon's deposition. As you know, Mr. McClendon is not available to be deposed on the date Plaintiff unilaterally noticed. To address this, Defendants have further considered Plaintiff's proposal and are willing to compromise and move the fact discovery deadline to December 17, 2014 for the purpose of conducting Mr. McClendon's deposition. Please confirm Plaintiff's agreement.

As to Mr. Fuller's noticed deposition. Defendants have repeatedly stated their opposition to Plaintiff conducting Mr. Fuller's deposition for the reasons stated in their Motion for a Protective Order. It is also in excess of the number of depositions permitted by the Rules of Civil Procedure.

As to Plaintiff's request to extend discovery by 90 days, Plaintiff provides no basis and no justification for this request after taking more than a year of discovery. For the reasons stated above, Defendants oppose Plaintiff's request, but because it appears that Plaintiff already wrote and plans to file a motion to extend deadlines, Defendants do not oppose the relief sought by Plaintiff's Motion For Leave to file that motion under seal provided that Plaintiff provides Defendants with Plaintiff's proposed redactions and 10 days to review the material filed with the Court for any additional redactions that may be necessary as has been the parties' practice.

Regards,

Jeff



Duane Morris
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Jeffrey S. Pollack
Partner

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EMAIL: JSP@VORYS

From: Connor, Thomas [<mailto:thomas.connor@dinsmore.com>]

Sent: Friday, November 14, 2014 5:26 PM

To: Connor, Thomas; Pollack, Jeffrey S.; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)';

Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.

Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.

Subject: RE: American Energy Corporation v. American Energy Partners, et al.

Counsel,

Please provide dates of availability for the deposition [REDACTED]

[REDACTED] We expect a complete production of relevant, responsive documents well in advance of his deposition. A host of previously undisclosed witnesses and documents bearing on marketing, distribution and sales efforts also came to light [REDACTED], and we will deal with those at the appropriate time.

With respect to the depositions of Mr. McClendon and Mr. Fuller, notices were served on November 10 to hold their depositions within the fact discovery period given the parties' apparent inability to reach an acceptable alternative arrangement. Please confirm whether these individuals will or won't be produced at the noticed times no later than 1:00 pm on Monday, November 17 so that we may make the necessary arrangements. If we hear nothing, we will assume that Defendants are persisting in their refusal to produce the witnesses and will proceed accordingly.

Given the issues with the present depositions, and the general state of discovery in this case, including the fact that we are only now learning of the identity of key witnesses, it is becoming increasingly clear that Defendants have made virtually no effort to provide a remotely complete production of marketing and midstream materials or to identify related witnesses. As such, we are moving the Court to extend the present dates by 90 days. Due to the impending deadlines, please confirm by Monday at 1:00 pm whether you consent to the extension. If you do not, please confirm whether you consent to our motion to extend the schedule being filed under seal so as to protect material claimed by Defendants or otherwise considered to be confidential or attorneys' eyes only under the terms of the Protective Order.

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From: Connor, Thomas

Sent: Monday, November 10, 2014 4:40 PM

To: 'Pollack, Jeffrey S.'; Davis, Allison; Taylor, Matthew A.; 'Porter, William G. (WGPorter@vorys.com)'; Apicelli, Samuel W.; 'gpferguson@vorys.com'; 'wasieck@vorys.com'; 'ccwager@vorys.com'; Beausoleil, James L.

Cc: Jevicky, John; Belo, Vladimir; Kemp, Thomas; Besl, April L.

Subject: RE: American Energy Corporation v. American Energy Partners, et al.

Jeff,