

# Exhibit C

Reis, John

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**From:** Cory S. Fein [CSF@caddellchapman.com]  
**Sent:** Wednesday, November 19, 2008 9:31 AM  
**To:** Kirkwood, Sarah; McGuinness, Andrew; Miller, Jeffrey; Hanson, Thomas  
**Cc:** Michael A. Caddell; Felicia D. Labbe; Joe Phebus; Mflannery@careydanis.com; William Graham; bgoodman@goodmanacker.com; John Carey; Reis, John; CHoussiere@HDHTEX.COM; wrpipes@hcppllp.com; gary@kwlawbr.com  
**Subject:** RE: Ford MDL Mediation

To start with, how about the 3 most recent deposition transcripts, with exhibits, of Ford's fire investigators (including Hoffman, Adams, Molnar, Engle, Sharma, Desantis, West, Washington or Olson) from cases where they testified about the SCD Switch defect.

-----Original Message-----

**From:** Kirkwood, Sarah [mailto:SKirkwood@dykema.com]  
**Sent:** Friday, November 07, 2008 7:33 PM  
**To:** Cory S. Fein; McGuinness, Andrew; Miller, Jeffrey; Hanson, Thomas  
**Cc:** Michael A. Caddell; Felicia D. Labbe; Joe Phebus; Mflannery@careydanis.com; William Graham; bgoodman@goodmanacker.com; John Carey; jreis@cozen.com; CHoussiere@HDHTEX.COM; wrpipes@hcppllp.com; gary@kwlawbr.com  
**Subject:** RE: Ford MDL Mediation

Cory--

We'd be happy to re-consider a request for information, but it would be very helpful to know more about what "key" discovery you are looking for. Perhaps you or one of your co-counsel who has conducted discovery in other cases could suggest specific deposition transcripts/exhibits or other documents that you/they think would be satisfactory to you. If, in addition to any confidentiality protection is appropriate, we can have an agreement that the transcript or other materials will be used for informational purposes for the mediation, and not used as discovery as if taken in any particular case, we might be able to be less restrictive, but until we know what you're looking for, its hard to know for sure.

I'll be in all day Monday and would be happy to talk any time you're available.

Sarah Kirkwood  
248-203-0849 (office)  
248-444-7432 (mobile)  
skirkwood@dykema.com

-----Original Message-----

**From:** Cory S. Fein [mailto:CSF@caddellchapman.com]  
**Sent:** Fri 11/07/2008 06:03 PM  
**To:** Kirkwood, Sarah; McGuinness, Andrew; Miller, Jeffrey; Hanson, Thomas  
**Cc:** Michael A. Caddell; Felicia D. Labbe; Joe Phebus; Mflannery@careydanis.com; William Graham; bgoodman@goodmanacker.com; John Carey; jreis@cozen.com; CHoussiere@HDHTEX.COM; wrpipes@hcppllp.com; gary@kwlawbr.com  
**Subject:** Ford MDL Mediation

Sarah and Drew-

I think I've received everything in Ford's "mediation package" via Sarah's emails and will start going through it this weekend.

However, after a very brief look at what Ford is producing I anticipate that this is not going to be acceptable to us. I would ask that Ford reconsider and make a good faith proposal of documents it is willing to disclose to Plaintiffs participating in this mediation. Barring that, let's call Judge Friedman's clerk on Monday and see if we can

schedule a phone conference.

Without going into detail about what I think we need, my first reaction is that Ford has not even asked us to limit distribution of these documents to those attorneys who have signed protective orders. I think this is quite telling as to the nature of the documents being produced.

Second, I don't see any deposition transcripts. It's my understanding that Mr. Hoffman (and other key witnesses) have been deposed in numerous SCD Switch fire cases across the country. I'm familiar with Ford's argument that these transcripts and exhibits are subject to various protective orders in various state courts, but frankly, I don't find that argument persuasive. The confidentiality interest in these deposition transcripts and exhibits belongs to Ford and Ford is able to provide these transcripts to Plaintiffs in advance of this mediation without the need to go back to those various state court judges. (To the extent any of these transcripts or transcript exhibits contains information confidential to any Plaintiff in a particular case, it can be redacted -- we're interested in information about the defect and Ford's knowledge of the defect, not any specific fires.)

In a nutshell, Judge Friedman has ordered these cases (most of which have been subject to a discovery stay since Day 1) to mediation. I don't think Judge Friedman is going to force these people to mediate "in the dark" without access to key discovery which was available to plaintiffs who have mediated and settled their cases in various state courts. I see no justification for imposing this disadvantage on MDL plaintiffs and I do not think Judge Friedman will find that Plaintiffs in his Court are not entitled to the same advantages plaintiffs have had in various state courts.

Let's talk on Monday and see if we can work something out.

Thanks.

Cory

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From: Kirkwood, Sarah [mailto:SKirkwood@dykema.com]  
Sent: Friday, November 07, 2008 3:47 PM  
To: Cory S. Fein  
Subject: RE: Ford Mediation

Cory--

We showed 94 on the original list, but that includes some cases that have settled. I hope to have a more accurate number--and list--early next week, and I'll send you what I have. If there are 28-30 cases to group together, that's probably 2 days worth for one mediator, and I agree we should start with those and the fill in the schedule with smaller groups and individual cases as they fit in. I'll send you what I have next week.

From: Cory S. Fein [mailto:CSF@caddellchapman.com]  
Sent: Friday, November 07, 2008 4:26 PM  
To: Kirkwood, Sarah  
Subject: Ford Mediation

Sarah-

What is your count of the number of cases that will be going to mediation?

Carey Danis says they have 28-30 cases. This seems like a large percentage of the cases and we should talk about setting aside a large block of time for their cases to be mediated.

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