EXHIBIT TWO

From:	Annabel Weinbach
To:	Kyle Smith; Maxwell Pritt; Christine Ray; Jenifer Hartley; z/MetaCounselGenAIService; Morton, Phillip
Cc:	Llama C-Counsel
Subject:	RE: Kadrey v. Meta - Meta"s Privilege Logs
Date:	Thursday, September 10, 2026 2:10:23 PM
Attachments:	image001.png image002.png

Hi Kyle –

Following up on this request. Please confirm Meta will produce (or has produced) "[AIR531] Evolving Pressure on Potentially Pirated Content (a/c priv)" and previous drafts of the "EU AI Act" document.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Thursday, August 13, 2026 11:26 PM
To: Kyle Smith <ksmith@dirllp.com>; Maxwell Pritt <mpritt@BSFLLP.com>; Christine Ray <cray@dirllp.com>; Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Hi Kyle –

We have reviewed the "EU AI Act" document (META_KADREY_EMCCC_00255810) produced this week pursuant to the parties' 502(d) stipulation. We do not currently plan to challenge the redactions to the document in our forthcoming joint letter brief, but we reserve all rights.

Since the produced version of the document appears to have been deprecated, we request that Meta produce the operative or replaced version of the document, which appears to bear the filename "[AIR531] Evolving Pressure on Potentially Pirated Content (a/c priv)." We also request Meta produce any other drafts of this document, including to show when the document was deprecated.

Best,
Annabel

Annabel Weinbach
Associate

BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Kyle Smith <ksmith@dirllp.com>
Sent: Monday, August 10, 2026 1:12 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Christine Ray <cray@dirllp.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

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Thanks. Meeting and conferring if necessary after you get the documents works for us. We'll need all three plaintiffs to execute the stipulation before we can produce. Christine will get the stips around as soon as able. And we'll work with our colleagues handling productions to expedite production as much as feasible; not sure if today will be possible or not.

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Monday, August 10, 2026 12:00 PM
To: Kyle Smith <ksmith@dirllp.com>; Christine Ray <cray@dirllp.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

Thanks, Kyle. I meant "by attorneys" to know if Meta was going to be redacting non-attorney content. But subject to the caveat you provide below that the parties can still meet and confer if there's any continued concern over the remaining redactions, we agree. Can the documents be produced this morning given Ms. Wang's deposition?

Best,
Max

From: Kyle Smith <ksmith@dirllp.com>
Sent: Monday, August 10, 2026 8:54 AM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Christine Ray <cray@dirllp.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService

<metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

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Hi Max: Did you mean "…or communication by non-attorneys (conveying primary legal advice)…"? If so, the answer to your full question is yes, the redactions that will remain contain content drafted by attorneys or communications by non-attorneys (conveying primarily legal advice). We can also confer with you further after you get the documents with the redactions, though I'm hopeful will be agreement you'll have sufficient context from the unredacted portions to understand the basis for our claim of privilege as to what we remains redacted.

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Monday, August 10, 2026 11:39 AM
To: Christine Ray <cray@dirllp.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Thank you, Christine.

So we can evaluate your proposal, are the redactions that will remain content drafted by attorneys or communications by attorneys (conveying primarily legal advice), or is there another basis for the privilege claims in whatever content will remain redacted?

Best,
Max

From: Christine Ray <cray@dirllp.com>
Sent: Monday, August 10, 2026 8:34 AM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

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Good morning,

Meta confirms that it is not clawing back comments to the "EU AI Act Counterfeit and Piracy Watch List" document and instead is only clawing back comments involving in-house and outside litigation counsel on separate documents (that happened to show up in the same email because of the way Google Doc comments are compiled). Please let us know if any further clarification would be helpful, but we presume this resolves any conflict on Meta's clawback.

I can also confirm that Meta is willing to move forward with a stipulation under FRE 502(d) on the "EU AI Act Counterfeit and Piracy Watch List" document and related documents (with Bates ending in _00255031, _00255032, and _00255033). Without waiving privilege, Meta is willing to produce the underlying document with redactions covering portions indisputably (in Meta's view) covered by the attorney-client privilege and/or work product doctrine, and to produce unredacted versions of the documents with Bates ending in _00255031, _00255032, and _00255033. Please let us know if Plaintiffs agree to entering into a stipulation, in the same form as the unfiled stipulation executed by the parties on August 5, 2026.

Best,
Christine

Christine Ray | Associate
Dunn Isaacson Rhee LLP cray@dirllp.com
(212) 470-0843 (direct) | (774) 200-3988 (cell)
11 Park Place, New York, NY 10007
Website | LinkedIn

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From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Monday, August 10, 2026 4:18 AM
To: Christine Ray <cray@dirllp.com>; Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>

Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

Thank you, Christine. If relevant to your discussion, please note that we also currently intend to challenge last night's clawback of the comments to the EU AI Act document (in 00255803). Presumably that would be moot if Meta agrees to produce the document and comments. Also, please note that given the number of documents recently produced by Meta, we will not be serving our portion of the privilege letter brief today, but instead will do so later this week. We understand Meta has requested a week to respond and will accommodate that and a filing date based on it.

Best,
Max

From: Christine Ray <cray@dirllp.com>
Sent: Sunday, August 9, 2026 1:33 PM
To: Annabel Weinbach <aweinbach@bsfllp.com>; Jenifer Hartley <JHartley@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

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Hi Annabel,

Thanks for following up. We are discussing this with our client and hope to have an answer for you on the earlier side tomorrow.

Best,
Christine

Christine Ray | Associate
Dunn Isaacson Rhee LLP cray@dirllp.com
(212) 470-0843 (direct) | (774) 200-3988 (cell)
11 Park Place, New York, NY 10007
Website | LinkedIn

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From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Friday, August 7, 2026 10:30 AM
To: Jenifer Hartley <JHartley@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Jen and Kyle,

Following up again on the below. Please confirm that Meta does not agree to produce any of the challenged "EU AI Act Counterfeit and Piracy Watch List" documents, either pursuant to a FRE 502(d) stipulation, or otherwise.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Friday, July 31, 2026 12:25 PM
To: Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Hi Jen,

Can you please get back to us on the items below? In particular, please let us know Meta's position on the "EU AI Act Counterfeit and Piracy Watch List" document (and related documents) and if Meta agrees to Plaintiffs' proposed page enlargement.

Best,

Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Jenifer Hartley <JHartley@dirllp.com>
Sent: Friday, July 24, 2026 9:40 AM
To: Annabel Weinbach <aweinbach@bsfllp.com>; z/MetaCounselGenAIService <metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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Annabel,

We do not see attached to your email below any proposed edits on the draft party stipulation pursuant to FRE 502(d) (the third document attached to my July 14 email). We take that to mean that plaintiffs were okay with Meta's draft; please let us know if that is not correct.

We will get back to you on the other items below.

Best,
Jen

Jen Hartley | Associate
Dunn Isaacson Rhee LLP
jhartley@dirllp.com
(202) 240-2922 (direct) | (301) 233-9558 (cell)
401 9th Street NW, Washington, DC 20004
Website | LinkedIn

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From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Wednesday, July 22, 2026 6:40 PM
To: Jenifer Hartley <JHartley@dirllp.com>; z/MetaCounselGenAIService

<metacounselgenaiservice@cooley.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Jen –

We disagree with your characterization of the issues, and believe the parties are at impasse. We have meet and conferred repeatedly for nearly three months, and can no longer agree to delay bringing these issues to the Court's attention. The fact that Meta disagrees with Plaintiffs position does not mean the issues are unripe. Meta is of course welcome to present its arguments to the Court, which will have the benefit of *in camera* review.

Please see our responses inline in red below.

Please confirm your agreement to the below briefing schedule, and a page enlargement of five pages (for a total of ten pages, five pages per side).

- Tuesday, July 28 - Plaintiffs serve their portions to Meta by 5pm PT
- Friday, July 31 - Meta serves its responses to Plaintiffs by 5pm PT
- Monday, August 3 - Plaintiffs serve their replies to Meta by 5pm PT
- Tuesday, August 4 – Meta provides redactions, if any, to Plaintiffs by 12pm PT
- Tuesday, August 4 - Plaintiffs will file the joint letter briefs by 5pm PT

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Jenifer Hartley <JHartley@dirllp.com>
Sent: Tuesday, July 14, 2026 11:33 AM
To: Annabel Weinbach <aweinbach@bsfllp.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; Karen Dunn <KDunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <JPhillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>; OCTeamMetaGenAI <octeammetagenai@cooley.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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the sender.

Counsel,

Thank you for your list of intended challenges. As Phil said on Friday, we do not believe we are at an impasse on these issues. Please see below our questions for Plaintiffs and responses to your questions as to each remaining category. In several categories, we are concerned that it seems Plaintiffs intend to pursue arguments that we have explained over several hours of meet and confers are factually flawed—setting aside the parties' disagreements on the law. We urge Plaintiffs to reconsider burdening the Court with arguments based on incorrect guesses about redacted contents, particularly given Meta has already explained to Plaintiffs that their speculation is inaccurate.

Category #2: As indicated in the email subject lines on the privilege log, 2/27 Log Nos. 45, 46, and 47 are Google Doc comments on the "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)," which Plaintiffs have indicated they do not intend to challenge. These documents do not relate to the "Value of Anna's Archive & Libgen" document. Please confirm that the inclusion of Nos. 45, 46, and 47 in Plaintiffs' intended challenge list was inadvertent.

We have further considered 2/27 Log Nos. 45, 46, and 47, and we do not understand how the "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)" could be privileged in its entirety, if at all. Log Nos. 45, 46, and 47 are exclusively non-attorney contributions to the document, and Meta's inconsistent work product claims over the document are not supported by its log entries, which do not reference any litigation. Nor do Meta's log entries assert that the "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)" was prepared in anticipation of litigation. Plaintiffs thus intend to challenge Meta's privilege and work product claims over these documents.

As to the "Value of Anna's Archive and Libgen" Google document (No. 155) and related comment emails (Nos. 48, 50-52, 54, 112), notwithstanding that Meta continues to believe its privilege assertion is appropriate, Meta is willing to avoid burdening the Court with another dispute by producing unredacted copies of these documents on a non-waiver basis if Plaintiffs will agree to amend the Protective Order to include a Federal Rule of Evidence 502(d) order and enter into a stipulation between the parties regarding these documents (which we would not file with the Court). We appreciate your expressed willingness to enter into a FRE 502(d) order and have attached a draft stipulation to amend the Protective Order, a draft Amended Protective Order, and a stipulation between the parties for your consideration.

Plaintiffs disagree with Meta's privilege assertions but appreciate Meta's willingness to enter a FRE 502(d) order to avoid burdening the court with additional review. Plaintiffs' redlines to the stipulation to amend the Protective Order and draft Amended Protective Order are attached.

Category #3: As discussed when we spoke about these documents individually on our June 5 meet and confer, it is not accurate to describe these documents as reflecting "non-attorneys discussing the potential illegality of Meta's activities" or to otherwise group together these documents reflecting

different types of privileged content. We encourage Plaintiffs to take another look at which documents they intend to ask the Court to review in light of the additional information we've already provided.

We have taken another look and have repeatedly told Meta that its descriptions of the documents do not change Plaintiffs' view that the documents are highly unlikely to meet the threshold for claiming privilege. The Parties are at impasse and Plaintiffs intend to challenge the documents in Category #3.

Category #4: Please confirm that Plaintiffs' inclusion of 2/27 Log No. 122 on this list was inadvertent given Plaintiffs' representation that they had no intent to challenge this document if it related only to Github (which Meta confirmed during the June 12 meet and confer). With respect to 2/27 Log No. 146, Plaintiffs are apparently intending to challenge this document as part of the arguments asserted for categories 4 and 5 on the basis that Meta did not redact the words "approved it in the end." Plaintiffs cannot simultaneously argue the contradictory positions that an approval decision is not privileged (which is the theory asserted in category 4) and also that Meta waived privilege by not redacting that content (which is the theory asserted in category 5). Please let us know which argument Plaintiffs intend to pursue for this document. Meta disagrees with Plaintiffs' contention that the redactions are improper under either theory, but at a minimum, Plaintiffs should specify the nature of their challenge so Meta (and the Court if needed) can at least understand which category the baseless challenge falls within.

Plaintiffs' inclusion of Log No. 122 was inadvertent, and Plaintiffs will not challenge that document. With respect to Log No. 146, we disagree. There is nothing inconsistent about arguing that a document is non-privileged and, in the alternative, that any privilege was waived. Plaintiffs intend to challenge the document as not privileged and, assuming *arguendo* that it is privileged, on wavier grounds.

Category #5: In addition to the issue with 2/27 Log No. 146 above and the legal issues with Plaintiffs' understanding of waiver discussed in our June 18 email, we do not understand how Plaintiffs continue to challenge 2/27 Log Nos. 74 and 146 following our representations on the June 18 meet and confer that the factual predicate for Plaintiffs' waiver argument (i.e., a guess that the redacted content discusses prior non-approvals of datasets) is not applicable.

Plaintiffs disagree for the reasons stated in our prior emails and during our meet and confers. With respect to Log No. 74, Meta represented only that the "general subject matter of what is redacted has been the subject of legal advice." Meta's representations do not provide support for how the redacted content is itself a request for legal advice or contains legal advice. The Parties are at impasse and Plaintiffs intend to challenge the documents in Category #5.

Category #6: It appears that Plaintiffs are intending to challenge every redacted AIDC document, notwithstanding that Judge Hixson has already held that Meta may appropriately redact legal advice in AIDC documents (D.I. 627) and that Meta redacted these challenged documents consistent with the redactions that Judge Hixson has already upheld. Plaintiffs still have not articulated any

justification for re-litigating this issue.

First, Meta has repeatedly refused to answer Plaintiffs' questions about employees' access to the AIDC during the applicable time periods, which are relevant to Meta's privilege claims. Second, Meta's recent production shows that the "ML Hub is used by over 16K monthly active users across various PG teams and the AI infra organization." *See* Meta_Kadrey_EMCCC_00255749. Further, Meta has provided no information corroborating that the AIDC was moved out of the ML Hub, when that move occurred, or how many users have access to the AIDC (both as a segment of the ML Hub and, if applicable, independently). Third, we have repeatedly asked but Meta has declined to point to which portion of Judge Hixson's order addresses the redactions we are challenging, as opposed to other redacted content.

Category #7: With respect to 2/27 Log Nos. 73, 80, 83, 85, 87, 88, 101, 108, and 114, Meta confirms that these documents are attorney-client communications for the primary purpose of requesting and/or providing legal advice, and that they do not contain non-privileged content warranting production in redacted form.

Thank you. We will not challenge these documents at this time in light of Meta's representations.

With respect to Nos. 91 and 93, Meta will produce redacted versions of these documents if the parties can reach agreement as to an amended Protective Order and 502(d) stipulation for the "Value of Anna's Archive and Libgen"-related documents, as these documents contain comments on that Google Doc as well as attorney comments on other documents and comments on the "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)."

Thank you. We reiterate our agreement not to argue wavier and our willingness to enter a FRE 502(d) order. We look forward to Meta's production.

With respect to No. 156, we re-confirm, as we stated on our June 18 meet and confer, that the assertion of work product protection applies to the entire document, not just comments.

Given the non-attorney contributions to this document, *see, e.g.,* Log Nos. 45, 46, 47, and the lack of any reference to any litigation to support a work product claim, Plaintiffs do not understand how the work product protection applies and we intend to challenge this claim.

Category #8: In addition to the fact that Judge Chhabria has already reviewed 2/12 Log No. 97 *in camera* without requesting any change to Meta's redactions, we specifically explained on our June 5 meet and confer why Plaintiffs' interpretation of this document as "reflect[ing] an absence of legal advice" was factually incorrect. Please provide Plaintiffs' basis for continuing to challenge this document.

We have explained previously, the Court reviewed this document under the crime-fraud exception but did not make a determination regarding whether the redacted content is privileged (which was not

part of that challenge). In addition, you represented that Kambadur is asking Lample what Legal said and he responds, but the amount and extent of redactions appear broader than what you represented. It also appears form the discussion that other companies are doing the same thing and that Meta is only using some of LibGen at this time that the redacted content is simply that legal approved the acquisition and/or use of at least some parts of LibGen. As we also explained previously, we do not believe such a communication is legal advice/analysis as opposed to a business decision.

We look forward to your responses.

Thanks,
Jen

Jen Hartley | Associate
Dunn Isaacson Rhee LLP
jhartley@dirllp.com
(202) 240-2922 (direct) | (301) 233-9558 (cell)
401 9th Street NW, Washington, DC 20004
Website | LinkedIn

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From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Friday, July 10, 2026 12:30 PM
To: Jenifer Hartley <JHartley@dirllp.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <KDunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <JPhillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Counsel,

We are following up on the privilege challenges listed below. It has now been more than three weeks since we met and conferred on these issues, which we first raised in April. We cannot continue to wait to raise these issues with Judge Hixson, unless Meta agrees it will not raise any timeliness issues if briefing is necessary. Please let us know if Meta agrees, and otherwise, please confirm the briefing schedule below.

- Monday, July 20 - Plaintiffs serve their portions to Meta by 6pm PT
- Wednesday, July 22 - Meta serves its responses to Plaintiffs by 6pm PT
- Thursday, July 23 - Plaintiffs serve their replies to Meta by noon PT

  Thursday, July 23 – Meta provides redactions, if any, to Plaintiffs by 2pm PT

- Thursday, July 23 - Plaintiffs will file the joint letter briefs by 3pm PT

During our last meet and confer, Meta said it would respond in writing to confirm the below list of challenges, but said the answer was generally "yes." Please confirm. In addition, Meta said it was considering producing the "Value of AA and Libgen" document subject to a nonwaiver agreement and asked if Plaintiffs would be agreeable to a Rule 502(d) order. We indicated that we are, and asked Meta to share a draft. Meta has not done so.

While Plaintiffs remain open to entering a Rule 502(d) order, we also note that the parties have previously entered nonwaiver agreements without the need for court intervention. *See, e.g.*, Dec. 6, 2024 A. Dunning to J. Stein Email ("Plaintiffs will not argue that this agreement, or Meta's willingness to allow the Document to remain in production and use in the case in its current form, constitutes or evidences a waiver of privilege or work product as to the redacted portions of the Document or its broader subject matter, though this agreement does not affect or foreclose any other argument Plaintiffs may make about subject matter waiver[.]"). Plaintiffs have already indicated we will not argue wavier with respect to the document at issue. We hope we can memorialize our agreement expeditiously without further delay.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Friday, June 19, 2026 6:53 PM
To: Jenifer Hartley <JHartley@dirllp.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <KDunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <JPhillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Counsel,

As discussed yesterday, below is a list of the privilege log entries Plaintiffs currently intend to challenge. We are still considering the log entries highlighted below. To that end, please confirm, (1) with respect to the documents highlighted in yellow, that each are direct communications with

attorneys for the primary purpose of requesting or providing legal advice and that are not segregable from any communications in the documents that are not primarily legal advice such that the document could be produced with redactions; (2) with respect to documents highlighted in green, that they do not have segregable non-legal advice or requests for legal advice that can be produced with redactions; and (3) with respect to the document highlighted in blue, whether Meta is claiming work product over the entire document or only attorney comments. Thank you, and have a nice weekend.

Category #1: Resolved. No dispute.

Category #2: 2/27/2026 Log Nos. 45, 46, 47, 48, 50, 51, 52, 54, 112, 155.

Category #3: 2/27/2026 Log No. 5, 16, 97, 115, 118, 121; 4/6/2025 Log No. 1; 2/12/25 Log Nos. 115, 222; 3/21/2025 Log No. 14.

Category #4: 2/27/2026 Log Nos. 103, 122, 146.

Category #5: 2/27/2026 Log Nos. 74, 146; 3/21/2025 Log No. 16.

Category #6: 2/27/2026 Log Nos.159, 160, 165, 166, 178, 179, 180, 181, 182, 183, 184, 188, 189, 208, 209, 210.

Category #7: 227/2026 Log Nos. 14, 73, 76, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94-95; 97-100, 101, 102-105, 108, 109, 110, 111, 114, 130, 155, 156, 157, 195.

Category #8: 2/12/2025 Log No. 97.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Jenifer Hartley <JHartley@dirllp.com>
Sent: Thursday, June 18, 2026 10:43 AM
To: Annabel Weinbach <aweinbach@bsfllp.com>; Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <KDunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <JPhillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>

Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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Annabel and Max,

With respect to Category 1, we can confirm that we are willing to further revise the redactions on 2/27 Log Nos. 46 and 47, beyond the agreement in our May 22 email, to fully unredact the file name "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)."

With respect to Category 2, Meta is considering whether there is additional information we can provide to address Plaintiffs' questions and we will follow up as soon as is feasible. We also note that Meta_Kadrey_00239944 is from July 19, 2024–more than four months before the first "Value of Anna's Archive & Libgen"-related document on Meta's privilege log. That Ms. Grosul discussed wanting to understand "how much value we get from Anna's archive and libgen" back in July 2024 does not change that the document Plaintiffs are challenging was created at the end of 2024 at the direction of Meta's counsel.

With respect to Categories 3 and 4, we understand from our June 12 meet and confer and the correspondence below that Plaintiffs have dropped their challenges to 2/27 Log Nos. 28, 72, and 122 (in light of our confirmation that No. 122 relates solely to Github). We also understand that Plaintiffs are no longer challenging the privilege assertion as to Log No. 74, but now are challenging it as a privilege waiver (addressed below). Following our discussion, Meta will agree to reproduce 2/12 Log No. 221 without redactions and 2/27 Log No. 121 without the redaction to the message at 9:22:18 PDT.

We believe that Plaintiffs' continued challenge to other documents in these categories (3 and 4) is contrary to the case law and to Judge Hixson's prior decisions upholding Meta's privilege assertions as to documents that did not involve attorney senders or recipients. "The privilege protects the giving of professional advice by the lawyer and the giving of information to the lawyer to enable him to give sound and informed advice." *Kintera, Inc. v. Convio, Inc.*, 219 F.R.D. 503, 508 (S.D. Cal. 2003). This includes "communications between non-attorneys within a corporation for the purpose of obtaining or relaying legal advice," such as when a non-attorney is serving as the "conduit" for counsel. *MGA Ent., Inc. v. Nat'l Prods. Ltd.*, 2012 WL 3150532, at *2, 4 (C.D. Cal. 2012). Please let us know if Plaintiffs' further consideration of their challenges has resulted in any other narrowing of this dispute.

With respect to Category 5, Plaintiffs' assertion of waiver in 3/21 Log No. 16 relies on the false premise that the statement "Today, we rely on fair use as a defense to copyright claims where we are making copies/training models in the U.S." was a privileged statement that Meta chose to selectively disclose to gain some sort of advantage. It is not; it is a previously publicly known fact. *See* ECF No. 23 (Sept. 18, 2023) at 2 (invoking fair use defense); *see also UTStarcom, Inc. v. Starent Networks Corp.*, 2005 WL 8177860, at *2 (N.D. Cal. 2005) ("[defendant] argues persuasively that the memo

contained only unprivileged facts, the disclosure of which does not waive the privilege for the underlying communication"); *A.F. v. Providence Health Plan*, 173 F. Supp. 3d 1061, 1083 (D. Or. 2016) (no waiver where information disclosed was not privileged). The statement is also not contained in an entirely privileged communication that Meta selectively unredacted. 3/21 Log No. 16 is a largely unredacted document that was co-authored by a number of Meta employees, and it contains only very limited redactions for legal advice in a section for which Meta attorneys James Whymark, Olena Ripnick-O'Farrell, and Luc Dahlin shared responsibility. The single case Plaintiffs cite, in which the waiving party issued a press release announcing what it had been "advised by counsel" before it had even answered, bears no resemblance to these facts. *See Electro Sci. Indus., Inc. v. General Scanning, Inc.*, 175 F.R.D. 539, 542 (N.D. Cal. 1997). As to 2/27 Log No. 146, we disagree that this document constitutes any selective disclosure or privilege waiver. If Plaintiffs believe that there are other documents that represent alleged selective withholding, please identify them so that Meta can consider Plaintiffs' claim. As to 2/27 Log No. 74, we still do not understand what Plaintiffs are arguing is a waiver, as the sole redaction in that document follows the language "we should check with legal." Please let us know what Plaintiffs believe to be a waiver in this document.

With respect to Category 6, we can confirm, as we did in briefing when Judge Hixson previously upheld the redactions to an AIDC document that we have used as a model for the redactions challenged in Category 6, that access to the AIDC tool is limited to personnel at Meta that have a need to access information about dataset approvals. ECF No. 624 (Sept. 16, 2025) at 3. As to the update date information, much of this is available on the face of the documents. For example, the redacted content on 2/27 Log No. 208 (Meta_Kadrey_00238382) was added by Tyler Robbins on June 27 and July 5, 2024; Fatima Jafri on July 12, 2024; Luc Dahlin on July 5 and 24, 2024; and Alisa Hall on July 29, 2024. If Plaintiffs have specific timing questions that they do not believe are answered by the documents, please let us know what those questions are and why Plaintiffs believe they are relevant to a potential privilege challenge.

Finally, with respect to Category 7, we continue to disagree that a document "appear[ing] not to involve an attorney" or being "unclear [as to] whether attorneys played any direct role in the communication" provides a legitimate basis for Plaintiffs to challenge a privilege assertion. *See, e.g.*, *Kennis v. Metro. W. Asset Mgmt., LLC*, 2018 WL 5274166, at *7 (C.D. Cal. 2018) (rejecting challenge to privilege log on the basis that it did not list an attorney as a sender or recipient); *MGA Ent., Inc.*, 2012 WL 3150532, at *2; *Mayer v. HSBC Bank USA, Nat'l Ass'n*, 2026 WL 692702, at *5 (N.D. Cal. 2026). However, for the purposes of narrowing the number of documents in dispute, we can confirm that 2/27 Log Nos. 73, 80, 83, 85, 87, 88, 101, 108, 110, and 114 are attorney-client communication chats; Nos. 91 and 93 are emails reflecting attorney comments on GDocs; and No. 156 is a document with attorney edits. Please let us know if this information impacts the list of documents that Plaintiffs intend to challenge.

As discussed, we do not think it is efficient for the Court or the parties to brief these privilege issues piecemeal and we are amenable to a page limit extension as needed to give the parties space to address however many issues Plaintiffs end up bringing to the Court.

Please let us know Plaintiffs' position on the items above and provide a fulsome list of the documents that Plaintiffs still intend to challenge so that we can confirm resolution or that we've reached an impasse. We look forward to discussing later today.

Best,
Jen

Jen Hartley | Associate
Dunn Isaacson Rhee LLP
jhartley@dirllp.com
(202) 240-2922 (direct) | (301) 233-9558 (cell)
401 9th Street NW, Washington, DC 20004
Website | LinkedIn

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance, or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Friday, June 12, 2026 6:22 PM
To: Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <KDunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <JPhillips@dirllp.com>; Jenifer Hartley <JHartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Jen and Jessica,

Thank you for speaking earlier. If Meta isn't inclined to agree to a separate briefing schedule for the "Value of AA and Libgen" document, please let us know Meta's position on the items below by next Tuesday, or let us know when you are available to discuss on Monday or Tuesday next week so we can set a briefing schedule and discuss a page enlargement if necessary.

Regarding the privilege and work product assertions over the EU AI Act document, Plaintiffs do not intend to challenge those assertions at this time, aside from our request that Meta unredact the filenames in Log Nos. 46 and 47. The filename, "EU AI Act Counterfeit and Piracy Watch List Doc (a-c priv)," already appears on Meta's privilege log, *see* Log. No. 156, and is not privileged.

Regarding waiver of the attorney-client privilege, as to Log No. 16, we do not agree that Meta's public assertion of a fair use defense has any bearing. *See Electro Sci. Indus. v. Gen. Scanning*, Inc., 175 F.R.D. 539, 543 (N.D. Cal. 1997) ("[T]he fact that a party takes a position in a pleading that is consistent with advice that party received in confidence from its attorney is irrelevant to waiver

analysis. Waiver analysis focuses on the disclosure of the content of specific communications between counsel and client—and a pleading would not effect a waiver unless the pleading disclosed specific lawyer-client communications, even if the substance of the pleading tracked what a lawyer had confidentially advised the client.").

In addition, Plaintiffs do not believe the high-level decisions discussed in Log 46 are privileged. But Meta appears to be disclosing only its current approval and not its prior disapproval—both are what you referred to as "the ultimate" decision, just at different points in time. We believe that Meta's disclosure of one but withholding of the other (e.g., disclosing that LibGen or AA was approved by Legal in 2023/24 but withholding that LibGen or AA previously was not been approved by Legal in 2022/23) is a selective disclosure that constitutes waiver. See *Resilient Floor Covering Pension Fund v. Michael's Floor Covering, Inc.*, 2012 WL 3062294, at *7 (N.D. Cal. July 26, 2012) (the "subject matter waiver [doctrine] prevents a party from disclosing certain privileged materials, while selectively withholding others, presumably to mislead an adversary and gain an advantage").

Thank you, and have a nice weekend.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Wednesday, June 10, 2026 11:03 PM
To: Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Jenifer Hartley <jhartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Jen and Jessica,

Thank you for the further conferral on Friday regarding the privilege log entries and documents that Plaintiffs identified in meet-and-confer correspondence.

With respect to Category #2, the parties remain at impasse and the issue is now ripe for briefing. Meta states the "Value of AA and Libgen" document was "an attorney-directed review process undertaken for the purpose of facilitating attorney advice to Meta on what, if any, changes it should

make in light of European regulatory considerations." We explained, however, that other documents, *see, e.g.,* Meta_Kadrey_00239944, suggest the process was not undertaken at the direction of counsel. But even if it was, we do not believe caselaw supports Meta's withholding of this document under the attorney-client privilege. *See, e.g., Dolby Lab'ys Licensing Corp. v. Adobe Inc.*, 402 F. Supp. 3d 855, 868 (N.D. Cal. 2019) ("Log Entry No. 45 is an attachment to [an] email. . . . Stefani claims that he sent the email to Van Winkle *at the direction of attorney Shah*, who had told him to '*gather facts and prepare a spreadsheet that contained information necessary for [Shah] to provide legal advice* in relation to the audit findings.' . . . The court determines that Log Entry No. 45 is not protected by attorney-client privilege.") (emphasis added).

Please let us know if Meta agrees to the following schedule for a joint letter brief on Meta's privilege claim over this (and the related) document:

- Monday, June 15 - Plaintiffs serve their portion to Meta by 6pm PT
- Thursday, June 18 - Meta serves its response to Plaintiffs by 6pm PT
- Monday, June 22 - Plaintiffs serve their reply to Meta by noon PT
- Monday, June 22 - Plaintiffs will file the joint letter brief by 3pm PT

With respect to Category #1, we've received Meta's reproduction of the majority of challenged documents with the filenames unredacted. There appear to be some remaining redactions over the filenames in Log Nos. 46 and 47, but we trust this issue will be resolved without the need for court intervention. Please confirm.

With respect to Categories #3 and #4, you said Meta would consider unredacting or narrowing redactions over 2/27/26 Log No. 16 and 2/25/25 Log No. 221. You also said you would confirm whether Log 122 only relates to Github data. Please let us know the status of these documents. After considering the information you provided about the other documents in these categories, Plaintiffs currently intend to challenge 2/27/26 Log Nos. 5, 16, 28, 97, 115, 118, 121, 4/6/2025 Log No. 1; 2/12/25 Log No. 115, 221, 222; 3/21/2025 Log No. 14. Please confirm we are at an impasse on all redactions in these documents when you respond on the other three.

With respect to Category #5, we explained we're still considering Meta's response to our potential waiver argument as to Log No. 16. We're also evaluating potential waiver based on disclosures in Log Nos. 74 and 146. Please let us know, for Log No. 16, who drafted the section of the document titled "Intellectual Property."

With respect to Category #6, we asked whether there are access controls for the AIDC platform including for Anna's Archive and Libgen datasets. (This is different than access to datasets themselves.) Liz said there are some and you said you'd get back to us with more information, such as how many Meta employees had access to the AIDC, including which teams. We also previously asked Meta to confirm the dates that the redacted content was added to AIDC, not just the most recent update. Please provide this information.

With respect to Category #7 (and any other documents that may not include attorneys), you said that you would provide a list of the log entries that show *direct* attorney involvement. Please send those so we can evaluate them.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Morton, Phillip <pmorton@cooley.com>
Sent: Wednesday, June 3, 2026 4:37 PM
To: Annabel Weinbach <aweinbach@bsfllp.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Jenifer Hartley <jhartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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Counsel-

We write in response to your email below and to follow-up on certain topics discussed on our May 29 meet and confer.

With respect to Category 6 (the AIDC documents), we can confirm again that Meta's redactions are in line with the redactions that Judge Hixson approved on Meta_Kadrey_00238287. As we said on the meet and confer, while the information under the redactions is not "identical" as each AIDC document is different, the information redacted in the documents Plaintiffs are challenging is of the same type of information that remains redacted in Meta_Kadrey_00238287. To take Plaintiffs' example of Meta_Kadrey_00243850, you can see that the redactions follow the fields of "IP Legal Approval Status" and "Product Counsel Approval Status," the responses to which are also redacted in Meta_Kadrey_00238287 at -296. We do not think that there is anything further to discuss on these documents. If Plaintiffs disagree, please let us know what specifically you would like to cover on our next meet and confer.

We also agreed to provide additional information on the "Value of Anna's Archive and Libgen" family of documents referenced in your Category 2. The work that generated these documents was an attorney-directed review process undertaken for the purpose of facilitating attorney advice to Meta on what, if any, changes it should make in light of European regulatory considerations. Meta's counsel involved in this process included Ahuva Goldstand, James Whymark, Rob Arcamona, Becca Felsenthal, and Nikki Vo.

Additionally, during our meet and confer, we explained that Plaintiffs' assertion of no attorney involvement was facially incorrect as to nearly a dozen communications which the log reflects *did* directly involve attorneys. Plaintiffs' email suggests that Meta's comments on this issue were targeted at documents in Category 3, but that is incorrect. Meta was pointing out that nearly a dozen communications in categories *other than* Category 3 directly involved lawyers even though Plaintiffs' challenges suggested those documents lacked attorneys. Plaintiffs cannot raise a challenge by asserting documents lack attorney involvement when, in fact, the document or privilege log itself shows, on its face, that there was direct attorney involvement. As discussed on our meet and confer, it is inefficient for the parties to continue to confer over challenges that are facially disproven by the documents themselves or Meta's privilege logs.

As to the challenged documents that are non-attorney communications, we continue to disagree with Plaintiffs' overly narrow view of how privilege attaches to non-attorney communications, which is contradicted even by Plaintiffs' own case law. *See, e.g.*, *Dolby Labs. Licensing Corp. v. Adobe, Inc.*, 402 F. Supp. 3d 855, 866 (N.D. Cal. 2019) (recognizing that attorney-client privilege can apply to non-lawyer communications where "an employee discusses her intent to seek legal advice about a particular issue" (quotation omitted)). We also continue to disagree with Plaintiffs' position that a document's status as an attachment to an attorney-client communication has no bearing on whether it is privileged.

As further follow up, we note that your email does not mention category 5 from your original email or include any case law supporting the idea that declining to redact a statement of publicly disclosed fact constitutes a waiver of privilege. Please confirm that this means Plaintiffs are dropping their challenges to 2/27/2026 Log No. 146 and 3/21/2025 Log No. 16, or otherwise please provide the case law that you said you would share in support of your understanding of waiver before our next meet and confer.

Finally, to ensure that we are on the same page about the documents to be discussed, Meta understands from our discussion last Friday that Plaintiffs wish to proceed with a document-by-document meet and confer about the following:

- Category 3: 2/27/2026 Log Nos. 5, 16, 28, 72, 74, 97, 115, 118, 121; 4/6/2025 Log No. 1;

2/12/25 Log No. 115, 221, 222; 3/21/2025 Log No. 14

- Category 4: 2/27/2026 Log Nos. 103, 122, 146
- Category 7: 2/27/2026 Log Nos. 81, 82, 86, 102, 109, 111
- Category 8: 2/12/2025 Log No. 97 (because Plaintiffs believe that Judge Chhabria denied their Feb. 2025 crime-fraud challenge to this document on the basis that there was no privilege at all, but nevertheless allowed Meta to maintain its redactions)

Please let us know what questions Plaintiffs have about these documents so that we can come prepared to provide as much information as is feasible.

Thanks,
Phil

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Tuesday, June 2, 2026 5:06 PM
To: Morton, Phillip <pmorton@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Jenifer Hartley <jhartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

We are available from 1-3pm ET on Friday. We will send an invite.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Morton, Phillip <pmorton@cooley.com>
Sent: Tuesday, June 2, 2026 4:33 PM
To: Annabel Weinbach <aweinbach@bsfllp.com>; Maxwell Pritt <mpritt@BSFLLP.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Jenifer Hartley <jhartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>

Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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Annabel-

We're available on Friday between 1-4pm ET. We will plan to start with Plaintiffs' discovery requests, followed by the continued discussion of the privilege log challenges.

Thanks,
Phil

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Tuesday, June 2, 2026 12:35 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Morton, Phillip <pmorton@cooley.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Jenifer Hartley <jhartley@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Counsel,

Following up on the below, please let us know when you are available for both M&Cs.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Saturday, May 30, 2026 2:48 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Morton, Phillip <pmorton@cooley.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips

<jphillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meta's Privilege Logs

Counsel,

Following up from yesterday's meet and confer, please let us know when you are available on Monday or Tuesday to continue our discussion of Plaintiffs' challenges to Meta's privilege logs/assertions.

Please also let us know when you are available on Wednesday or Thursday to continue our M&C regarding Plaintiffs' discovery requests so the parties can settle on which requests are or remain at an impasse for purposes of Plaintiffs' administrative motion.

As discussed yesterday during the privilege portion of our M&C, in light of additional context provided in Phil's May 22 email, Plaintiffs do not intend to pursue challenges to 2/27/2026 Log Nos. 96, 107, 113, and 143.

Meta indicated that Plaintiffs' Category #3 challenges did in fact include attorney communications. Please identify those documents by log entry and identify the attorney(s) involved.

Meta also indicated that it would look into whether the redacted content in the challenged AIDC documents (Category #6) is identical to that of the single AIDC document Judge Hixson previously reviewed *in camera*. For example, compare the redactions in Meta_Kadrey_00238287 (reviewed by Judge Hixson) with Meta_Kadrey_00243850.

Regarding the remaining challenged documents in Category #7, Plaintiffs do not agree that transmittals of factual information from a non-attorney to an attorney are privileged, regardless of whether those facts are related to or attached to a privileged communication. *See, e.g., Dolby Lab'ys Licensing Corp. v. Adobe Inc.*, 402 F. Supp. 3d 855, 868 (N.D. Cal. 2019) ("Log Entry No. 45 is an attachment to [an] email. . . . Stefani claims that he sent the email to Van Winkle at the direction of attorney Shah, who had told him to 'gather facts and prepare a spreadsheet that contained information necessary for [Shah] to provide legal advice in relation to the audit findings.' . . . The court determines that Log Entry No. 45 is not protected by attorney-client privilege."); *Phillips v. C.R. Bard, Inc.*, 290 F.R.D. 615, 626 (D. Nev. 2013) (explaining that "relevant facts known by a corporate employee of any status in the corporation would be discoverable even if such facts were related to the corporate attorney as part of the employee's communication with counsel"); *see also Upjohn Co. v. United States*, 449 U.S. 383, 395 (1981) ("The privilege only protects disclosure of communications; it does not protect disclosure of the underlying facts by those who communicated with the attorney").

In addition, non-attorney communications about legal issues (Category #3), as opposed to those

conveying legal advice rendered by counsel, cannot be withheld as privileged. *E.g., In re Novalpina Cap. Partners IGP S.a.r.l.*, 773 F. Supp. 3d 1058, 1066 (D. Or. 2025) (holding non-attorney communications are only privileged "if they are seeking or relaying confidential information on behalf of an attorney"); *Illumina Inc. v. BGI Genomics Co.*, 2021 WL 2662074, at *4 (N.D. Cal. June 29, 2021) ("A businessperson's statement that the company needs to assess legal risk as part of its SWOT analysis is not privileged."); *In re OpenAI Copyright Infringement Litig.*, 802 F. Supp. 3d 688, 696 (S.D.N.Y. 2025) ("privilege cannot be based on the mere discussion of potential legal issues between non-attorney employees").

Similarly, with respect to Category #4, communications about, or statements in documents relaying, business decisions—even if they incorporate legal advice or approvals—cannot be withheld as privileged. *See, e.g., Illumina*, 2021 WL 2662074, at *4 (business decision "based on the advice of counsel" not privileged); *In re Dealer Mgmt. Sys. Antitrust Litig.*, 2020 WL 7865915, at *2 (N.D. Ill. Mar. 30, 2020) ("reference to a 'Legal approved response' does not transform this discussion into [a privileged communication]").

To facilitate a productive discussion, and with the goal of narrowing the number of disputes presented to the Court, we ask that you have real-time access to the challenged log entries and documents during the M&C, and that you be prepared to discuss the challenged entries on a document-by-document basis. To assist the parties' M&C, Plaintiffs agree that they will not argue that any context or information provided by Meta in the course of these discussions for the purpose of substantiating privilege claims waives any privilege.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP
(t) +1 202 274 1124
(m) +1 786 281 0570

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Friday, May 22, 2026 8:00 PM
To: Morton, Phillip <pmorton@cooley.com>; Annabel Weinbach <aweinbach@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

Please let us know when you are available to meet and confer.

Best,
Max

From: Morton, Phillip <pmorton@cooley.com>
Sent: Friday, May 22, 2026 4:53:45 PM
To: Annabel Weinbach <aweinbach@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Angela L. Dunning <adunning@cgsh.com>; Anna Stapleton <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meta's Privilege Logs

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Counsel-

We have carefully reviewed your email below and do not believe that this challenge to 95 entries on Meta's privilege logs, including nine entries on three logs that have been in Plaintiffs' possession for more than a year, raises a genuine discovery dispute.

In addition to the untimely challenges to logs served more than a year ago (concerning documents from the 2/12/2025, 3/21/2025, and 4/6/2025 Logs), Plaintiffs' unfounded disputes include:

- Challenging redactions to 16 AIDC documents that Meta redacted in line with Judge Hixson's order regarding another AIDC document. *See* Dkt. 627; 2/27/2026 Log Nos. 159, 160, 165, 166, 178-184, 188, 189, 208-210. In addition, one of Plaintiffs' belated challenges to an old log entry complains about redactions that Judge Chhabria *already* reviewed *in camera* and allowed. 2/12/2025 Log No. 97 (submitted as part of 2/26/2025 *in camera* review).
- Challenging 42 entries for purported non-involvement of attorneys or because "it is unclear whether attorneys played any direct role in the communication," (Plaintiffs' "Seventh" challenge), though one or more attorneys were a participant in the communication. This complaint is universally flawed given that "a communication need not reflect an attorney as author or recipient on its face to qualify as privileged." *See, e.g.*, *Mayer v. HSBC Bank USA, Nat'l Ass'n*, 2026 WL 692702, at *5 (N.D. Cal. Mar. 11, 2026). And, beyond this legal infirmity, even a glance at the challenged log entries raises serious questions about how Plaintiffs could have believed they had any

basis to challenge them. For example, Plaintiffs are challenging the withholding of multiple communications between Meta's in-house counsel and just one or two other Meta employees–all of which are specifically identified as both attorney-client communications and attorney work product concerning this litigation. *See* 2/27/2026 Log Nos. 96, 107, 113, 143. Plaintiffs are also challenging for purported non-involvement of attorneys numerous attachments to attorney-client communications (that are clearly logged as such). Log Nos. 81, 82, 86, 102, 109, 111.

- Re-challenging 13 documents with a file name of "Value of Libgen" or "Value of Anna's Archive & Libgen" (or some variation of the two) (Log Nos. 34-41, 48, 50-52, 54), even though Meta has already responded to Plaintiffs regarding these documents. Per our April 13 email, Meta agrees to unredact the file names where they appear within these emails, but does not agree to unredact any additional information or otherwise withdraw its claims of privilege on these documents.
- Challenging numerous documents that contain clear indicia of privilege and proper redactions to requests for or the provision of legal advice. *E.g.*, Log Nos. 5 (redactions to the questions and responses for "another set of questions [that] came up on this legal risks doc"), 72 (redaction of a single line referring (in its unredacted part) to in-house counsel Ahuva Goldstand), 74 (redaction of a single line following "we should check with legal").

It is not productive for Plaintiffs to continue to make sweeping challenges to Meta's discovery that are contrary to the law of the case and governing law, nor is it appropriate to indulge Plaintiffs' speculation as to what may be contained in the privileged contents of individual documents. Meta reserves all rights to seek appropriate relief if Plaintiffs continue to raise unsubstantiable discovery disputes.

Nevertheless, as a courtesy, we have considered the entries identified below and confirm:

1) As stated in our April 13 email, we will unredact file names included on the 2/27/2026 privilege log where they are included in the documents themselves (for both the "Value of Libgen"/"Value of Anna's Archive & Libgen" documents previously discussed and the few "EU AI Act Counter" documents at Log Nos. 45-47); and

2) We have identified one AIDC document that was inadvertently withheld instead of produced with redactions, which we will reproduce with appropriate redactions.

We intend to make that production within the next week. Meta does not otherwise agree to unredact, produce, or withdraw its privilege claims as to the documents Plaintiffs challenge below.

Regards,

Phil

From: Annabel Weinbach <aweinbach@bsfllp.com>
Sent: Monday, April 27, 2026 1:45 PM
To: z/Meta-Kadrey <zmetakadrey@cooley.com>; Karen Dunn <kdunn@dirllp.com>; Kyle Smith <ksmith@dirllp.com>; John Paredes <jparedes@dirllp.com>; Christine Ray <cray@dirllp.com>; Jessica Phillips <jphillips@dirllp.com>; Dunning, Angela L. <adunning@cgsh.com>; Stapleton, Anna <astapleton@paulweiss.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Kadrey v. Meta - Meta's Privilege Logs

Counsel,

We write to address issues with Meta's recent privilege logs.

First, we believe there are several deficiencies on the face of the logs themselves. As Plaintiffs indicated in their March 16, 2026 email, Meta's February 27, 2026 privilege log reveals the filenames for dozens of redacted documents over which Meta redacted the file names and all other substantive context. *See, e.g.,* 2/27/2026 Log Nos. 34, 35, 36, 37, 38, 39, 40, 41. The same issue appears in Meta's 2/12/25 Log. Meta also withholds entire documents on its earlier logs, but the filenames suggest the documents are not entirely privileged. *See* 2/12/25 Log No. 161, 219.

Second, even assuming a filename can theoretically ever be privileged, this one ("Value of Anna's Archive and Libgen") is not. Regardless, Meta waived any privilege by including the redacted file name in its privilege log. Moreover, these log entries listing the filename appear related to the same document logged in additional entries. *See, e.g.,* 2/27/2026 Log Nos. 45, 46, 47, 48, 50, 51, 52, 54, 112. None of these redacted documents involve attorneys on their face and none of the log entries reference attorneys by name. Rather, these log entries appear to relate to the same document titled "Value of Anna's Archive and Libgen," which (according to Meta) was written and edited entirely by non-attorneys including Xiaolan Wang, Anna Grosul, Praveen Krishnan, Jin Huang, Shiyang Chen, and Guen Pang. The above referenced log entries appear to be redacted auto-generated emails relating to comments and edits to the "Value of Anna's Archive and Libgen," while Meta is also entirely withholding the underlying document. *See* 2/27/2026 Log No. 155. It is highly unlikely the entirety of a collaborative document written without any direct attorney involvement is privileged, let alone in full. And based on the context and the filename, it appears this document was created by Meta engineers and presumably discusses the "value" of Libgen and Anna's Archive, not any legal analysis or advice. There is no information provided that could satisfy the primary purpose test either.

Third, many documents that Meta has redacted for privilege appear to be non-attorneys discussing the potential illegality of Meta's activities, including uploading copyrighted works via torrent protocols, which is not privileged. *See* 2/27/2026 Log Nos. 5 (non-attorney discussion of compiling a "legal risks" document, which is withheld in 12/16/2024 Log No. 312); *see also* 2/27/2026 Log Nos. 16, 28, 74, 97, 115, 118, 121; 4/6/2025 Log No. 1; 2/12/25 Log No. 115, 221, 222; 3/21/2025 Log

Nos. 14. Similarly, other documents appear to discuss facilitating a "privacy/legal review" and "unblocking" Anna's Archive, but without requesting or transmitting any legal advice. *See* Log No. 72.

Fourth, several of the documents on Meta's privilege log only reflect high-level legal decisions, such as approvals or "blocking." *See* 2/27/2026 Log Nos. 103, 122, 146. These are not privileged. *See* Dkt. 627.

Fifth, several documents appear to reflect Meta's "injection of protected information into the litigation in a selective, misleading and unfair manner," Dkt. 701 at 3, constituting waiver. *See* 2/27/2026 Log No. 146; 3/21/2025 Log No. 16 (not redacting "Today, we rely on fair use as a defense to copyright claims where we are making copies/training models in the US," but redacting other content).

Sixth, Meta has not substantiated its privilege claims over dozens of AIDC screenshots, which appear to be highly accessible business and technical records that may incidentally reflect high-level legal approvals or disapprovals akin to those discussed above in Item No. 4. For example, many screenshots redact mere updates to the "Product Counsel Approval *Status*" and "Ip Legal Approval *Status*," in addition to actual "Notes"—whether something is pending, approved, rejected, etc. by "product counsel" or "Ip Legal" does not convey attorney-client privileged information. *See, e.g.*, 2/27/2026 Log No.159, 160, 165, 166, 178, 179, 180, 181, 182, 183, 184, 188, 189, 208, 209, 210.

Seventh, Meta has fully withheld many documents that appear not to involve an attorney at all. Once again, at a minimum, it is unlikely that such documents that don't involve attorneys at all are *entirely* privileged. *See, e.g.,* 2/27/2026 Log Nos. 14, 79, 81, 82, 84, 86, 91-100, 102-105, 111, 113, 130, 143, 155-157, 195. There are additional withheld documents that appear to have been sent to attorneys (among many others), but where it is unclear whether attorneys played any direct role in the communication. *See, e.g.,* 2/27/2026 Log Nos. 73, 76, 80, 83, 85, 87-89, 101, 107-110, 114.

Finally, Meta has logged documents that on their face reflect an absence of legal advice. *See* 2/12/2025 Log No. 97 (redacted despite Lample admitting he did not ask Legal any questions).

Please confirm Meta will either produce in full or narrow redactions over the documents challenged above. If Meta declines as to any of these documents, please let us know when you can meet and confer next week.

Thank you.

Best,
Annabel

Annabel Weinbach
Associate
BOIES SCHILLER FLEXNER LLP

1401 New York Avenue, N.W.
Washington, DC 20005
(t) +1 202 274 1124
(m) +1 786 281 0570
aweinbach@bsfllp.com
www.bsfllp.com

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