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February 8, 2012

VIA E-MAIL AND U.S. MAIL

Joshua D. Gruenberg
Law Offices of Joshua D. Gruenberg
2169 First Ave.
San Diego, CA 92101-3542

Re: Corkill v. Preferred Employers Group, LLC
USDC, SD Cal, Case No. 11CV0505-IEG (WMe)

Dear Mr. Gruenberg:

I am writing in an effort to meet, confer and informally resolve concerns about (1) your conduct at the recent deposition of Rosemary Favier, (2) Kim Urban's blog concerning this case, and (3) the attached e-mail that you sent to me this weekend concerning the blog. I am hopeful that we can informally resolve these matters without the Court's intervention.

I am extremely disappointed with the way you behaved at the deposition of Ms. Favier, Senior Vice-President of Claims for Defendant Preferred Employers Group ("PEG"). As I explained to you, Ms. Favier

You proceeded to attack and abuse the witness throughout her deposition. I pleaded with you to calm down and to be civil on several occasions to no avail. Among other things, you:

- Frequently yelled at, berated, and argued with the witness;
- Called her a "liar" and said that she was "evil" on the record;
- Attempted to prevent the witness from taking breaks when she became upset;
- Appeared to take pleasure in her emotional distress by standing behind the witness, smiling and shaking your head at me, when she was resting her head on the table;

- Asked questions and then badgered the witness for an immediate response when she attempted to think about the question;
- Repeatedly interrupted the witness and refused to allow her to fully answer your questions;
- Frequently cut me off, talked over me, and would not allow me to make objections;
- Blew up several times and walked out of the room while we were still on the record;
- Asked the witness about personal matters that had nothing to do with this lawsuit and were solely designed to upset her;
- Attempted to create a false record; and,
- Admitted that (1) you were intentionally wasting time, and (2) had started the deposition twenty minutes late and came back from lunch twenty minutes late, because you were “retaliating” against my client and my law firm for a failed mediation in a related lawsuit.

The following evening you sent me the attached e-mail concerning a recent blog disparaging PEG that appears to have been created by you and your other client, Kim Urban. In particular, you asked me “how do the PEG witches like the blog?” I find this e-mail extremely unprofessional and inflammatory.

Finally, I am concerned about Ms. Urban’s blog and its potential impact on the witnesses and the fair adjudication of this lawsuit. While you and Ms. Urban have the right to engage in free speech, there are limits. You and your client cannot intentionally harass and intimidate key defense witnesses. Posting pictures of the witnesses and documents produced in the action on the Internet crosses the line. You and Ms. Urban appear to be trying to scare PEG’s former and current employees from providing testimony or otherwise participating in this lawsuit. We simply cannot tolerate such intimidating, bad faith litigation tactics.

As a result of the foregoing conduct, we hereby request that you voluntarily stipulate to the following conditions to protect the witnesses and promote civility:

- The appointment and shared costs of a discovery referee at all future depositions;
- You will refrain from retaliating against PEG, the witnesses, or counsel, in response to the failed mediation in Kim Urban’s wrongful termination action, including intentionally keeping us waiting for you at deposition;
- You will treat all witnesses and counsel with civility and respect, including refraining from sending counsel any harassing e-mails;

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- You will direct Ms. Urban not to post further pictures of any witnesses on the Internet without the witnesses' permission;
- You will direct Ms. Urban not to post potential trial exhibits and other documents or materials that have been produced in this action on the Internet; and,
- You will direct Ms. Urban to stop disparaging PEG or any witnesses in this action on the Internet.

Please let me know at your earliest convenience whether you are willing to stipulate to these measures. If not, please advise me when you are available to further discuss these matters in person later this week as required under the Local Rule 26.1 and Judge McCurine's chamber rules. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake R. Jones", with a long horizontal flourish extending to the right.

Blake R. Jones

BRJ
Enclosure

Blake Jones

From: Josh Gruenberg [josh@gruenberglaw.com]
Sent: Saturday, February 04, 2012 8:48 PM
To: Blake Jones
Cc: Corey Hanrahan
Subject: The blog

Hey Blake,
How do the PEG witches like the blog?
Josh

Typos courtesy of my iPhone