

# Nelson Mullins

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March 22, 2007

**Via Facsimile**

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RE: Trademark Properties and Richard C. Davis v. A&E Television Networks and  
Departure Films  
USDC Civil Action No.: 2:06-CV-2195-CWH  
Our File No.: 28692/01500  
Chubb File No. 133228

Dear Frank:

During last week's depositions of Richard Davis, Ginger Alexander and Trademark Properties, the witnesses identified several items that were responsive to our document requests, but have not yet been produced in discovery. In our initial review of the deposition transcripts, we have identified these priority items for production:

1. A copy of the "Worst to First" pilot DVD. Ms. Alexander testified that the DVD might be in Mr. Davis' car, and that she could obtain a copy from the production company, TVP. Alexander Tr. 55, 57. Plaintiffs previously represented that they would produce this item (see amended responses to our document requests, No. 2) but have not done so.
2. All records of phone calls, via cellular or land line, between Mr. Davis and A&E during May or June 2004. Trademark Tr. 70-71; Davis 3/8 Tr. 112-13.
3. A letter from HGTV declining to move forward with the "Worst to First" project. Ms. Alexander testified that the letter was sent after "Flip This House" went on the air with A&E. Alexander Tr. 61.
4. A spreadsheet entitled "Equity Share Proposal" sent by Ginger Alexander to Jim Ford at Discovery. Ms. Alexander testified that this document was in her possession. Alexander Tr. 138.

**Exhibit C**

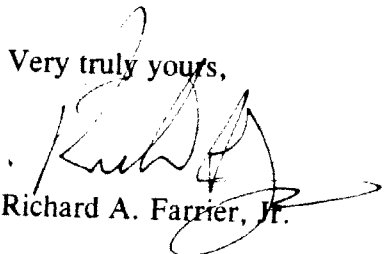
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5. All signature pages that Mr. Davis provided to TLC. Ms. Alexander testified that at least some of these pages are in plaintiffs' files. Alexander Tr. 151. Although signed copies of certain documents were produced at the Whaley deposition yesterday, it is still important that we receive whatever signature pages are in plaintiffs' possession.
6. A copy of a TV Guide advertisement for "Flip This House" that mentions a South Carolina real estate company. Mr. Davis testified that he clipped and saved the ad as a PDF. Trademark Tr. 123.
7. Mr. Davis testified about press coverage, possibly from Us Weekly magazine, indicating that Brad Pitt was upset with him in a way that is somehow traceable to A&E's conduct. Trademark Tr. 102. Please produce any and all press coverage, emails, or other documents in plaintiffs' possession related to this claim.

Given the impending summary judgment deadline, we ask that you produce these materials so that we receive them by Wednesday, March 28, 2007.

We reserve all rights to request additional documents responsive to our requests. Thank you in advance for your courtesy in this matter.

Very truly yours,



Richard A. Farrier, Jr.

RAFJR:dh

cc: Jeremy Feigelson, Esq.