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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192645
Party	Plaintiff Trummer Bar, LLC, Heather Tierney, Christopher Tierney and Eric Lopez
Correspondence Address	MICHAEL J PAMPALONE III COLUCCI & UMANS 218 EAST 50TH STREET NEW YORK, NY 10022 UNITED STATES mpampalone@colucci-umans.com
Submission	Other Motions/Papers
Filer's Name	Michael J. Pampalone, III
Filer's e-mail	mpampalone@colucci-umans.com
Signature	/Michael Pampalone/
Date	05/24/2012
Attachments	PAMPALONE DECLARATION.pdf (7 pages)(503737 bytes) PAMPALONE DECLARATION EXHIBITS A-C.pdf (11 pages)(599923 bytes) PAMPALONE DECLARATION EXHIBITS D-H.pdf (25 pages)(1507713 bytes) PAMPALONE DECLARATION EXHIBITS I-M.pdf (20 pages)(1301505 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

----- X

TRUMMER BAR, LLC ¹ , HEATHER TIERNEY, ; CHRISTOPHER TIERNEY and ERIC LOPEZ, ;	Opposition No. 91192645
Opposers, ;	Serial No. 77/584,448
v. ;	
ALBERT TRUMMER, ;	
Applicant. ;	

----- X

**DECLARATION OF MICHAEL J. PAMPALONE, III, IN SUPPORT OF
OPPOSERS' COMBINED RESPONSE TO APPLICANT'S
MOTION FOR A PROTECTIVE ORDER AND
CROSS-MOTION FOR SANCTION OF DEFAULT JUDGMENT**

Pursuant to 28 U.S.C. § 1746, Michael Pampalone declares under penalty of perjury as follows:

1. I am an associate of the law firm of Colucci & Umans, counsel for opposers, TRUMMER BAR, LLC, HEATHER TIERNEY, CHRISTOPHER TIERNEY and ERIC LOPEZ ("Opposers"). I am fully familiar with the facts hereinafter set forth of my own personal knowledge.

2. On April 26, 2012, in anticipation of the Honorable Trademark Trial and Appeal Board's Order of May 1st 2012, applicant Albert Trummer ("Applicant" or "Mr. Trummer"), via his counsel, indicated that Applicant was available to be deposed on May 22, 2012. On April 27, 2012, I responded to Applicant's e-mail indicating that

¹ On September 12, 2011, opposer, Trummer Bar, LLC changed its legal name to Apotheke, LLC.

Opposers would serve an amended notice of Mr. Trummer's deposition to take place on May 22nd. True and accurate copies of my e-mail correspondence with Mr. Applicant's counsel dated April 26 and April 27, 2012 are attached hereto and incorporated herein by reference as Exhibit A.

3. As also set forth in Exhibit A, on April 27th, and in anticipation of the Board's Order of May 1st, I advised Applicant's counsel that Ms. Tierney would make herself available to be deposed in her capacity as an individual and as opposer, Trummer Bar, LLC's Rule 30(b)(6) designee on April 11, 2012. Accordingly, Ms. Tierney was fully deposed by Applicant's counsel as an individual and Rule 30(b)(6) designee on April 11th.

4. On May 4, 2012, Opposers served Applicant with a Third Amended Notice of Deposition of Albert Trummer to be taken at Applicant's counsel's office on May 22, 2012. A true and accurate copy of Opposers' Third Amended Notice of Deposition of Albert Trummer is attached hereto and incorporated herein by reference as Exhibit B.

5. On May 16, 2012 I wrote an e-mail to Applicant's attorneys in order to confirm opposers' understanding that Mr. Trummer is fluent in the English language and would therefore not require the services of a translator during his deposition. Later that day Applicant's counsel responded that they had spoken with Mr. Trummer and that he would require the services of a German translator for his deposition on May 22nd. Notwithstanding the fact that Mr. Trummer apparently writes published articles, conducts cocktail courses and interacts with his business partners and patrons in fluent English, based upon this representation I proceeded to engage the services of a

German translator for Mr. Trummer's deposition. Applicant's counsel gave no indication that Mr. Trummer's deposition, less than a week away, would need to be adjourned. A true and accurate copy of my e-mail correspondence with Applicant's counsel dated May 16, 2012 is attached hereto and incorporated herein by reference as Exhibit C.

6. On May 18, 2012 I discovered a blog posting by Mr. Trummer dated May 13, 2012 on his website located at www.trummernmixology.com stating that on May 21 and May 22, 2012 Mr. Trummer would be making presentations at a trade show entitled "BARZONE 2012" in Cologne, Germany. A true and accurate copy of a printout of Mr. Trummer's website dated May 18, 2012, which includes the relevant blog posting, is attached hereto and incorporated herein as Exhibit D.

7. On May 21, 2012, the day prior to Mr. Trummer's deposition, I received a telephone call from Mr. Trummer's counsel, Yuval Marcus, who informed me that Mr. Trummer had sustained an injury and had been prescribed "bed rest" by a physician until Wednesday, May 23rd. Mr Marcus also stated that he was unable to communicate with Mr. Trummer, but would produce him for deposition on the following day from his bed in his apartment or later that week.

8. Following our telephone conversation on May 21st, Mr. Marcus sent me an e-mail that included an undated photograph of an unidentified person's scalp and an incomplete emergency room record, and he, again, stated that he was informed (not stating who informed him) that Mr. Trummer had been prescribed "bed rest" by a physician, but that despite his best efforts he had been unable to communicate with Mr.

Trummer. Attached hereto and incorporated herein as Exhibit E is a true and accurate copy of Mr. Marcus's first e-mail that was sent to me on May 21st.

9. On May 21st Mr. Marcus then sent me a second e-mail in which he stated that he was still unable to communicate with Mr. Trummer to determine his availability for his deposition on another date. Attached hereto and incorporated herein as Exhibit F is a true and accurate copy of Mr. Marcus's second e-mail that was sent to me on May 21st.

10. I responded to Mr. Marcus by forwarding him a printout of Mr. Trummer's website that includes his May 13th blog posting (Exhibit D attached hereto), which stated that Mr. Trummer would be in Cologne, Germany giving presentations at the BARZONE 2012 Trade Show ("BARZONE 2012") on May 21st and 22nd and requesting that he confirm Mr. Trummer's whereabouts, availability for deposition and condition. Attached hereto and incorporated herein as Exhibit G is a true and accurate copy of my e-mail response to Mr. Marcus dated May 21st.

11. In reply, Mr. Marcus sent me yet a third e-mail on May 21st in which he again stated, *inter alia*, that he was unable to communicate with his client, but that on Friday, May 18th he had confirmed with Mr. Trummer that he would appear for his May 22nd deposition. Attached hereto and incorporated herein as Exhibit H is a true and accurate copy of Mr. Marcus's reply e-mail dated May 21st.

12. On the morning of May 22, 2012, in an effort to avoid requiring the Board's further involvement, I wrote an e-mail to Mr. Marcus stating that opposers would consider agreeing to adjourn Mr. Trummer's deposition, if they provided answers

to our inquiries regarding Mr. Trummer's whereabouts, condition and availability.

Attached hereto and incorporated herein as Exhibit I is a true and accurate copy of my e-mail to Mr. Marcus dated May 22nd.

13. Mr. Marcus responded to my May 22nd e-mail by stating that he had still not communicated with Mr. Trummer but that he spoke with an anonymous "friend" of Mr. Trummer that was aware of Mr. Trummer's injury and who informed Mr. Marcus that it occurred, and was treated, in Miami, Florida at Mount Sinai Hospital and that Mr. Trummer would be well enough to be deposed later in the week. Attached hereto and incorporated herein as Exhibit J is a true and accurate copy of Mr. Marcus's e-mail of May 22nd.

14. Later on May 22nd I went to the BARZONE 21012 twitter and facebook pages and discovered that a total of four (4) posting had been made earlier that day announcing that Mr. Trummer would be giving a presentation that afternoon at the trade show in Cologne, Germany. Attached hereto and incorporated herein as Exhibit K are true and accurate copies of screen grabs that I took on May 22nd that depict the BARZONE 2012 facebook and twitter postings referencing Mr. Trummer's May 22nd presentation.


15. It was not until the afternoon of May 24th that Mr. Marcus sent me an e-mail stating that he had communicated with Mr. Trummer, that Mr. Trummer had been "cleared" by his doctor to be deposed and that he would only be available on May 25th (the following day leading into Memorial Day weekend), May 30th or beginning at 12:00

P.M. on May 31st. Attached hereto and incorporated herein as Exhibit L is a true and accurate copy of Mr. Marcus's May 24th e-mail.

16. At 6:17 PM on May 24th I received an e-mail from Applicant's counsel, Cameron Reuber, that purported to advise me of new information and explain Mr. Trummer's conduct and failure to appear at his May 22nd deposition. Attached hereto and incorporated herein as Exhibit M is a true and accurate copy of Mr. Reuber's e-mail sent at 6:17 PM on May 24th.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of May, 2012 at New York, New York.



Michael J. Pampalone, III

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **DECLARATION OF MICHAEL J. PAMPALONE, III, IN SUPPORT OF OPPOSERS' COMBINED RESPONSE TO APPLICANT'S MOTION FOR A PROTECTIVE ORDER AND CROSS-MOTION FOR SANCTION OF DEFAULT JUDGMENT** has been forwarded via First Class Mail, postage prepaid, to Applicant's Attorneys, Yuval Marcus, Cameron Reuber, Leason Ellis LLP, One Barker Avenue, Fifth Floor, White Plains, New York 10601-1526, this 24th day of May 2012.


Katherine Lyon

EXHIBIT A

Michael Pampalone

From: Michael Pampalone
Sent: Friday, April 27, 2012 10:38 AM
To: 'Cameron Reuber'
Cc: Yuval Marcus; Andie Schwartz
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

Mr. Reuber –

Ms. Tierney is available for her deposition to take place at our Manhattan offices on May 11th beginning at 10:00 AM.

We will take Mr. Trummer's deposition at your offices in White Plains on May 22nd beginning at 10:00 AM and will be serving an amended notice shortly.

We ask that you provide us with a detailed description of the documents you referenced during the hearing that your client alleges exist and are being withheld from production.

Thank you,

Michael Pampalone

Colucci & Umans

218 East 50th Street | New York, New York 10022-7681

Tel. No.: (212) 935-5700 | Fax: (212) 935-5728

Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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From: Cameron Reuber [mailto:Reuber@leasonellis.com]
Sent: Thursday, April 26, 2012 3:09 PM
To: Michael Pampalone
Cc: Yuval Marcus; Andie Schwartz
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

Mr. Pampalone:

We can take Ms. Tierney's deposition at your Manhattan office on the following dates:

- May 11th – 10 AM
- May 14th – 10 AM
- May 15th – 10 AM
- May 18th – 10 AM (Backup date; not preferable)

Mr. Trummer will be made available at our White Plains offices on:

- May 21st – 10 AM

5/24/2012

- May 22nd – 10 AM
- May 25th – 10 AM
- May 18th – 10 AM (Backup date; not preferable)

Please advise as to which dates are acceptable to your clients.

Regards,

Cameron S. Reuber
LEASON ELLIS.
T.914.821.3075

From: Michael Pampalone [mailto:MPampalone@Colucci-Umans.com]
Sent: Wednesday, April 18, 2012 9:40 AM
To: Kim, Yong O (Richard); Yuval Marcus
Cc: Cameron Reuber
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

Dear Mr. Kim –

Please note that the parties are available to participate in a hearing at any time after 2:00 P.M. on April 25th, 26th or 27th.

The undersigned, Michael Pampalone, will be appearing on behalf of opposers and can be reached at (212) 935-5700.

Cameron Reuber, Esq., will be appearing on behalf of applicant. Mr. Reuber's telephone number is (914) 821-3075.

Respectfully submitted,

Michael Pampalone
Colucci & Umans
218 East 50th Street | New York, New York 10022-7681
Tel. No.: (212) 935-5700 | Fax: (212) 935-5728
Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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From: Kim, Yong O (Richard) [mailto:Richard.Kim2@USPTO.GOV]
Sent: Friday, April 13, 2012 12:36 PM
To: Michael Pampalone; 'marcus@leasonellis.com'
Cc: 'Cameron Reuber'
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

The Board regrets that it failed to inform the parties that it was unavailable to confer on the dates proposed by the parties. Please provide three additional dates and times the parties are available for a hearing. The Board will not be available after 12 PM on 4/16, 4/17 and 4/24.

5/24/2012

From: Michael Pampalone [<mailto:MPampalone@Colucci-Umans.com>]
Sent: Friday, March 30, 2012 4:10 PM
To: Kim, Yong O (Richard); marcus@leasonellis.com
Cc: Cameron Reuber
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

Dear Mr. Kim –

Further to our below correspondence of March 8th, please let us know if you would like the parties to re-confer and provide additional available dates and times for the hearing to take place.

Thank you.

Michael Pampalone
Colucci & Umans
218 East 50th Street | New York, New York 10022-7681
Tel. No.: (212) 935-5700 | Fax: (212) 935-5728
Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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From: Michael Pampalone
Sent: Thursday, March 08, 2012 5:44 PM
To: 'Kim, Yong O (Richard)'; marcus@leasonellis.com
Cc: 'Cameron Reuber'
Subject: RE: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

Dear Mr. Kim –

Please note that the parties are available to participate in the hearing at the following times:

Monday, March 26th at 2:00 P.M.;
Tuesday, March 27th at 3:30 P.M.; or
Thursday, March 29th at 4:00 P.M.

The undersigned, Michael Pampalone, will be appearing on behalf of opposers and can be reached at (212) 935-5700.

Cameron Reuber, Esq., will be appearing on behalf of applicant. Mr. Reuber's telephone number is (914) 821-3075.

Please do not hesitate to let us know if you require any further information in advance of the hearing.

Respectfully submitted,

Michael Pampalone
Colucci & Umans
218 East 50th Street | New York, New York 10022-7681
Tel. No.: (212) 935-5700 | Fax: (212) 935-5728

5/24/2012

Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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From: Kim, Yong O (Richard) [<mailto:Richard.Kim2@USPTO.GOV>]
Sent: Friday, March 02, 2012 8:21 PM
To: 'marcus@leasonellis.com'; Michael Pampalone
Subject: OPPOSITION NO. 91192645 TRUMMER BAR, LLC et al v. ALBERT TRUMMER

The Board calls the parties for an oral hearing concerning opposer's motion to compel and motion to extend (filed December 2, 2011) and applicant's cross-motion to compel and extend (filed December 21, 2011). The parties are to confer and provide to the Board in response to this email THREE mutually agreeable dates and times for the hearing as well as provide the name and contact number of the individual who will appear on behalf of each party. The Board will initiate the call.

Yong Oh (Richard) Kim
Interlocutory Attorney
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451
(571) 272-7326
richard.kim2@uspto.gov

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- X
TRUMMER BAR, LLC, HEATHER TIERNEY, :
CHRISTOPHER TIERNEY and ERIC LOPEZ, :

Opposition No. 91192645
Serial No. 77/584,448

Opposers,

v.

ALBERT TRUMMER,

Applicant.

**THIRD AMENDED
NOTICE OF DEPOSITION**

----- X
TO APPLICANT AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to Rules 26 of the Federal Rules of Civil Procedure, opposers Trummer Bar, LLC¹, Heather Tierney, Christopher Tierney and Eric Lopez will take the deposition of applicant, **ALBERT TRUMMER**, on **May 22, 2012, at 10:00 a.m.**, at the offices of Leason Ellis LLP, One Barker Avenue, Fifth Floor, White Plains, New York 10601-1526.

The deposition will be taken upon oral examination and may be recorded by stenographic and audio/video means before a Notary Public or other officer duly authorized to administer oaths and shall continue from day to day until completed, weekends and holidays excepted, with such adjournments as to time and place that may be necessary.

You are hereby invited to attend and cross-examine.

¹ Trummer Bar, LLC's name has been legally changed to Apotheke, LLC.

Dated: New York, New York
May 4, 2012

COLUCCI & UMANS

By: 

Michael J. Pampalone, III
218 East 50th Street
New York, NY 10022
Telephone: 212-935-5700
Facsimile: 212-935-5728
mpampalone@colucci-umans.com

Attorneys for Opposers

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Second Amended Notice of Deposition" has been forwarded via e-mail and First Class Mail, postage prepaid, to applicant's attorneys, Yuval H. Marcus, Cameron S. Reuber, Leason Ellis LLP, One Barker Avenue, Fifth Floor, White Plains, New York 10601, Marcus@LeasonEllis.com, Reuber@LeasonEllis.com, this 4th day of May 2012.



Teresa Kiernan

EXHIBIT C

Michael Pampalone

From: Andie Schwartz [Schwartz@leasonellis.com]
Sent: Wednesday, May 16, 2012 5:38 PM
To: Michael Pampalone
Cc: Yuval Marcus; Cameron Reuber
Subject: RE: 5/22/2012 Deposition of Albert Trummer

Mr. Pampalone,

We spoke with our client. Please have a German translator is present during his deposition.

Best,

Andie Schwartz

From: Michael Pampalone [mailto:MPampalone@Colucci-Umans.com]
Sent: Wednesday, May 16, 2012 3:54 PM
To: Yuval Marcus
Cc: Andie Schwartz
Subject: 5/22/2012 Deposition of Albert Trummer

Dear Yuval –

It is our present understanding that Mr. Trummer will not require the services of a translator during his May 22nd deposition. In the event that Mr. Trummer will require the services of a translator, we ask that you advise us immediately.

Thank you,

Michael Pampalone

Colucci & Umans

218 East 50th Street | New York, New York 10022-7681

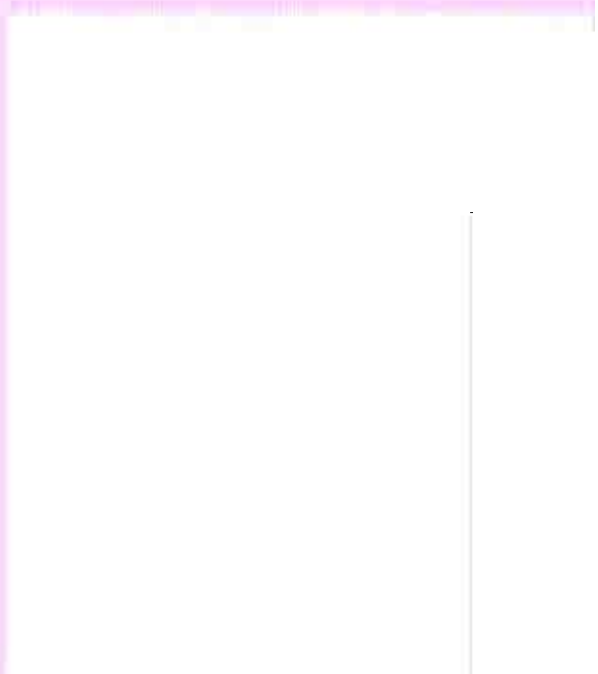
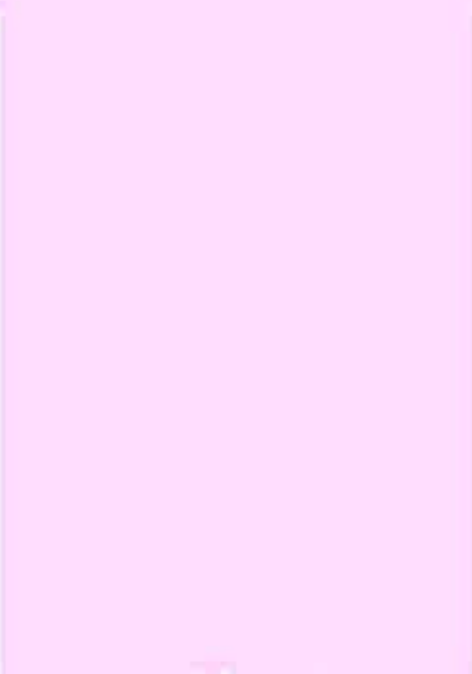
Tel. No.: (212) 935-5700 | Fax: (212) 935-5728

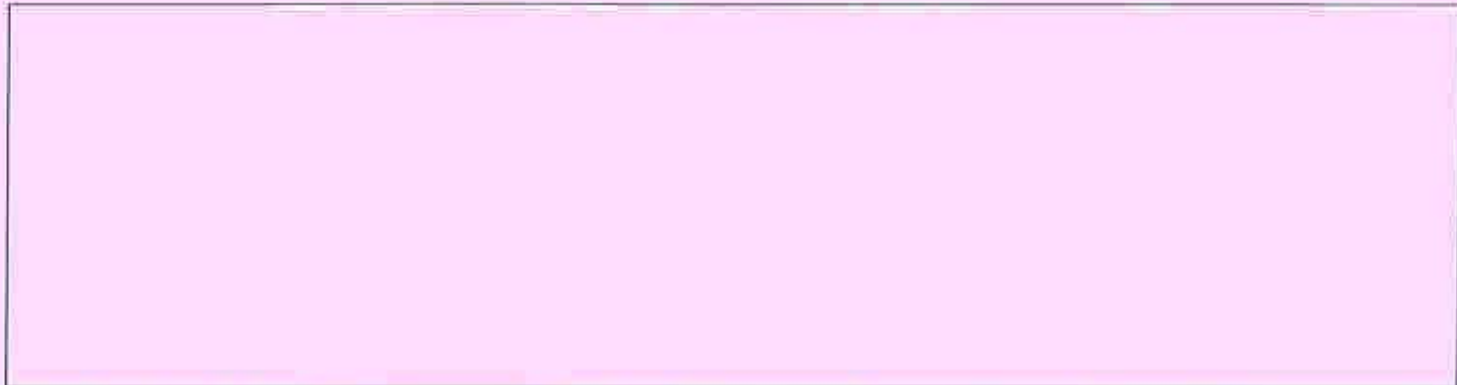
Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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5/24/2012

EXHIBIT D





Albert Trummer's School of Cocktail Artistry & Mixology To Appear at BARZONE 2012
05/13/2012

0 Comments

All Things Mixology

Archives

May 2012

Categories

- All
- Bacardi
- Cocktail Book By Albert Trummer And Dr. Markus Melka
- Cocktail Recipes
- Cocktails
- Dusse
- Jay Z

 [RSS Feed](#)





Albert Trimmer's School of Mixology's Albert Trimmer and Craig Simpson will appear at BARZONE 2012 in Cologne, Germany on May 21st and 22nd. BARZONE is the trade barometer of Germany's gastronomy scene and Albert and Craig look forward to participating at this year's event and giving presentations on "Health And Alcohol" on Day 1 and "The Chef And Kitchen Influence in Mixology and The Bar World" on Day 2. [Read more about BARZONE here.](#)

Like

Add Comment

Get To Broken Shaker

05/13/2012

0 Comments



If you get the chance to pop over to South Beach for a little R&R, or are just lucky enough to actually live there, be sure you check out the **Broken Shaker** in the Indian Creek Hotel. Run by Bartab group Etad Ziv and Gabriel Ori, this pop-up mixology spot located in the unassuming Indian Creek Hotel has all the items on our venue checklist: inviting decor, a friendly staff, an outdoor patio, cool guests, great music and of course amazing cocktails.

Like

Add Comment

Cocktail Recipe: The Deal Closer

05/13/2012

0 Comments





The Deal Closer is a refreshing cocktail featuring the special herb, "Horny Goat Leaf," from South East Asia. Horny Goat Leaf is a stimulant that also works as an aphrodisiac. Mix this up at home for a sure thing.

The Deal Closer

Put 5 horny goat leaves into a water glass.
Add 8 oz of D.O.M. cognac.
Let it sit overnight at room temperature.

The next day:

Cut six pieces of cucumber (small slices)
Four mint leaves
1 oz fresh lime juice
1 oz vanilla elixir
1/2 teaspoon brown sugar
3 oz Grey Goose vodka
and 2 oz of your Horny Goat Leaf infusion from the night before
put all these ingredients in a shaker.
add ice.
shake well.
str into a cocktail glass.
garnish with a cucumber slice.

Cheers!

The Deal Closer and many of Albert Trummer's signature cocktails can be found in his medicinal cocktail book, *The Best Cocktails*, which won Best in the World this year at the Paris Gourmand cookbook awards.

Like

Add Comment

Cocktail Recipe: The Mystery of Monasteries

05/13/2012

0 Comments





Here's one of our signature cocktails featuring all new, Jay-z endorsed cognac, Dusse from the House of Bacardi.

Mystery of Memorories

2 oz Dusse

1 oz Benedictine

1 dash elixir number 4 (rhyme/orange bitters)

Add ingredients in a whiskey glass

add 1 large ice cube

stir gently

ready to serve

Cheers!

Like

Add Comment

Are We Too Focused on the Past?

05/13/2012

0 Comments



Are we too focused on the past when it comes to cocktails? Was Prohibition really so exciting and thrilling that we should emulate their cocktails, or was the quality not up to par, and therefore we should move on? Albert Trummer debates this topic in *Class* magazine this month. Check out the full article [here](#). *Class* magazine.



Like

Add Comment

EXHIBIT E

Michael Pampalone

From: Yuval Marcus [Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 1:14 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: Albert Trummer
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: Albert-Trummer-doctor-letter.pdf; Albert-Trummer.jpg

Michael,

Attached are the photograph and emergency room report I received over the weekend. We have been advised that the doctor prescribed bed rest until Wednesday.

Despite our best efforts, we have not been able to speak with Mr. Trummer.

As discussed, we, as counsel, are amenable to making Mr. Trummer available tomorrow at his home; or to adjourn the deposition to Thursday or Friday this week at our office, both dates which are within the time frame of the Board's Order.

Please let us know how you would like to proceed.

Thank you,

Yuval

Yuval H. Marcus
LEASON ELLIS,
Intellectual Property Attorneys
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Marcus@LeasonEllis.com
T.914.821.9075
F.914.288.0023

www.linkedin.com/in/yuvalmarcus

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5/24/2012



Trummer, Albert
MRN: 1238173

Department: MAIN Emergency
Date of Visit: 5/18/12

Disclaimer



40170

1213900593 1238173
TRUMMER, ALBERT
43 M 12/27/68 MIN 05/18/12

Your diagnosis \



Orders

No orders found for display

You were seen by David A Farcy, MD.

Follow-up Information

Follow up with MAIN EMERGENCY. (As needed)

Contact information

3900593 1238173

TRUMMER, ALBERT

M 12/27/68

MIN 05/18/12



No Medications Reported

Discharge Instructions

*Condition become worse Return back to
Emergency Room at any time DAY OR NIGHT*

Scar Minimization

You will have a scar anytime you have surgery and a cut is made in the skin or you have something removed from your skin (mole, skin cancer, cyst). Although scars are unavoidable following surgery, there are ways to minimize their appearance.

It is important to follow all the instructions you receive from your caregiver about wound care. How your wound heals will influence the appearance of your scar. If you do not follow the wound care instructions as directed, complications such as infection may occur. Wound instructions include keeping the wound clean, moist, and not letting the wound form a scab. Some people form scars that are raised and lumpy (*hypertrophic*) or larger than the initial wound (*keloidal*).

HOME CARE INSTRUCTIONS

- Follow wound care instructions as directed.
- Keep the wound clean by washing it with soap and water.
- Keep the wound moist with provided antibiotic cream or petroleum jelly until completely healed. Moisten twice a day for about 2 weeks.
- Get stitches (*sutures*) taken out at the scheduled time.
- Avoid touching or manipulating your wound unless needed. Wash your hands thoroughly before and

EXHIBIT F

Michael Pampalone

From: Yuval Marcus [Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 4:54 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: RE: Albert Trummer
Follow Up Flag: Follow up
Flag Status: Completed

Michael,

I just left you a voicemail.

I have been unable to reach Mr. Trummer today to confirm his availability for a deposition in his home tomorrow. Accordingly, please let us know if you agree to reschedule his deposition to any of the following dates: Thursday, May 24; Friday, May 25; Tuesday, May 29; Wednesday, May 30; or Thursday, May 31, all of which are within the deadline set by the Board.

Once we are able to reach Mr. Trummer, we will confirm his availability.

Given the circumstances, we are amenable to making Mr. Trummer available at your office on one of these dates.

We would like to avoid having to contact the Board for a protective order, so please let us know your position by 5:30 today.

Thank you,

Yuval

Yuval H. Marcus
LEASON ELLIS,
Intellectual Property Attorneys
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Marcus@LeasonEllis.com
T:914.821.9075
F:914.288.0023

www.linkedin.com/in/yuvalmarcus

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From: Yuval Marcus
Sent: Monday, May 21, 2012 1:14 PM
To: 'Michael Pampalone'

5/24/2012

Cc: Cameron Reuber
Subject: Albert Trummer

Michael,

Attached are the photograph and emergency room report I received over the weekend. We have been advised that the doctor prescribed bed rest until Wednesday.

Despite our best efforts, we have not been able to speak with Mr. Trummer.

As discussed, we, as counsel, are amenable to making Mr. Trummer available tomorrow at his home; or to adjourn the deposition to Thursday or Friday this week at our office, both dates which are within the time frame of the Board's Order.

Please let us know how you would like to proceed.

Thank you,

Yuval

Yuval H. Marcus
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5/24/2012

EXHIBIT G

Michael Pampalone

From: Michael Pampalone
Sent: Monday, May 21, 2012 4:56 PM
To: 'Yuval Marcus'
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer
Attachments: 3.15.2012 BLOG ENTRIES.pdf

Yuval --

Given the tortured history to date of attempting to schedule Mr. Trummer's deposition, we were quite disturbed to learn from you this afternoon that Mr. Trummer is unavailable for his deposition, which was agreed to take place at your offices in White Plains over three weeks ago.

The "documents" you sent us raise far more questions than they answer, including the purported medical record that you forwarded to us (which is a corrupted pdf file). The identity and location of the hospital Mr. Trummer was allegedly treated at is not listed on the document nor is there any description of the type and severity of Mr. Trummer's injury. Most significantly, we see no reference to any "bed rest" or any other restrictions on Mr. Trummer, which you represented was the basis for the relocation of tomorrow's deposition to Mr. Trummer's boudoir to accommodate his supposed convalescence. While we appreciate the photograph, it is undated and merely depicts stitches in an unidentified scalp.

Also, we are puzzled by your claim on the one hand that "despite [y]our best efforts, [you] have not been able to speak with Mr. Trummer" and your simultaneous representation on the other hand that you will produce him for deposition tomorrow at his abode. Despite your own admission that you have not spoken to Mr. Trummer, you then go on to offer Thursday or Friday of this week at your offices as further alternatives. How do you know his schedule or willingness to appear under any of these scenarios if you have not spoken to him?

These claims are all the more suspicious given that on May 13th Mr. Trummer posted on his blog that he would be giving presentations today and tomorrow at the Barzone Trade Show in Cologne, Germany. Attached are copies of the blog. It also appears that this blog post has now been conveniently removed (or Mr. Trummer was unable to attend his presentation because he was ordered to stay on bed rest).

Where did Mr. Trummer sustain his claimed injury and what hospital was he treated at?

When you offered May 22nd as an available date for Mr. Trummer's deposition were you aware that he was scheduled to be giving a presentation in Germany on that date?

Did Mr. Trummer cancel the presentations that he was apparently scheduled to make in Germany today and tomorrow?

Is Mr. Trummer currently in the country?

We look forward to receiving your prompt reply.

Very truly yours,

Michael Pampalone
COLUCCI & UMANS

From: Yuval Marcus [mailto:Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 1:14 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: Albert Trummer

5/24/2012

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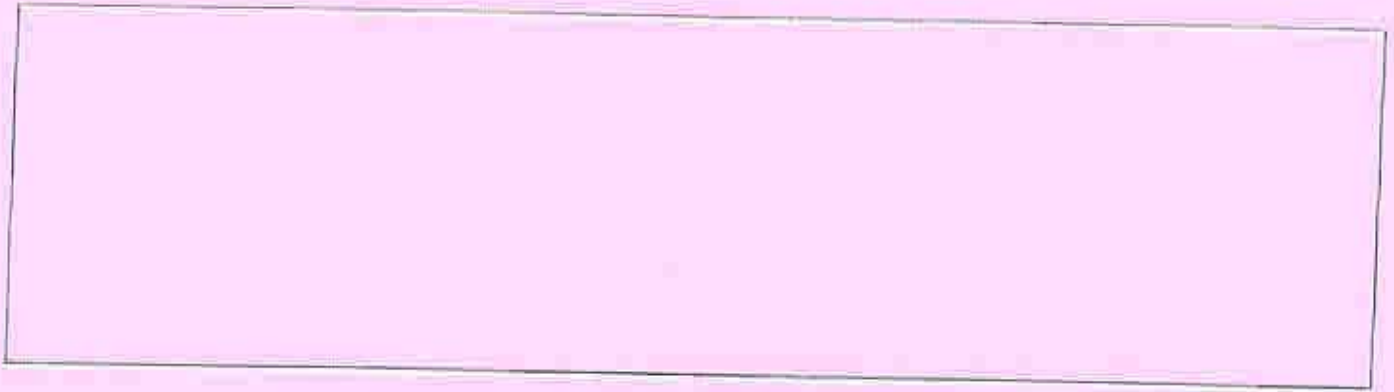
Thank you,

Yuval

Yuval H. Marcus
LEASON ELLIS .
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Albert Trummer's School of Cocktail Artistry & Mixology To Appear at BARZONE 2012
05/13/2012

0 Comments

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May 2012

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- ferment And Dr. Mankoff
- Melba
- Cocktail Recipes
- Cocktails
- Dessert
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The David Stone and Peter Trummer featured the special issue "Party Like a Boss" with David Stone and Peter Trummer. Cocktails for all occasions and with a wide variety of ingredients. It's all in all a book for a sure thing.

David Stone

Photo: [http://www.davidstone.com](#)

Also see: [http://www.petertrummer.com](#)

Photo: [http://www.davidstone.com](#)

David Stone

Photo: [http://www.davidstone.com](#)

Photo: [http://www.davidstone.com](#)

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David Stone

Photo: [http://www.davidstone.com](#)

Cocktail Recipe: The Mystery of Monasteries

05/13/2012

0 Comments





More info: [Zell's](#), [Nobu](#), [L'Orangerie](#), [Leopoldo](#), [Salle](#), [The Jay-Z](#), [Boulevard](#), [The Purple](#), [Cassio](#), [Tom](#), [The 7](#), [Buck](#), [The 100](#), [The 101](#)

[Beverly Hills](#), [Beverly Hills](#)

[D. O'Leary](#)

[L'Orangerie](#)

[Leopoldo](#), [Salle](#), [The Jay-Z](#), [Boulevard](#), [The Purple](#), [Cassio](#), [Tom](#), [The 7](#), [Buck](#), [The 100](#), [The 101](#)

[The Purple](#), [Cassio](#), [Tom](#), [The 7](#), [Buck](#), [The 100](#), [The 101](#)

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[The 101](#)

[The 101](#)

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Are We Too Focused on the Past?

05/13/2012

0 Comments



Are we too focused on the past when it comes to cocktails? Was Prohibition really so exciting and thrilling that we should emulate their cocktails, or was the quality not up to par, and therefore we should move on? Albert Trummer debates this topic in *Class* magazine this month. Check out the full article here: [Class magazine](#)



Like

Ajd Gagern

EXHIBIT H

Michael Pampalone

From: Yuval Marcus [Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 5:57 PM
To: Michael Pampalone
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer
Follow Up Flag: Follow up
Flag Status: Red

Michael:

Your insinuations that I am participating in some kind of fraud to avoid having Mr. Trummer sit for a deposition tomorrow is offensive and unprofessional. I confirmed with Mr. Trummer on Friday that he would come to my office this afternoon for prep and tomorrow for his deposition. I was as surprised as you are to learn of recent events.

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The only question at issue now is whether you will agree to adjourn tomorrow's deposition to another date that is within the time period specified by the Board.

We do not like the current circumstances any more than you do. If you are amenable to taking his deposition on another date, which is our preference, please advise immediately. If not, we will be forced to contact the Board regarding this issue forthwith.

We look forward to your prompt response.

Yuval H. Marcus
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From: Michael Pampalone [mailto:MPampalone@Colucci-Umans.com]
Sent: Monday, May 21, 2012 4:56 PM
To: Yuval Marcus
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Yuval –

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Also, we are puzzled by your claim on the one hand that "despite [y]our best efforts, [you] have not been able to speak with Mr. Trummer" and your simultaneous representation on the other hand that you will produce him for deposition tomorrow at his abode. Despite your own admission that you have not spoken to Mr. Trummer, you then go on to offer Thursday or Friday of this week at your offices as further alternatives. How do you know his schedule or willingness to appear under any of these scenarios if you have not spoken to him?

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Did Mr. Trummer cancel the presentations that he was apparently scheduled to make in Germany today and tomorrow?

Is Mr. Trummer currently in the country?

We look forward to receiving your prompt reply.

Very truly yours,

Michael Pampalone
COLUCCI & UMANS

From: Yuval Marcus [mailto:Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 1:14 PM
To: Michael Pampalone
Cc: Cameron Reuber

5/22/2012

Subject: Albert Trummer

Michael,

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Despite our best efforts, we have not been able to speak with Mr. Trummer.

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Please let us know how you would like to proceed.

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EXHIBIT I

Michael Pampalone

From: Michael Pampalone
Sent: Tuesday, May 22, 2012 10:08 AM
To: 'Yuval Marcus'
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer
Attachments: 3.15.2012 BLOG ENTRIES.pdf

Yuval:

We will consider agreeing to adjourn Mr. Trummer's deposition provided we receive the answers to the questions we raised in our response to you yesterday afternoon, as follows:

Mr. Trummer posted on his blog that he would be giving presentations yesterday (May 21st) and today (May 22nd) at the Barzone Trade Show in Cologne, Germany. See copies attached.

When did Mr. Trummer sustain his injury and what hospital was he treated at?

Did Mr. Trummer go to Cologne, Germany for the Trade Show and deliver his presentations or did he cancel?

Is Mr. Trummer currently in the United States? We note you tried calling him, but got no answer? Is he not able to take any calls?

Is he well enough to give a deposition on the days you suggest?

If we do not receive responses to the above questions by noon today, we will respond to your motion for a protective order.

Very truly yours,

Michael Pampalone

Colucci & Umans

218 East 50th Street | New York, New York 10022-7681

Tel. No.: (212) 935-5700 | Fax: (212) 935-5728

Email: mpampalone@colucci-umans.com | www.colucci-umans.com

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From: Yuval Marcus [mailto:Marcus@leasonellis.com]
Sent: Monday, May 21, 2012 9:14 PM
To: Michael Pampalone
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Michael:

Attached is a copy of the motion for a Protective Order that was just filed.

5/24/2012

Yuval H. Marcus
LEASON ELLIS
Intellectual Property Attorneys
One Barker Avenue, Fifth Floor
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Yuval H. Marcus

5/24/2012

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From: Michael Pampalone [mailto:MPampalone@Colucci-Umans.com]
Sent: Monday, May 21, 2012 4:56 PM
To: Yuval Marcus
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

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Is Mr. Trummer currently in the country?

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5/24/2012

Very truly yours,

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COLUCCI & UMANS

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Sent: Monday, May 21, 2012 1:14 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: Albert Trummer

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Thank you,

Yuval

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5/24/2012

EXHIBIT J

Michael Pampalone

From: Yuval Marcus [Marcus@leasonellis.com]
Sent: Tuesday, May 22, 2012 12:03 PM
To: Michael Pampalone
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Michael:

I still have not spoken with Mr. Trummer but have received the following information from someone who knows him and is familiar with the injury he sustained:

Mr. Trummer was treated at Mount Sinai hospital in Miami, Florida. He went to the emergency room at 6:30 pm, per the authentic emergency room document that was sent you. That is in fact Albert's head in the photo and you can see the stitches. He can show his scar when he appears for his deposition. He also will bring a letter from his New York City doctor who is located in the Upper East Side, where his appointment is scheduled for Wednesday.

According to this person, Mr. Trummer is well enough for his deposition to be taken Thursday or Friday this week.

This is all I have right now.

Let me know if this is sufficient so that we can avoid further Board involvement.

Yuval H. Marcus
LEASON ELLIS,
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From: Michael Pampalone [mailto:MPampalone@Colucci-Umans.com]
Sent: Tuesday, May 22, 2012 10:08 AM
To: Yuval Marcus
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Yuval:

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5/22/2012

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From: Yuval Marcus [<mailto:Marcus@leasonellis.com>]

Sent: Monday, May 21, 2012 9:14 PM

To: Michael Pampalone

Cc: Cameron Reuber; Frank Colucci

Subject: RE: Albert Trummer

Michael:

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Yuval H. Marcus

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From: Yuval Marcus
Sent: Monday, May 21, 2012 5:57 PM
To: 'Michael Pampalone'
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Michael:

Your insinuations that I am participating in some kind of fraud to avoid having Mr. Trummer sit for a deposition tomorrow is offensive and unprofessional. I confirmed with Mr. Trummer on Friday that he would come to my office this afternoon for prep and tomorrow for his deposition. I was as surprised as you are to learn of recent events.

I have promptly communicated all of the information that I have to you and did so in good faith after trying to reach my client this morning. I was advised in the same communication in which I received the photographs that I sent to you that Mr. Trummer was told to rest in bed until Wednesday and that he would be available on Thursday or Friday this week for his deposition. The reason I offered for you to take Mr. Trummer's deposition at his home is because, had I been able to reach Mr. Trummer, I would have demanded that he make himself available in that manner given the history between the parties.

Despite my best efforts throughout the day today to reach Mr. Trummer, I have been unable to reach him. I have no further information at this time regarding his whereabouts or condition, including the answers to your questions. If you want to ask him these questions at his deposition, please do so. In the meantime, I would very much appreciate it if you would avoid "shooting the messenger" as it is not productive.

The only question at issue now is whether you will agree to adjourn tomorrow's deposition to another date that is within the time period specified by the Board.

We do not like the current circumstances any more than you do. If you are amenable to taking his deposition on another date, which is our preference, please advise immediately. If not, we will be forced to contact the Board regarding this issue forthwith.

We look forward to your prompt response.

Yuval H. Marcus
LEASON ELLIS,
Intellectual Property Attorneys
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From: Michael Pampalone [<mailto:MPampalone@Colucci-Umans.com>]
Sent: Monday, May 21, 2012 4:56 PM
To: Yuval Marcus
Cc: Cameron Reuber; Frank Colucci
Subject: RE: Albert Trummer

Yuval –

Given the tortured history to date of attempting to schedule Mr. Trummer's deposition, we were quite disturbed to learn from you this afternoon that Mr. Trummer is unavailable for his deposition, which was agreed to take place at your offices in White Plains over three weeks ago.

The "documents" you sent us raise far more questions than they answer, including the purported medical record that you forwarded to us (which is a corrupted pdf file). The identity and location of the hospital Mr. Trummer was allegedly treated at is not listed on the document nor is there any description of the type and severity of Mr. Trummer's injury. Most significantly, we see no reference to any "bed rest" or any other restrictions on Mr. Trummer, which you represented was the basis for the relocation of tomorrow's deposition to Mr. Trummer's boudoir to accommodate his supposed convalescence. While we appreciate the photograph, it is undated and merely depicts stitches in an unidentified scalp.

Also, we are puzzled by your claim on the one hand that "despite [y]our best efforts, [you] have not been able to speak with Mr. Trummer" and your simultaneous representation on the other hand that you will produce him for deposition tomorrow at his abode. Despite your own admission that you have not spoken to Mr. Trummer, you then go on to offer Thursday or Friday of this week at your offices as further alternatives. How do you know his schedule or willingness to appear under any of these scenarios if you have not spoken to him?

These claims are all the more suspicious given that on May 13th Mr. Trummer posted on his blog that he would be giving presentations today and tomorrow at the Barzone Trade Show in Cologne, Germany. Attached are copies of the blog. It also appears that this blog post has now been conveniently removed (or Mr. Trummer was unable to attend his presentation because he was ordered to stay on bed rest).

Where did Mr. Trummer sustain his claimed injury and what hospital was he treated at?

When you offered May 22nd as an available date for Mr. Trummer's deposition were you aware that he was scheduled to be giving a presentation in Germany on that date?

Did Mr. Trummer cancel the presentations that he was apparently scheduled to make in Germany today and tomorrow?

Is Mr. Trummer currently in the country?

We look forward to receiving your prompt reply.

Very truly yours,

Michael Pampalone
COLUCCI & UMANS

From: Yuval Marcus [<mailto:Marcus@leasonellis.com>]
Sent: Monday, May 21, 2012 1:14 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: Albert Trummer

Michael,

5/22/2012

Attached are the photograph and emergency room report I received over the weekend. We have been advised that the doctor prescribed bed rest until Wednesday.

Despite our best efforts, we have not been able to speak with Mr. Trummer.

As discussed, we, as counsel, are amenable to making Mr. Trummer available tomorrow at his home; or to adjourn the deposition to Thursday or Friday this week at our office, both dates which are within the time frame of the Board's Order.

Please let us know how you would like to proceed.

Thank you,

Yuval

Yuval H. Marcus
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EXHIBIT K

Internet Explorer | www.facebook.com | Michael F... Home

facebook | Search | Create a Page

Timeline | Home | New | Highlights

Recent Facebook posts:

- Facebook** (179,425 likes)
 - Überfall um 14 Uhr im Bronx, Arvid: Jagen De bei mir... Martin YSOP Martin Cook Fresh
 - WELCOME TO THE WORLD OF JAMESON... Jameson Irish Whiskey
- Facebook** (179,425 likes)
 - Thursday, 22 May 2014 at 07:41**
 - Um 14 Uhr ein weiterer Highlight der Trend Area: Albert Thurner präsentiert das Beste von der Apotheke Bar in New York
 - At 14: 00 another highlight the Trend area: Albert Thurner presents the best of the pharmacy bar in New York, City
- Facebook** (179,425 likes)
 - Jenny Harvick, die 1000 Kilometer America Enters auf der Straße... #TMC

Facebook.com/.../search/?q=Germany%20and%20USA&fbclid=...

Windows Taskbar: Internet Explorer, Firefox, Google Chrome, Downloads, Network

System Tray: 14 Chat (Offline), 11:27 AM

Internet Explorer | www.facebook.com | Michael F... Home

facebook | Search | Create a Page

Timeline | Home | New | Highlights

Recent Facebook posts:

- Facebook** (179,425 likes)
 - By 14:00 is another highlight of the Trend Area: Albert Thurner presents the best of the Pharmacy Bar in New York
 - At 14: 00 another highlight the Trend area: Albert Thurner presents the best of the pharmacy bar in New York

Facebook.com/.../search/?q=Germany%20and%20USA&fbclid=...

Windows Taskbar: Internet Explorer, Firefox, Google Chrome, Downloads, Network

System Tray: 14 Chat (Offline), 11:28 AM

Facebook interface showing a post from "Brockton Hamburg" (14:00) and a video post from "Brockton" (14:00). The video post includes a timestamp "Sunday, 22 May 2016 at 07:16" and text: "14:00 Uhr best of experience bar part 2: 'Thema heute: 'Wochen wasch bar' - wo? trend stages nicht vergessen! 2:00 Uhr best of experience bar part 2: 'Wochen wasch bar' today Thema: 'Where? trend stages do not miss!' - wo? trend stages".

Below the video post, there is a text post from "Brockton" (14:00) with the text: "nachdem ich das neue Hashtagsystem für die Gastronomie auf dem Podium (in Kombination aller Funktionen einer Hashtagebuch-Karte) mit einem völlig neuen Layout und ein...".

On the right side, there is a post from "Brockton Hamburg" (14:00) with the text: "BROCKTON ist die nächste Atemschau zu DINGY DRINK - ein alkoholfreies, 4 in 1 Getränk mit Honigsüße, aromatisierten Süßholzwurzel, Erdbeere und weißer Pfeffer. Jetzt ist es sich hervorragen! Außerdem für erotische Cocktails - BROCKTON wird automatisch verschaltet. Stand 05:02".

The browser address bar shows "www.facebook.com/...". The taskbar at the bottom includes "Start", "Virus-Check (McAfee)", "Kleine Google-Ü...", "Brockton Hamburg", "Brockton Hamburg", and "14:00 Uhr".

Facebook interface showing a post from "Brockton" (14:00) with the text: "14:00 Uhr best of experience bar part 2: 'Thema heute: 'Wochen wasch bar' - wo? trend stages nicht vergessen! 2:00 Uhr best of experience bar part 2: 'Wochen wasch bar' today Thema: 'Where? trend stages do not miss!' - wo? trend stages".

The browser address bar shows "www.facebook.com/...". A translation notice is visible: "This page has been translated from German to English".

On the right side, there are five "Sponsored hidden story" ads with the text: "To help us show you a better sponsored story, we've hidden this story.".

The browser address bar at the bottom includes "Start", "Virus-Check (McAfee)", "14:00 Uhr best of ex...", "Brockton Hamburg", "Brockton Hamburg", and "14:00 Uhr".

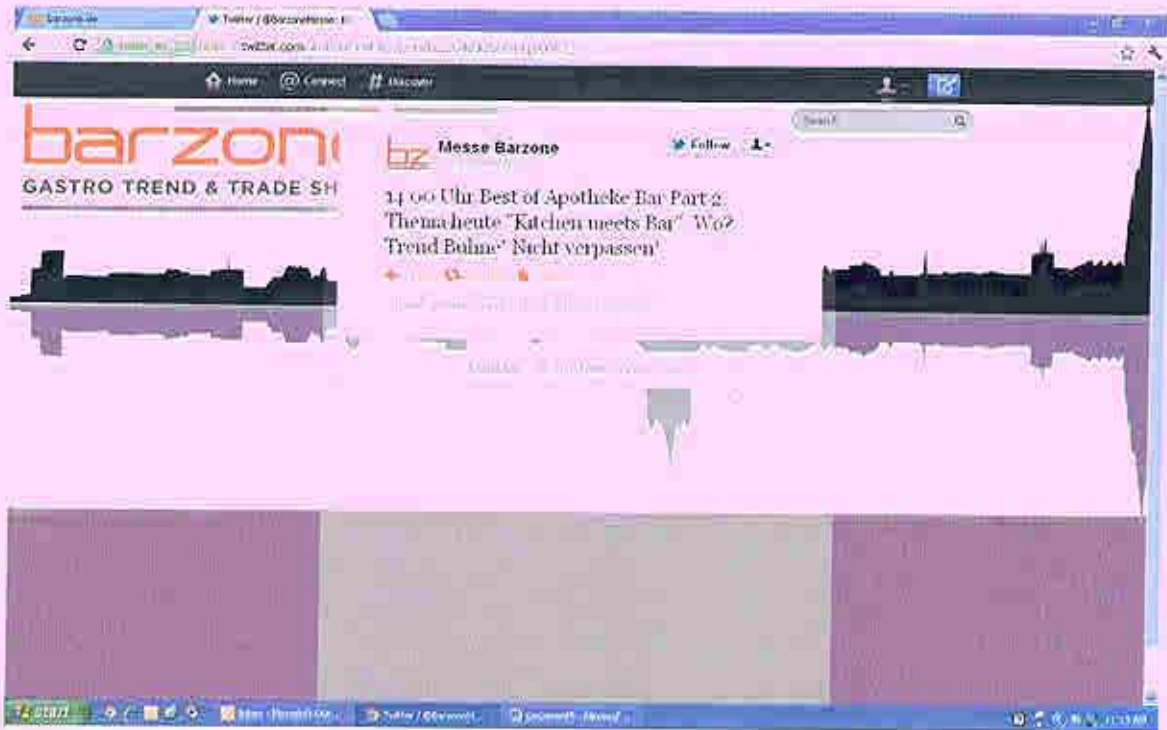


EXHIBIT L

Michael Pampalone

From: Yuval Marcus [Marcus@leasonellis.com]
Sent: Thursday, May 24, 2012 12:04 PM
To: Michael Pampalone
Cc: Cameron Reuber
Subject: Trummer Bar Opposition

Dear Michael:

We have now heard from Mr. Trummer and he has agreed to meet with us at our office later today. We have been advised that his doctor cleared him yesterday to testify at his deposition. He has confirmed his availability tomorrow, May 25 (starting at 10 am); Wednesday, May 30 (starting at 10 am); and Thursday, May 31 (starting at 12) for his deposition and is willing to appear at your offices.

Please advise immediately if you will agree to take his deposition on one of these dates.

Thank you,

Yuval

Yuval H. Marcus
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www.linkedin.com/in/yuvalmarcus

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Thank you.

5/24/2012

EXHIBIT M

Michael Pampalone

From: Cameron Reuber [Reuber@leasonellis.com]**Sent:** Thursday, May 24, 2012 6:17 PM**To:** Michael Pampalone**Cc:** Yuval Marcus; Cameron Reuber**Subject:** RE: Trummer Bar Opposition

Dear Mr. Pampalone:

We have just met with Mr. Trummer and wanted to advise you of the new information we just received regarding this matter. Mr. Trummer has advised us as follows.

On Friday, May 18, 2012, Mr. Trummer received a head injury requiring several stitches in Miami, FL and was treated at a hospital immediately thereafter. On Saturday, May 19th, we received an email from Mr. Trummer's assistant that (i) forwarded the emergency room report (that we previously supplied to you) as well as (ii) a note indicating that the ER doctor ordered Albert to rest and sleep elevated for a minimum of 3-4 days, (iii) further advising that Mr. Trummer will see a doctor for a follow up appointment on Wednesday, May 23rd; the email further (iv) requested, under the circumstances, that the deposition scheduled for Tuesday be pushed back until Thursday, May 24th or Friday, May 25th. Mr. Trummer further confirmed today that, prior to his head injury, he had planned to return to New York for his preparation with us on Monday, May 21st and deposition on Tuesday, May 22nd. On Sunday, May 20th, believing that the deposition was postponed per his request, Mr. Trummer travelled to Cologne, Germany to attend Barzone 2012 as indicated by the blog entry you previously forwarded. Mr. Trummer advises that he originally had been scheduled to appear via video conference presentation at Barzone 2012 (in part because of the deposition in New York) and did not decide to appear in-person until Sunday morning. Mr. Trummer further advises that such video conference appearances and demonstrations are a common occurrence for him when he cannot appear in person. Mr. Trummer did not return to New York until last night, which was the first opportunity we had to speak with him as his mobile phone does not work overseas. We have no further information to report.

Per our prior correspondence, we would like to proceed with Mr. Trummer's deposition next week. We have twice advised you of available dates, but have not received a response. Please advise if Opposer intends to take Mr. Trummer's deposition at some point before June or is refusing to take the deposition based on Mr. Trummer's unavailability on Tuesday, May 22nd. We assume it will be the latter, but would prefer confirmation. If we do not hear from you in a timely manner, we will advise the Board of the above accordingly.

Thank you,

Cameron S. Reuber

LEASON ELLIS,

T.914.821.3075

From: Yuval Marcus**Sent:** Thursday, May 24, 2012 12:04 PM**To:** 'Michael Pampalone'**Cc:** Cameron Reuber

5/24/2012

Subject: Trummer Bar Opposition

Dear Michael:

We have now heard from Mr. Trummer and he has agreed to meet with us at our office later today. We have been advised that his doctor cleared him yesterday to testify at his deposition. He has confirmed his availability tomorrow, May 25 (starting at 10 am); Wednesday, May 30 (starting at 10 am); and Thursday, May 31 (starting at 12) for his deposition and is willing to appear at your offices.

Please advise immediately if you will agree to take his deposition on one of these dates.

Thank you,

Yuval

Yuval H. Marcus
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