

Exhibit B

Adam Balick

From: Smith, Linda [LSmith@OMM.com]
Sent: Monday, December 22, 2008 6:25 AM
To: Adam Balick
Subject: Fw: Deposition Dates for Dan Allen

From: Smith, Linda
To: Thomas R. Jackson ; mmann ; William Barry ; Floyd, Daniel S. ; Rod J. Stone ; Cottrell, Frederick ; Fineman, Steven ; Lisa Magids ; Steve Fimmel
Sent: Fri Dec 19 19:09:57 2008
Subject: RE: Deposition Dates for Dan Allen

**Tom, the order says no such thing.
AMD and Class subpoenaed the deposition.
You unilaterally set these dates. AMD and Class never agreed to those dates and indeed told you no, for a variety of very good and sufficient reasons.
You cannot insist on the subpoenaing parties taking a deposition on a date they can not take it and never asked for.**

We are happy to work cooperatively with you on all of this and indeed have already accepted the entirety of your proposed dates for Luecke, Dell, Neeld, Clarke and Rollins (if Intel can work out Roehm's schedule.) We just said yes to everything you proffered for those five Dell witnesses. But this cooperation has to be a two way street.

Scheduling mutually agreeable dates for a deposition that everyone agrees will take place should be something we can work out without the Court's intervention.

That said, since you refuse to proffer any other dates for Mr. Allen and insist on a deposition on dates none of the parties ever offered, I suggest that we take this to Judge Poppiti. Since I am leaving at 4:30 Saturday morning and will not have cell phone access, please advise me by email if we all have to resort to this or whether we can agree on alternate dates for Allen.

**Linda J. Smith
O'Melveny & Myers
1999 Avenue of the Stars
Los Angeles, CA 90067
Direct 310-246-6801
Fax 310-246-6779**

From: Thomas R. Jackson [mailto:trjackson@JonesDay.com]
Sent: Friday, December 19, 2008 6:44 PM
To: Smith, Linda; mmann; William Barry; Floyd, Daniel S.; Rod J. Stone; Cottrell, Frederick; Fineman, Steven; Lisa Magids; Steve Fimmel

12/22/2008

Subject: Re: Deposition Dates for Dan Allen

I appreciate the tone of your response. Mr. Allen is available on the 29th and 30th. As instructed by the Court, we have done our very best to get all of these scheduled and I believe you said any time and in any order. So, please stop complaining and send someone to take the deposition.

This email message, sent from my wireless device, contains privileged and confidential information. If you are not the intended recipient of this message, please notify the sender and then delete it.

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

From: "Smith, Linda" [LSmith@OMM.com]

Sent: 12/19/2008 04:59 PM PST

To: Thomas Jackson; "mmann" <mmann@rkollp.com>; "William Barry" <WBarry@rkollp.com>; "Floyd, Daniel S." <DFloyd@gibsondunn.com>; "Rod J. Stone" <RStone@gibsondunn.com>; "Cottrell, Frederick" <Cottrell@RLF.com>; "Fineman, Steven" <Fineman@RLF.com>; "Lisa Magids" <lmagids@smith-robertson.com>; "Steve Fimmel" <stevef@hbsslaw.com>

Subject: RE: Deposition Dates for Dan Allen

Tom,

You, sir, are in no position to issue ultimatums regarding AMD and the Class Plaintiffs' subpoenas. You are not the subpoenaing party. You cannot just pick dates unilaterally for part of one Dell witness in the middle of the holidays and impose them on the parties. The subpoena for Mr. Allen called for his deposition to start on December 8. AMD was fully prepared to proceed on that date and has repeatedly for the last six months and on the record at hearings before the Special Master said we were prepared to be (1) flexible and cooperative in scheduling the allotted time for each witness and (2) flexible in taking the Dell witnesses in whatever sequence you proffered them. That has always been part of our commitment and continues to be so.

In order to obtain the depositions of the six Dell witnesses which you promised us in early August, we have now had to go to two Federal District Courts and three judges-- the MDL Special Master, the MDL Court and the W. D. Texas Court. We have filed endless briefs, participated in at least half a dozen hearings and had numerous orders issued, each one establishing the MDL Court's jurisdiction over third party depositions generally and the Dell witnesses' depositions specifically. Today MDL Court Judge Farnan overruled the Dell witnesses' objections to the duration of their depositions and adopted Special Master Poppiti's Report and Recommendation. A copy of today's order is attached.

Now that you have seemingly run out of Courts to go to in order to prevent these depositions from occurring or from providing the parties with sufficient time to ask these critical witnesses our questions, we are justly concerned that you will dribble these folks out if, as and when you want, and drag the process out as long as possible.

12/22/2008

Your ultimatum with respect to Mr. Allen confirms AMD's concerns. I am sending you for the third time (see below) my response of Tuesday. It fully expresses AMD's concerns with you lobbying in on two weeks notice in the middle of the holidays only part of one witness' Court ordered time with no mention whatsoever of either when Mr. Allen's deposition will conclude or when the rest of the Dell witnesses will be made available. AMD insisted on receiving from you before the commencement of Mr. Allen's deposition the dates for the full time allotment ordered by Judge Poppiti (and now MDL Judge Farnan) for Mr. Allen's deposition and the dates, again using the full time allotment ordered by Judge Poppiti (and now MDL Judge Farnan), for the other five depositions.

You appeared to respond to this concern on Tuesday ten minutes after I sent the message by saying: "I am working on a complete schedule and I would not worry about it if I were you."

That is exactly what we asked for and it appeared that we would finally be able to get this done. Now, for reasons, unknown you have withdrawn that position and are "ordering" us into precisely the situation we feared. With respect to our subpoenas of the six Dell witnesses, our position remains the same as it was when you agreed to it on Tuesday. Here it is again for your reference. Please read and respond to this:

I have reviewed your exchange with counsel for Class Plaintiffs and am concerned that you are overlooking the main point that Class Plaintiffs were making--the parties to this MDL need a firm schedule for the depositions of the six Dell witnesses, not a short fuse offer to dribble them out one witness at a time and then only for part of the Court ordered time allotment for that one witness.

Having wrangled and litigated with you for over six months to get deposition dates for the six Dell witnesses, I do not appreciate receiving just two weeks notice of the pair of dates you are proposing for Mr. Allen, particularly since (1) those days are smack in the middle of the holiday season, (2) the proposed dates are not sufficiently long to complete the Allen deposition in one sitting and (3) you have left us completely hanging as to when we will complete the Allen deposition or conduct the depositions of the remaining five Dell witnesses. At this point, we are entitled well in advance to a complete schedule of when all six witnesses will be made available for the time allotments that Judge Poppiti ordered. Advance scheduling should be in Dell's interests as well, given what you have characterized as the difficulty of finding open days for these busy executives.

As for Mr. Allen, I am vacationing with my family out of the country during Christmas. I will be returning on January 2nd and am prepared to start Mr. Allen's deposition on the next business day. But we insist on receiving from you before then the dates for the full time allotment ordered by Judge Poppiti for Mr. Allen's deposition and the dates, again using the full time allotment ordered by Judge Poppiti, for the other five depositions."

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From: Thomas R. Jackson [mailto:trjackson@JonesDay.com]
Sent: Friday, December 19, 2008 3:52 PM
To: Smith, Linda; mmann; William Barry; Floyd, Daniel S.; Rod J. Stone; Cottrell, Frederick; Fineman, Steven; Lisa Magids; Steve Fimmel
Subject: Re: Deposition Dates for Dan Allen

This makes no sense. I gave you dates to start Dan. I now have a third day for him, January 5. See you all on the 29th. As I said I have changed mt Christmas plans to accommodate Dan's schedule. You should do likewise. Remember you are the one that threatened to hold Dan in contempt if he didn't show up in December. As for making statements for the record, that is funny. You are the one that seems intent on that front. I wish all of you a Merry Christmas or Happy Holidays depending on your beliefs. And remind the class they owe Dell for the last round of documents.

This email message, sent from my wireless device, contains privileged and confidential information. If you are not the intended recipient of this message, please notify the sender and then delete it.

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

From: "Smith, Linda" [LSmith@OMM.com]
Sent: 12/19/2008 03:02 PM PST
To: Thomas Jackson; <mmann@rkollp.com>; "Barry, William" <WBarry@rkollp.com>; "Floyd, Daniel S." <DFloyd@gibsondunn.com>; <RStone@gibsondunn.com>; "Cottrell, Frederick" <Cottrell@RLF.com>; "Fineman, Steven" <Fineman@RLF.com>; "Lisa Magids" <lmagids@smith-robertson.com>; "Steve Fimmel" <stevef@hbsslaw.com>
Subject: Deposition Dates for Dan Allen

Tom--I am in receipt of your email, curiously only sent to me. I do not understand your about face and am forced to conclude that it is "for the record" as opposed to a serious response since it does not address either AMD's or the Class plaintiffs' valid substantive concerns about your attempted last minute scheduling during the holidays of only 13-14 hours of Dan Allen's Court ordered 22.5 hour deposition and is contrary to your response on Tuesday. Here's what transpired. Tuesday at 7:50 am, I sent you and all of the addresses above the following message:

"Tom,

I have reviewed your exchange with counsel for Class Plaintiffs and am concerned that you are overlooking the main point that Class Plaintiffs were making--the parties to this MDL need a firm schedule for the depositions of the six Dell witnesses, not a short fuse offer to dribble them out one witness at a time and then only for part of the Court ordered time allotment for that one witness.

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This was after you received the following message on Monday from the Class Plaintiffs:

"Tom-

Thank you for providing proposed dates for Mr. Allen. However, Class Plaintiffs cannot agree to the precedent of bifurcating the schedule of deponents. To fly into Austin for two days, only to return to complete the 22.5 hours of Mr. Allen's testimony at some later, unspecified date wastes enormous resources. It forces AMD, Class Plaintiffs and Intel counsel to travel twice into Austin to conduct the examination of a single witness. Furthermore, it strategically advantages our opponent with the opportunity to thoroughly review the initial two days of deposition testimony and exhibits with which to prepare its later examination. We will not agree to conducting third-party depositions on a piecemeal basis. Please provide us with continuous dates for Mr. Allen's deposition, and with a complete schedule of dates for Mssrs. Neeld, Clarke, Luecke, Rollins and Dell.

Please feel free to contact me if you wish to discuss further. "

You responded to me on Tuesday, 10 minutes after my message, and addressed the scheduling issue regarding both Dan Allen and the five other Dell witnesses:

"Thanks. I am working on a complete schedule and I would not worry about it if I were you."

That was a sensible and responsive message to the concerns raised. Your latest message eschews all of what has transpired and simply relies on that old saw (which you as a Jones Day partner know is a complete myth) that "you are a big firm, send someone else." Due to the importance of the Dell witnesses to the AMD v. Intel case (a subject we have battled over for many weeks now), I am required to be there.

Linda J. Smith

12/22/2008

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