

**EXHIBIT "C"**

**David Lerwill**

---

**From:** David Lerwill  
**Sent:** Friday, November 16, 2007 11:25 AM  
**To:** 'saraellenheath@comcast.net'  
**Cc:** Tanya Scott  
**Subject:** FW: Filings for Subproceeding 1  
**Importance:** High

**Tracking:**

Recipient	Read
'saraellenheath@comcast.net'	
Tanya Scott	Read: 11/16/2007 3:49 PM
Patricia L. Glarborg	Read: 11/16/2007 11:46 AM

Dear Ms. Heath,

Attorney Tanya Scott sent your message to me in order to assist her in getting to the bottom of our mutual problem. I performed the work of electronically filing the Entry and Notices through the CM/ECF system. I reviewed our filing and our files and discovered a group of 16 names on page 5 of our Entry for which there was not an accompanying Notice of Intent that was electronically filed with the Court. Those Notices were scanned and because of filing difficulties were accidentally left out. Also, of those 16 names, two couples had actually sent in one Notice each, but had been listed individually anyway (we spent much time beforehand trying to eliminate these kinds of discrepancies, but a few did slip through anyway). And, further, I also found one person listed on our Entry twice by mistake.

The filing difficulty that I mention above was that when I first attempted to file, our scan was over the electronic file size limit (5 meg). I tried to break these up into pieces and then re-file, but could no longer access the filing website (probably because all the other participants were filing at the same time). I tried to contact the help desk and sent emails also asking for help. That was Friday evening, October 26. I came to work the next morning early on my way out of town for another matter and decided to try quickly filing the Entry and Notices and was surprised that everything went well and quickly. Not knowing any other better way, I filed the Entry with the Notices broken into pieces; filing the Entry each time along with a different section of the Notices as an attachment. I must have left off a small portion of our Notices at that time.

As for the nine individuals not on our master list, when we filed our Subproceeding Entry, it was my understanding that we should include everyone who had returned a Notice of Intent. That may explain that problem, and I also wonder which master list you refer to below.

However, I think it would be best to speak with you over the phone in order to be completely sure we are on the same page. You might want us to file an Amended Entry or have other instructions, and we could also be sure our names match with the 15 who had no accompanying Notice. Would you be able to call me at our office at 505-346-0998? Thanks for your help in this matter.

David Lerwill

---

**From:** Ellen Heath [mailto:saraellenheath@comcast.net]  
**Sent:** Thursday, November 15, 2007 4:23 PM  
**To:** Tanya Scott  
**Subject:** Filings for Subproceeding 1

Dear Ms. Scott

In the process of preparing a report for Special Master Gabin on the *Notices of Intent to Participate* in

Subproceeding 1 on November 27, I found some aspects of your filings that may be problematic.

It seems that your *Entry of Appearance* includes notices for nine individuals who are not included on your master list. At the same time, there are 15 individuals on your list for whom there are no accompanying notices.

I hope this information is helpful to you.

Ellen Heath  
Administrative Assistant