

EXHIBIT 614

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Mar 30 2021 11:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

EXHIBIT 614

JA011896
010657

Rick Stauffer

From: Klueter, David A <david.a.klueter@lmco.com>
Sent: Friday, December 19, 2008 8:21 AM
To: Horne, Kelly A.; Krebs, John
Cc: kfrench@ftc.gov; Martwinski, Thomas J; Thirukkonda, Murali; Scott Frey; Rick Stauffer; Chanin, Noah; Blunt, Phillip S
Subject: RE: Issue With the November Process Run

Kelly --

Noah confirmed at 10:30 pm last evening that 225,576 phone numbers are back in the Registry with an "active" status. They will be included in any downloads requested today.

David

From: Klueter, David A
Sent: Thursday, December 18, 2008 2:42 PM
To: 'Horne, Kelly A.'; 'Krebs, John'
Cc: Martwinski, Thomas J; Thirukkonda, Murali; 'Scott Frey'; 'Rick Stauffer'; Chanin, Noah; Blunt, Phillip S
Subject: FW: Issue With the November Process Run

Kelly, John --

PossibleNow notified us today that the November drop file contained 225,000 phone numbers which should not have been deleted from the DNC Registry. As they indicate in their message below, they have provided us with a file containing all of the numbers. Noah is in the process of writing a program which will process this file and correct the status field in the phones table. He plans on running this process tonight so that the phone numbers would be included in any downloads initiated tomorrow.

As Rick writes below, PossibleNow is in the process of preparing an issue report which we should have by the end of the day tomorrow. We will all be available to discuss the report at your convenience.

One of my concerns is what we can do to protect the telemarketers so that they are not dinged because of our mistake. We can compare the list of phone numbers against the complaint database and identify any complaints filed within the last five weeks. That should help us understand how big of an issue we have. We'll work with you to do whatever we can to address both unhappy consumers and unhappy telemarketers.

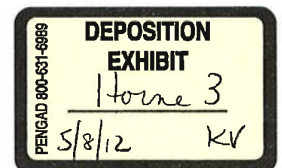
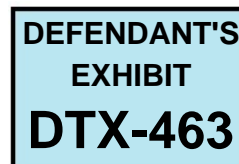
David

From: Rick Stauffer [<mailto:rstauffer@possiblenow.com>]
Sent: Thursday, December 18, 2008 12:12 PM
To: Klueter, David A
Cc: Scott Frey; Chris Hoover; Bjorn Neider
Subject: Issue With the November Process Run

Thursday, December 18, 2008

David,

Tuesday, when we completed the December process run and the monthly processing report, the report indicated a potential issue with the November drop file. Yesterday we researched the issue and uncovered the problem.



As you know, we recently acquired additional historical data extending back to 2002 to add to our disconnect/reassign database. That data was added to the database on October 20, 2008. We ran the November National DNC Registry drop file from November 5 through November 12, 2008.

Shortly after we ran the November drop process, we discovered that an error that had occurred when we introduced the 2002 data into the database. The wrong dates had been used in a portion of the data upload.

We immediately corrected the problem and did an assessment of the effect that the error would have had on the November process run on the National DNC Registry. At the time, the QA team assessed that the upload date error would have REDUCED the number of drops generated for the National list. This was not a concern at the time because we knew the next month's process would pick up any missed drops from the prior month.

Also, two factors acted to mask the issue. First, since it was the first time we had delivered an incremental file (the prior two months we had delivered full drop files), there was no prior incremental file to which to compare the size of the November drops. Second, since we had just added new historical data to the disconnect/reassign database, we did not yet know how the new data would affect the expected drop rate. Therefore, November drop rate did not raise a red flag.

When the December report indicated a potential anomaly in the November results, we went back and did further analysis. Yesterday we found that the 2002 data upload error actually worked in the opposite direction that we had initially calculated. It actually produced false positives for the November drop cycle. It is now necessary to reinsert these numbers back into the National DNC Registry as soon as possible. The insert file has been posted to the regular FTP site (filename: November_2008_Add_Back_File.zip). The total number of phone numbers affected is 225,576. The total exposure for these numbers was about five weeks.

We are developing a detailed issue report documenting the nature of the error, how and when it was discovered, what we have done to fix the error to ensure that it does not happen again. We will send you the issue report by end of day tomorrow.

We deeply regret this error. Please let us know if there is anything else we can do to assist you in fixing this error. We stand ready to join a call with the FTC to explain it if necessary.

Rick Stauffer
Chief Operating Officer



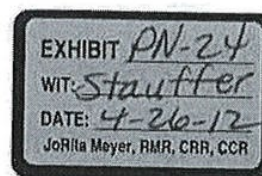
POSSIBLE

4375 River Green Parkway, Suite 200
Duluth, GA 30096

(770) 255-1020 Main
(770) 255-1088 Direct
rstauffer@possiblenow.com
www.possiblenow.com

EXHIBIT 615

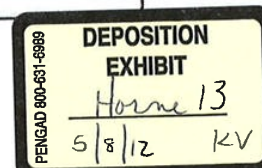
EXHIBIT 615



Lockheed Martin November 2008 Process Issue

Current Date (mm/dd/yyyy): 12/22/08		Form Name: LM Nov08 Proc Issue Report	Total Issue Time: 36 days
List Names of those involved: Chris Hoover, Derik Crouch, Bob Peterson, Jeffrey O'Sheaf, John Housley		Date & Time Issue Started to Occur: (M/d/yyyy h:mm am/pm): November 12, 2008	
Date & Time Issue became known: (M/d/yyyy h:mm am/pm): December 16, 2008		Date & Time Issue Ended/Resolved: (M/d/yyyy h:mm am/pm): December 18, 2008	
How was the issue reported: Issue was identified during the regular monthly analysis of the processing data reports on the National DNC Registry after the December 2008 processing run completed on 12/16/08. Chris Hoover reported the potential issue and began conducting research. The final cause was determined on 12/18/08.			
Chronology of the Issue: <p><u>October 20, 2008:</u> A data upload error occurred in processing a one-time update to the disconnect/reassign database to include historical records from 2002 through April 2004.</p> <p>A database load issue occurred when the data team loaded the recently acquired 2002-2004 historical data into the disconnect/reassign database. The database load involved 104 files with twenty-three different data fields, including three separate date fields. One of the key fields in the data load is the "Telco Issue Date." This is the date that positions the 411 add/delete transactions correctly in the historical sequence. During the load process, the date populated into the "Telco Issue Date" was incorrect. The date that was used in error was the "Transaction Date", which was the date we received the data load from the 411 vendor. That date was October 3, 2008.</p> <p>The effect of the data load error was that the 2002-2004 historical data was loaded into the historical database in an incorrect sequence. The error would make it appear that a person had moved into a residence with a 10/3/08 Telco Issue Date when the actual move-in date was several years earlier (between 2002 and 2004).</p> <p>The database load reported as completing successfully. Since this was a "one-time" data load process (and not the regular QA'd upload process) a process step was missed that should have caught the error at this point. A data field cross-compare should have been conducted, but was not. This was a human error. The database upload error was not detected on October 20th when it occurred.</p> <p>Once the data was loaded incorrectly, the error was extremely difficult to catch, because the incorrect records "looked" like correct records and the incorrect ones were a very small percentage of the database (approximately 1%).</p> <p><u>November 5-November 12, 2008:</u> National DNC Registry November process run.</p> <p>The November process on the National DNC Registry was initiated on November 5th and it ran until November 12th. The file was returned on November 12th.</p> <p>The output file was inspected as usual, but all drop results that were inspected appeared as normal correct drops. In a monthly scrub process, all of the new household turnovers within the drop file will occur in a narrow 30-40 day range. And, often Telcos submit their data in batches, so the fact that a disproportionate number of "household moves" appeared to occur on October 3rd was not caught.</p>			

**DEFENDANT'S
EXHIBIT
DTX-466**



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JA011900
010661

We inspected the November monthly drop report but it did not indicate an anomaly. Since the month-prior (October) National DNC Registry drop process had delivered a FULL drop file and the November process for the first time delivered an incremental drop file, there was no history of the sizes of "normal" incremental drop files with which to compare the November file. Also, with the recent integration of the 2002-2004 historical data, we were expecting a relatively large incremental file. The size of the November drop file was consistent with these expectations, so the size check did not indicate a problem.

November 17th, 2008: Database upload error identified and fixed.

The database upload error was discovered on November 17th, 2008. Processing another file generated an unexpectedly few drops so the output was investigated. The data upload error was traced and investigation on this file indicated that the data upload issue had "blocked" legitimate drops (i.e. created false negatives). The database was immediately fixed by reloading all of the data files using the correct "Telco Issue Date" date field.

In the records that the QA team inspected, they found that drops were being suppressed because adding a name to a record in 2008 that had also been there previously (say for example in 2005) would make it appear that the same person had moved back into a household, suppressing a drop that would otherwise have occurred. Because of that assessment (i.e., that the issue caused false negatives, not false positives), a decision was made that it was not necessary to re-run any files at that time. Once the database was fixed, subsequent process runs would pick up any incorrectly suppressed drops.

December 9 – December 16, 2008: National DNC Registry December process run.

When the December file was processed, it returned fewer drops than expected. This process run was found to be accurate because the database had already been fixed, but the results triggered investigation into the November process run. The December drop file was returned on December 16, 2008.

December 16 – December 18, 2008: Issue investigation

The regular monthly analysis of drop results immediately triggered a deeper investigation as to the cause for the significant drop in the size of the monthly incremental file from November to December. An issue was indicated on the November process run and we dug in to diagnose the issue and get to the root cause. That investigation took place on the night of December 16th, all day December 17th, and into the morning of December 18th.

The database had already been repaired by the time we performed the investigation, so that complicated the diagnosis. The initial research path was into a file output error. But that was not the cause.

The deeper investigation found that, in fact, the data upload error had caused BOTH false negatives and false positives. In a "first time" file run, it is likely that false negatives would be more pervasive (as they were in the file that initially pointed to the database issue). But in a regular monthly file run process (i.e., the National DNC Registry) false positives would be likely to predominate.

The effect was that the November process dropped 225,576 records that should not have been dropped. This represented 0.129% of the National DNC Registry on the day the November file was processed.

December 18, 2008: Issue Resolution

David Klueter of Lockheed Martin was notified via phone and e-mail. The file of 225,576 numbers was provided to Lockheed Martin on December 18, 2008 and the numbers were added back onto the National DNC Registry that day, on December 18, 2008.

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JA011901
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PossibleNOW Issue Report Form

Who was affected by the issue: 225,576 consumers who had placed their numbers on the National DNC Registry prior to November 12, 2008. A file of these 225,576 numbers was provided to Lockheed Martin on December 18th. Lockheed Martin reinserted the numbers on December 18th, 2008.

During the period from November 12, 2008 to December 18, 2008, these consumers may have received unwanted telemarketing calls that they should not have received. The effects will continue in decreasing frequency for 31 more days until all telemarketers have re-downloaded the re-inserted numbers.

As a secondary consequence, any telemarketer who had legally placed or places a call to one of these consumers may have been the recipient of an unwarranted complaint.

What actions/steps were taken to resolve the issue:

- The historical 2002-2004 database files were re-uploaded correctly into the disconnect/reassign database on November 17th, 2008. The historical data upload was a one-time event that is not currently scheduled to occur again.
- Phone numbers to be added back onto the National DNC Registry were generated on December 18, 2008 and provided to Lockheed Martin. Lockheed Martin re-inserted them into the National DNC Registry on December 18, 2008.
- Data upload and QA processes have been reviewed and modified to prevent a recurrence of the issue (see below).

Who are the contacts external to PossibleNOW that relate to the issue: David Klueter, Lockheed Martin

What notifications were sent, to whom were they sent, and mode of communication:

Phone call from Scott Frey to David Klueter, December 18, 2008

E-mail from Rick Stauffer to David Klueter, December 18, 2008

Issue Report from Rick Stauffer to David Klueter, December 19, 2008

Actions for Prevention of Issue:

Two primary errors contributed to this issue. Actions have been taken to address both errors.

- 1) Because the database upload was a one-time process, not part of a recurring process, the normal procedures were not followed and a critical step was missed -- the cross-compare of data in the database to the original files to QA the success AND accuracy of the data upload.

The staff has reviewed this issue report and is committed to following complete process steps and QA procedures for all future data loads.

- 2) When the database upload issue was discovered on November 17th, testing for the impact of the error was not sufficiently rigorous or thorough. Executive review was not initiated when it should have been.

We have reviewed bug/issue response processes with the QA and development teams. It is imperative that issues are reviewed at the appropriate level for the correct decisions to be made. In the future, the impact assessment of a bug or issue will trigger the appropriate level of executive review.

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JA011902
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PossibleNOW Issue Report Form

Sign-off Signatures	
Scott Frey: <u>Sty</u> CEO	
Rick Stauffer: <u>Rick Stauffer</u> COO	
Chris Hoover: <u>Chris Hoover</u> CTO	

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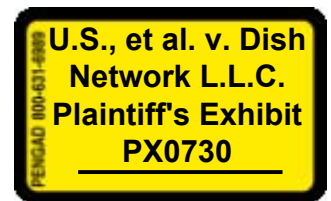
JA011903
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EXHIBIT 616

EXHIBIT 616

Sales Partner Review

2009



HIGHLY CONFIDENTIAL

PX0730-001

Produced Over Defendant's Privilege Designation Consistent With Court Order

JA011905
DISH9-0012646

1

TX 102-011167

Problems with the Channel

- DNS unhappy with our Sales Partner's impact on completion percentage through poor sales/marketing practices
- CSC unhappy with our Sales Partner's impact on call volume for escalated complaints
 - Processing Fees
 - Gift with Purchase
 - Disclosure related complaints
- Compliance/Legal unhappy with Legal Issues as a result of illegal/shady marketing practices
- Enterprise unhappy with churn
- Retailers unhappy with the Business Opportunity

Consistency

Voice of the Customer

Partners in the Channel

■ 76 Partners Selling through the OE Tool

- All utilizing the same marketing methods pushing the COA higher.
- Competition in marketing mediums was fierce
- Driving partners to “become creative” with their marketing tactics and seek cheaper acquisition methods
 - Shot-clock Marketing
 - Internet Lead Gen
 - Voice Broadcasting
- Fraud and customer dissatisfaction was high as partners were cutting corners and looking for the “cheap” acquisition
- No controls or processes were put in place by our partners to reduce risk and close openings for fraud

Consistency

Voice of the Customer

April Snapshot

- # of Red Retailers – 7
- # of Orange Retailers – 11
- # of Yellow Retailers - 12
- White Retailers - 2
- Green Retailers - 2
- QA Discussions begin internally

Consistency

Voice of the Customer

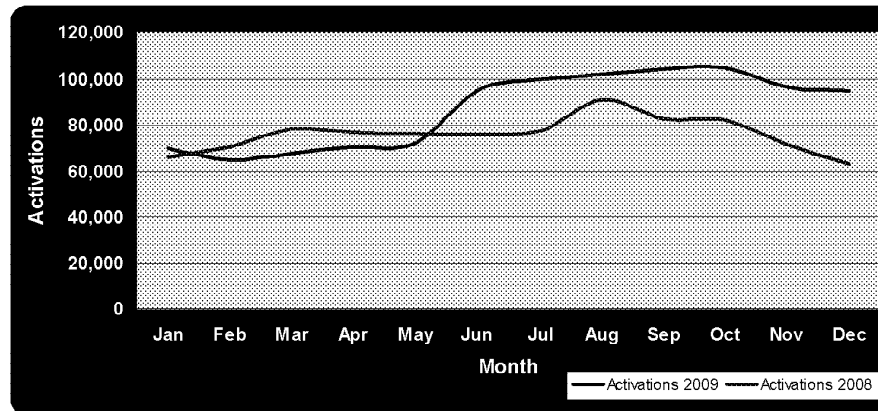
Key Sales Partner Terminations

RSI	28,043
Vision Satellite	
Pacific Concepts Group	
LA Activations	
Powerline	
RPM Technologies	12,414
I Satellite	8,370
WIPLLC	7,401
Allegro	2,663
DIRECT PROMOTIONS	1,738
Grand Total	60,629

Consistency

Voice of the Customer

Volume



Consistency

Voice of the Customer

Fraud

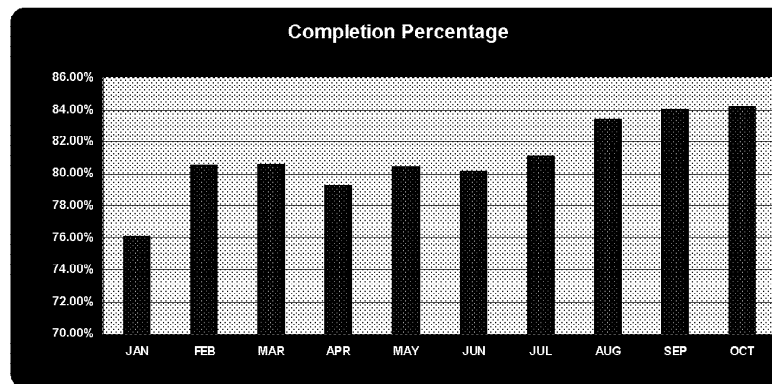
	2008		
	Total	Total Act	% Act
OE	11,630	977,187	1.2
Distributor	6,492	137,584	4.7
TVRO	7,799	184,111	4.2
Telco	4,872	660,793	0.7
Total	30,793	1,959,675	1.6

	2009		
	Total	Total Act	% Act
OE	2,555	386,326	0.7
Distributor	2,358	69,652	3.4
TVRO	1,285	30,260	5.2
Telco	450	112,264	0.4
Total	6,648	598,502	1.1

Consistency

Voice of the Customer

Completion Rates / Forecasting



Consistency

Voice of the Customer

Q/A

- Launched Program 8/1/09
- List of 48 Questions (8 Sections)
 - Right Size
 - Accurate/Complete
 - Expectations – All Promotions
 - Expectations – DHA 24
 - Expectations – DHA
 - Expectations – DHA Too
 - Expectations – Flex
 - Retail Only

Consistency

Voice of the Customer

Q/A

■ Scoring 1st 4 Weeks

Weighted Trending	8/7	8/14	8/21	8/28
Enterprise	52	74	83	83
Direct Sales	55	82	86	89
OE Partner	52	66	71	73

■ Scoring last 4 weeks

Weighted Trending	11/6	11/13	11/20	11/27
Enterprise	88	89	90	91
Direct Sales	88	89	90	91
OE Partner	89	89	91	90

Consistency

Voice of the Customer

Sales Partner QA Scoring

Right Size	10/9	10/16	10/23	10/30	11/6	11/13	11/20	11/27
Right Size Cumulative	88	89	91	91	92	91	94	93
Accurate/Complete Cumulative	61	68	75	76	79	80	83	83
Subtotal Expectations: All Promotions	86	86	89	89	90	88	90	89
Subtotal Expectations: DHA 24	82	88	91	89	91	92	94	93
Subtotal Expectations: DHA	67	100	100	95	92	85	95	92
Subtotal Expectations: DHA Too	82	87	83	88	75	89	90	89
Subtotal Expectations: Flex TV	84	100	100	96	100	76	100	100
Subtotal Retail Only	53	75	77	86	85	92	95	99
Total OE Partner Scoring	80	84	87	87	89	89	91	90

Consistency

Voice of the Customer

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PX0730-011

Produced Over Defendant's Privilege Designation Consistent With Court Order

JA011915 11
DISH9-0012656

TX 102-011177

December Snapshot

- # of Red Retailers – 0
- # of Orange Retailers – 4
- # of Yellow Retailers - 7
- White Retailers - 11
- Green Retailers - 11

Consistency

Voice of the Customer

Evolution of the Channel

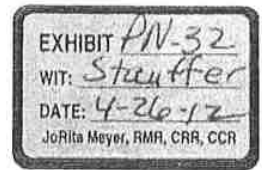
- **January 2009**
 - 76 Partners Selling Through the Tool
 - High Churn
 - High Fraud Rate
 - 71k Average Monthly Channel Activations
 - Low Completion Rates – 75%
 - Zero Quality Monitoring
- **December 2009**
 - 32 Retailers
 - Lower Churn
 - Fraud – Non-Issue
 - 100k Monthly Channel Activations
 - High Completion Rates - 85%
 - Channel QA Scores above 90%

Consistency

Voice of the Customer

EXHIBIT 617

EXHIBIT 617



Analysis Of The Phone Numbers On The National Do Not Call Registry

Prepared for:

Lockheed Martin and the Federal Trade Commission

Prepared by:

PossibleNOW, Inc.
4375 River Green Parkway
Suite 200
Duluth, GA 30096

DEFENDANT'S
EXHIBIT
DTX-486

EXH. NO. 21 FOR ID
DATE 6-13-12
WITNESS S. G. W.
PATRICIA L. HUBBARD
CSR NO. 3400

March 31, 2009

PossibleNOW

CONFIDENTIAL INFORMATION

Confidential - US v. Dish001179
Page 1

JA011919
010680

Analysis Of The Phone Numbers On The National DNC Registry

Background

The National DNC Registry has recently grown to include more than 175 million phone numbers. The FTC is interested in understanding more about the makeup of the Registry in terms of the types of phone numbers that have been entered onto the Registry.

PossibleNOW maintains a current copy of the National DNC Registry and it also maintains a number of databases that can be used to analyze the makeup of the Registry.

This report presents the results of the analysis.

Data Sources

In addition to the National DNC Registry, PossibleNOW used three data sources in this analysis:

1. A version of the National Directory Assistance database
2. The Direct Marketing Association's Wireless Block Identifier
3. The NeuStar Intermodal Ported Telephone Number Lists

National Directory Assistance (NDA) Database –

PossibleNOW licenses a copy of the National Directory Assistance database from the leading provider of National 411 information services in the US. The provider reports that it receives 99.97% of the published landline listings in the US directly from the local phone companies that provide those numbers to consumers and that it fills in the remaining geographical gaps with compiled listing data. Although VOIP (Voice Over IP) phone number providers are not required to make their numbers available to directory assistance, PossibleNOW's data provider reports that it has obtained about 75% of such numbers and includes them in the NDA database licensed to PossibleNOW. Cell phone numbers (wireless numbers) are not available through directory assistance.

PossibleNOW's current active version of the National Directory Assistance database contains:

- published active residential landline phone numbers
- published active business landline phone numbers
- approximately 75% of the existing VOIP phone numbers

PossibleNOW's current active version of the National Directory Assistance database does NOT contain:

- non-published (i.e., unlisted) but active residential and business landline phone numbers
- business direct extension phone numbers (DIDs – Direct Inward Dial numbers)
- 25% of the existing VOIP phone numbers (Note: The data provider is continuously increasing the percentage of VOIP numbers within the database)
- currently unassigned (i.e., deactivated) phone numbers (although PossibleNOW does have these in its historical NDA database, these numbers are not in the active NDA database)
- wireless phone numbers
- government phone numbers

PossibleNOW receives daily updates for the National Directory Assistance database.

Direct Marketing Association's Wireless Block Identifier List –

PossibleNOW licenses the Wireless Block Identifier List from the Direct Marketing Association. This list identifies the seven-digit blocks of numbers (including the area code and 4-digit local exchange numbers) that have been set aside for use as wireless numbers. The list currently contains 531,006 such blocks. A phone number is assumed to be a wireless number if the relevant seven digits of the phone number match one of the blocks on the Wireless Block Identifier List (and the number has not subsequently been ported to a landline – see the NeuStar list below).

PossibleNOW receives updates to the Wireless Block Identifier List monthly.

NeuStar Intermodal Ported Telephone Number Lists –

In 2004 phone companies began allowing consumers to “port” a phone number between landline and wireless use. Consumers became able to have their landline phone number become their wireless phone number or vice versa. The FCC selected NeuStar to manage the list of numbers that had been ported each way. PossibleNOW licenses the NeuStar Intermodal Ported Telephone Number Lists. On March 23, there were 2,523,940 phone numbers on the landline to wireless port list and 369,741 phone numbers on the wireless to landline port list.

PossibleNOW downloads the current versions of the NeuStar lists daily.

Data Analysis

The National Directory Assistance (NDA) Database –

PossibleNOW analyzed the numbers in its National Directory Assistance database as of March 23, 2009:

Total Active Phone Numbers in the database	108,987,384
Active Residential phone numbers	95,599,161
Active Business phone numbers	13,377,608
Not classified	10,615
 Total Active Residential Phone Numbers	 95,599,161
<u>Minus Residential numbers listed more than once¹</u>	<u>(17,874,964)</u>
Equals – Unique Active Residential Phone Numbers	77,724,197

¹ Phone numbers may be listed in the NDA more than once if more than one party at an address is listed with the same phone number

Total Active Business Phone Numbers	13,377,608
<u>Minus Business numbers listed more than once²</u>	<u>(1,924,864)</u>
Equals – Unique Active Business Phone Numbers	11,452,744

² Phone numbers may be listed in the NDA more than once if more than one party at an address is listed with the same phone number

National DNC Registry –

PossibleNOW analyzed the phone numbers on the National DNC Registry as of March 23, 2009:

Total Phone Numbers on the Registry	175,443,652
 Total Wireless Numbers on the Registry	 86,754,720
Numbers matching the DMA Wireless Block List	85,595,311
Numbers matching the NeuStar Ported Number List	1,159,409
 Numbers Matching Residential Numbers on the NDA	 46,093,832
Numbers Matching Business Numbers on the NDA	3,780,488
 Numbers Not Matching Landline\Wireless Databases ³	 38,814,612

³ Note: This number consists of non-published landline phone numbers, VOIP numbers, business DID numbers, and inactive phone numbers. See below for an estimate of the breakdown of these categories

Analysis Based on Internal Databases:

- 49.45% of the numbers on the National DNC Registry are wireless numbers (86.7 m/175.4m)
- 50.55% of the numbers on the National DNC Registry are landline numbers (88.7m/175.4m)
- 2.15% of the numbers on the National DNC Registry are currently published business landline numbers
 - many more are believed to be unpublished business DID numbers – *see below for an estimate*
- 59.3% of the active residential landlines currently listed in the NDA are on the National DNC Registry (46.1m/77.7m)
- 33.0% of the active business landlines currently listed in the NDA are on the National DNC Registry (3.8m/11.5m)
- 45.9% of the NeuStar wireless numbers (i.e., those ported from landlines to wireless numbers) are on the National DNC Registry (1.16m/2.52m)

Further Analysis Based On Information From Other Sources:

PossibleNOW has researched additional outside data sources to attempt to shed light on the distribution of the numbers on the National DNC Registry that did not match any of its internal phone number databases. The following information is pertinent to this analysis.

Estimate of Non-Published Residential Landlines:

Phone Status for US Households:

Total Households	105,481,000
Landline and Wireless	62,022,000
Landline only	22,995,000
Wireless only (no landline)	16,666,000
No Phone	2,321,000
Unknown	1,477,000

Source: Early release of Estimates from National Health Interview Study

This data indicates that there are 85,017,000 households in the US with a landline. PossibleNOW's NDA database contains 77,724,197 unique residential landlines. An unknown number of households have more than one phone number. The remaining households are believed to have non-published (i.e., unlisted) phone numbers.

PossibleNOW's data provider has independently estimated the number of non-published residential landline phone numbers to be approximately 13.5 million. This estimate is consistent with the data above. (i.e., If there were 66 million households with 1 published phone number and 6 million households with 2 published phone numbers, that would equal about 78 million published numbers within 72 million households, leaving approximately 13 million households with non-published phone numbers).

Conclusion: The number of non-published residential landlines is approximately 13.5 million.

Estimate of VOIP Phone Lines:

The Telecom Industry Association estimates that there were 15.9 million VOIP phone numbers in the US in 2008. PossibleNOW's data provider states that approximately 75% of those numbers are in the NDA database that PossibleNOW licenses.

Estimate of the Breakdown of the Unidentified Numbers on the National DNC Registry:

As noted above, PossibleNOW's direct data analysis was not able to match 38,814,612 landline phone numbers on the current National DNC Registry. Those numbers are believed to consist of non-published residential landlines, VOIP numbers that are not in the NDA database, business DID numbers, and inactive phone numbers.

If there are 13.5 million non-published residential landlines, and
If those numbers are on the National DNC Registry at the same percentage rate as published landlines (59.3%), then:

Approximately 8 million of the 38.8 million unmatched numbers are non-published active residential landlines.

If 15.9 million numbers are VOIP phone numbers, and
If the NDA database contains 75% of those (~ 12 million), and is missing ~ 4 million of those, and
If VOIP numbers are on the National DNC Registry at the same percentage rate as landlines (59.3%), then:

Approximately 2.5 million of the unmatched numbers on the National DNC Registry are active VOIP numbers.

The remaining numbers would be assumed to be business DID numbers and inactive phone numbers:

Total Unmatched Numbers from the National DNC Registry analysis	38,814,612
Numbers Estimated to be Non-published Residential Lines	8,000,000
Numbers Estimated to be VOIP numbers	2,500,000
Remaining numbers -- Business DID or currently inactive numbers	28,300,000

PossibleNOW was not able to locate a data source that would help it quantify the percentage of the 28.3 million numbers that are business DID numbers versus inactive phone numbers.

If we assume that two-thirds of the numbers are business DID numbers, then the total number of business numbers on the National DNC Registry would be about 22.8 million -- 3.78 million matching active business listings in the NDA and 19 million unlisted direct dial business extensions (i.e., DIDs).

Based on these assumptions, the numbers on the National DNC Registry would break down as follows:

Wireless numbers	~ 86.7 million (49.4%)
Residential landlines (including non-pub and VOIP)	~ 56.6 million (32.3%)
Business landlines (including published and non-pub DID)	~ 22.8 million (13.0%)
Inactive phone numbers	~ 9.4 million (5.3%)

Note: These are estimates based on the assumptions above for the unmatched 38.8 million numbers. If it were assumed, for example, that a higher percentage of non-published residential phone numbers are placed on the National DNC Registry than published residential numbers (because of the implied concern for privacy), then the total number of active residential landlines on the National DNC Registry would be higher and the total number of business landlines and inactive phone numbers would be lower.

Estimate of the Percentage of Cell Phone Numbers on the National DNC Registry:

Several sources indicate that there are between 250 million and 300 million active wireless numbers in the US. Assuming a number of 275 million would mean that approximately 31% of all active cell phone numbers are on the National DNC Registry. (86 million/275 million)

FTC Analysis 3-24-09.xlsx

	Total	Distinct
Possiblenow DA Database Statistics, March 23rd		
Total Address In DA Database	100,419,308	
Total PhoneNumbers in DA database	108,987,384	
Non Pubs	8,567,727	
Business Numbers	13,377,608	11,452,744 B
Residential Numbers	95,599,161	77,724,197 R
Business Number in Registry	3,780,488	
Residential Numbers in Registry	46,093,832	
Data Analysis for the FTC, March 22nd List		
Total Count	175,443,652	
Wireless	85,595,311	
Wireless N	1,159,409	
Telcordia Cellular Devices	72,698,892	
Telcordia Mobile Radio Telcorida	377,403	
Telcordia Paging Devices	2,242,994	
Telcordia Wireless All Devices	74,510,008	

Confidential - US v. Dish001186

JA011926
010687

EXHIBIT 618

EXHIBIT 618

JA011927
010688

TX 102-011189

Snyder, Serena

From: Sophie [sophie@Yourdish.tv]
Sent: Wednesday, April 08, 2009 2:13 PM
To: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09

Serena,

The contact name for the leads was Jeff Rogers. His phone number is 908-358-7090. On 10-13-2008 we were with dnc.com, we were not with PossibleNow. We got PossibleNow on 10-23-2008 and did the training on 10-27-2008. Every year we have to purchase the San number in order to scrub the list with PossibleNow which we do purchase every year. The outbound dialer was with Five9 but they were too expensive so we changed about three weeks ago and are with chase data. We have no records of the consumer phone numbers since we are no longer with Five9.

Thanks,
Sophie

From: Vendor Inquiries [mailto:VendorInquiries@echostar.com]
Sent: Wednesday, April 08, 2009 12:46 PM
To: Sophie; Vendor Inquiries
Subject: RE: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09

Sophie,

Thank you for your quick response and attention to these consumer issues. We originally sent these to Alex on 11/20/08 and 03/27/09. Do we have the right email address for him 'alex@yourdish.tv'? And we will make sure to include you on any complaints we receive in the future.

In addition to making sure these phone numbers have been removed from your calling list can you please provide the following?

- Origination of the lead
- Contact information for the Lead Generation company
- Date leads were scrubbed through PossibleNOW
- Dialer Records for the consumers' phone numbers

Thank you for your assistance. We look forward to your response and to concluding our research into these consumer issues.

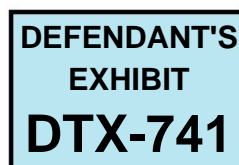
Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

From: Sophie [mailto:sophie@Yourdish.tv]
Sent: Wednesday, April 08, 2009 1:09 PM
To: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

To Whom It May Concern:

4/8/2009

Confidential-US v. DISH



DISH-Paper-007983

JA011928
010689

First of all this is the first time we have got any email in regards to this matter. We have checked our data base and both of these numbers were taken out last year. As soon as anyone asks to be put on the DNC, we take them out of our data base right away. I hope this answers the consumers' complaints.

Yours truly,
Sophie Tehranchi

From: Vendor Inquiries [mailto:VendorInquiries@echostar.com]
Sent: Wednesday, April 08, 2009 9:27 AM
To: sophie@yourdish.tv
Cc: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

Dear Sophie Tehranchi,

We have audited our records and found that we have not received a response for the following TCPA / DNC Issues. These escalated issues need your immediate attention and response. I have attached the original letters that have been sent to you.

Submitted Date	Consumer First Name	Consumer Last Name	Consumer Phone Number	Consumer DNC	Date Added to List (N, S, W, I)	Caller ID	Complaint Type	Retailer Name
10/14/08	Angela	Schooler	512-301-6838	None		800-375-8211	F P	Satellite System:
03/20/09	Kitty	Fowler	530-675-2230	I	04/29/08	800-375-8211	F P H RFL	Satellite System:

If you have any questions please contact me, so we can conclude our research for these consumers' complaints.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

From: Snyder, Serena
Sent: Friday, April 03, 2009 2:16 PM
To: 'alex@yourdish.tv'
Cc: Vendor Inquiries; Rukas, Terrence
Subject: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

Dear Mr. Tehranchi,

We have audited our records and found that we have not received a response for the following TCPA / DNC Issues. These escalated issues need your immediate attention and response. I have attached the original letters that have been sent to you.

Submitted Date	Consumer First Name	Consumer Last Name	Consumer Phone Number	Consumer DNC	Date Added to List (N, S, W, I)	Caller ID	Complaint Type	Retailer Name
10/14/08	Angela	Schooler	512-301-6838	None		800-375-8211	F P	Satellite System:

4/8/2009

If you have any questions please contact me, so we can conclude our research for these consumers' complaints.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

4/8/2009

Confidential-US v. DISH

DISH-Paper-007985

JA011930
010691

EXHIBIT 619

EXHIBIT 619

JA011931
010692

TX 102-011193

Snyder, Serena

From: Vendor Inquiries
Sent: Tuesday, May 19, 2009 3:21 PM
To: Dougherty, Rebecca
Cc: retailerescalation; Vendor Inquiries; Musso, Reji; Voorhies, Christina; Slater, Joshua
Subject: RE: TCPA - TCPA - 9194719459--re thomas krakauer

Rebecca,

Based upon the information provided, we are able to identify the retailer.

OE# 821970
Contact Name: ALEX TEHRANCHI; SOPHIE TEHRANCHI
Company: SATELLITE SYSTEMS NETWORK
Address: 9831 IRVINE CENTER DR
IRVINE, CA 92618
Phone: 800-615-0241
E-mail: alex@yourdish.tv; sophie@Yourdish.tv

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)
serena.snyder@dishnetwork.com
Please Note New Email Address

-----Original Message-----

From: Slater, Joshua
Sent: Tuesday, May 19, 2009 11:53 AM
To: Vendor Inquiries; Voorhies, Christina
Cc: retailerescalation
Subject: FW: TCPA - TCPA - 9194719459--re thomas krakauer

Please see below.

Is this something your team could assist with?

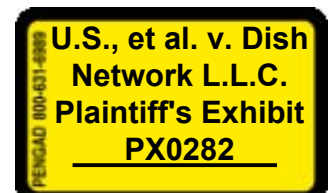
From: Dougherty, Rebecca
Sent: Tuesday, May 19, 2009 11:48:33 AM
To: POESupport; retailerescalation; TCPA
Subject: FW: TCPA - TCPA - 9194719459--re thomas krakauer
Auto forwarded by a Rule

Hello All, I'm sending a second request re how to proceed with Thomas Krakauer and what you want me to tell him with respect to follow up on this issue.

5/19/2009

PX0282-001

Confidential-US v. DISH



DISH-Paper-008060
TX 102-011194

Please read the forwarded email below. Mr. Krakauer phoned today to see what the status was on his DNC issue. I advised him as of yet there is no definite response but I would send this email to all of you again. Please help me to assist Mr Krakauer with the appropriate information or answers to satisfy his concerns about the call he received--he is expecting to hear something back on Thursday.

All the information you need to find the party/parties responsible is included in the email below. Thank you for your rapid assistance regarding this unresolved issue.

Rebecca Dougherty (DNC/Fact Act) 720-514-8555 ext 72058

-----Original Message-----

From: Dougherty, Rebecca
Sent: Sunday, May 10, 2009 10:26 AM
To: Laslo, David
Cc: POESupport; retailerescallation; TCPA
Subject: TCPA - TCPA - 9194719459

Tracked by: TCPA
Record number:11778

Customer Information:

Name - thomas krakauer
Phone Number where call was received - 9194719459

DNC List Consumer is on:

Internal
National

Nature of the complaint:

- Frequent/Persistent calls - No
- Rude behavior - No
- Lewd/Obscene conduct - No
- Harassment, a malicious call pattern - Yes
- Caller hung up when asked for identity or to be added to DNC - No

Comments:

Thomas Krakauer received a call last night, Saturday May 9, from a (retailer/sales partner?) who was claiming to be a Directv employee. Phone number the call was received from is 18003758211 ext 105 callers name was Ken.

The employee (Ken) then proceeded to call Directv and pretended to be Mr Krakauer to get info from his account so he could call Mr Krakauer back and get personal credit info from him including his ssn and his credit card number. When further into the call Mr Krakauer became suspicious he questioned the agent who then told him they were from Dish Network and wanted to sell him Dish Network service.

I searched Mr Krakauer's phone number in echoadmin and found there was a credit check run on him last night. (I did not inform Mr. Krakauer that his credit was run without his knowledge so he is still unaware this happened) The credit score ID is 81472493.

I know we partner with Equifax to track down retailers/sales partners like these. I tried to call the phone number but was sent to an automated system and waited on hold for quite some time but no one picked up. I received the DNC today, Sunday, in the morning and am guessing maybe the operators are not there today or not this early on a Sunday. However, with the phone number and the credit score ID we should be able to track this back to the responsible party.

5/19/2009

PX0282-002

JA011933
010694

Confidential-US v. DISH

DISH-Paper-008061
TX 102-011195

I've told Mr Krakauer I will call him back (and he requested to be called on this issue) as soon as we receive any information on how we will proceed and also gave him my contact info too. I hope it's just one employee at that call center and not a common practice for them.

Looking forward to hearing back from you on how to proceed with Mr Krakauer and what to tell him we are doing regarding this issue.

Thank You. Rebecca Dougherty (DNC/Fact Act) 720-514-8555 ext 72058

5/19/2009

PX0282-003

JA011934
010695

Confidential-US v. DISH

DISH-Paper-008062
TX 102-011196

EXHIBIT 620

EXHIBIT 620

JA011935
010696

TX 102-011197

Snyder, Serena

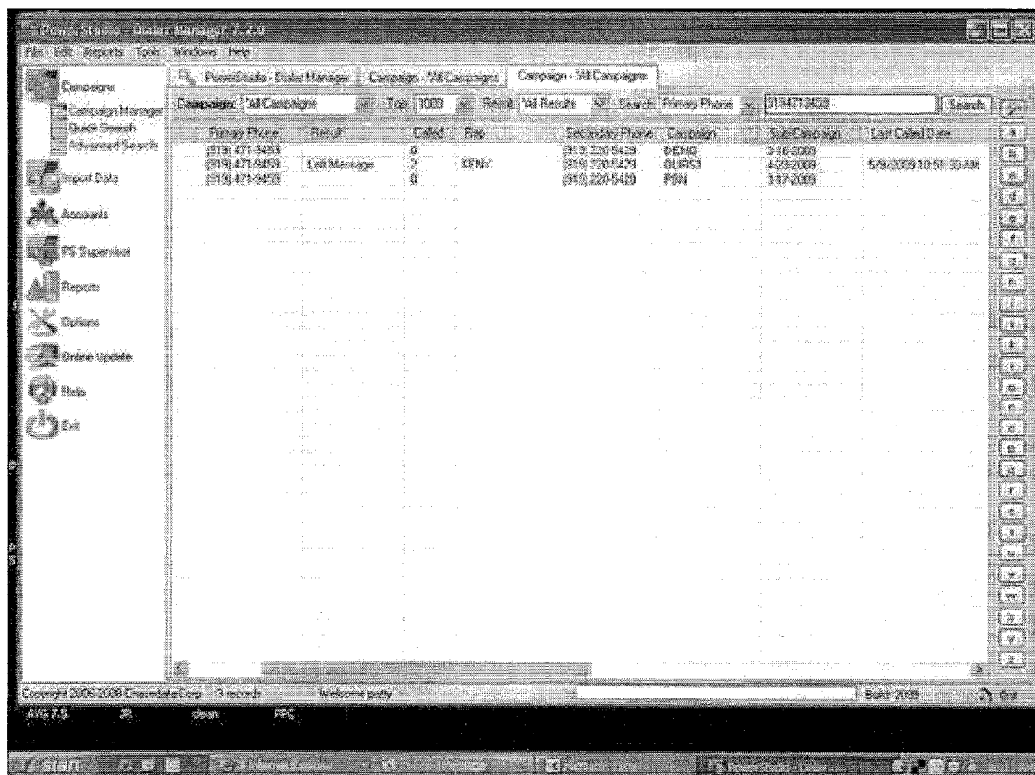
From: patty [patty@yourdish.tv]
Sent: Thursday, May 28, 2009 3:31 PM
To: Snyder, Serena
Cc: 'Sophie'
Subject: RE: Satellite Systems Network - Krakauer DNC National 09 07 03

Hello Reji Musso,

We first heard of the issue with Mr. Thomas Krakauer on the 20th of May when Terrence advised us of the "Do Not Call" violation. That very same day we took Mr. Krakauer phone number out of our entire master lead list and put his phone number on our DNC list. Our lead for Mr. Krakauer was generated by us we sold him Direct tv back in April of 2003 when we were a DirecTV retailer. We do not have a date for scrubbing this lead through PossibleNow because at the time we were not a PossibleNow member. The caller id that we used to make the outbound call is 800-375-8211. Below is the email that we sent to Terrence.

Hello Terrence,

With regards to Mr. Thomas Krakauer below is a screenshot showing when we contacted him. Our sales representative Ken is our top employee he has been with us for 3 years. We have not received any complaints about him. He sells the most and has the least amount of cancellations. We have already deleted Mr. Krakauer from our database. If you need any further information please feel free to email Sophie.



Thanks Again,
Patty

5/29/2009

PX1086-001

Confidential - U.S. v. DISH



JA011936
010697

DISH11-030980

TX 102-011198

Prior to this complaint we did not know that Mr. Krakauer wanted off our calling list. Also our dialers are set to automatically turn off at 6:30 PM Pacific Time so no calls are made after that time. We always comply with National Do Not Call Policies and even our dialer has a internal Do Not Call list that we put all customers that do not want to be contacted again and those customers will not be called again. We take Do Not Call violations very seriously that is why when someone contacts us and tell us that they want to be put on our Do Not Call we do it at that moment. Please let me know if you need any further information.

Thank you,

Sophie

P.S.

Ms. Serena Snyder can you please forward this email to Reji Musso. Thank you we gladly would appreciate it.

From: Sophie [mailto:sophie@Yourdish.tv]
Sent: Thursday, May 28, 2009 1:50 PM
To: patty@Yourdish.tv
Subject: FW: Satellite Systems Network - Krakauer DNC National 09 07 03
Importance: High

From: Snyder, Serena [mailto:Serena.Snyder@dishnetwork.com]
Sent: Thursday, May 28, 2009 1:29 PM
To: sophie@Yourdish.tv
Cc: Musso, Reji; Vendor Inquiries; Rukas, Terrence; alex@yourdish.tv
Subject: Satellite Systems Network - Krakauer DNC National 09 07 03
Importance: High

Notice of Alleged Complaint "Do Not Call" Violation

To Ms. Tehranchi,

A fax of the Notice of Alleged Complaint "Do Not Call" Violation was sent today. I am also sending a copy of the letter via E-Mail attachment. Please comply with the requirements therein. If you are sending a response via E-mail to Reji Musso, please copy me: serena.snyder@dishnetwork.com.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)
serena.snyder@dishnetwork.com
Please Note New Email Address

No virus found in this incoming message.
Checked by AVG - www.avg.com

5/29/2009

PX1086-002

JA011937
010698

Confidential - U.S. v. DISH

DISH11-030981

TX 102-011199

Version: 8.5.339 / Virus Database: 270.12.43/2139 - Release Date: 05/28/09 08:10:00

5/29/2009

Confidential - U.S. v. DISH

PX1086-003

JA011938
010699

DISH11-030982

TX 102-011200

Snyder, Serena

From: Sophie [sophie@Yourdish.tv]
Sent: Wednesday, April 08, 2009 2:13 PM
To: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09

Serena,

The contact name for the leads was Jeff Rogers. His phone number is 908-358-7090. On 10-13-2008 we were with dnc.com, we were not with PossibleNow. We got PossibleNow on 10-23-2008 and did the training on 10-27-2008. Every year we have to purchase the San number in order to scrub the list with PossibleNow which we do purchase every year. The outbound dialer was with Five9 but they were too expensive so we changed about three weeks ago and are with chase data. We have no records of the consumer phone numbers since we are no longer with Five9.

Thanks,
Sophie

From: Vendor Inquiries [mailto:VendorInquiries@echostar.com]
Sent: Wednesday, April 08, 2009 12:46 PM
To: Sophie; Vendor Inquiries
Subject: RE: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09

Sophie,

Thank you for your quick response and attention to these consumer issues. We originally sent these to Alex on 11/20/08 and 03/27/09. Do we have the right email address for him alex@yourdish.tv? And we will make sure to include you on any complaints we receive in the future.

In addition to making sure these phone numbers have been removed from your calling list can you please provide the following?

- Origination of the lead
- Contact information for the Lead Generation company
- Date leads were scrubbed through PossibleNOW
- Dialer Records for the consumers' phone numbers

Thank you for your assistance. We look forward to your response and to concluding our research into these consumer issues.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

From: Sophie [mailto:sophie@Yourdish.tv]
Sent: Wednesday, April 08, 2009 1:09 PM
To: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

To Whom It May Concern:

4/8/2009

PX1086-004

JA011939
010700

Confidential - U.S. v. DISH

DISH11-030983

TX 102-011201

First of all this is the first time we have got any email in regards to this matter. We have checked our data base and both of these numbers were taken out last year. As soon as anyone asks to be put on the DNC, we take them out of our data base right away. I hope this answers the consumers' complaints.

Yours truly,
Sophie Tehranchi

From: Vendor Inquiries [mailto:VendorInquiries@echostar.com]
Sent: Wednesday, April 08, 2009 9:27 AM
To: sophie@yourdish.tv
Cc: Vendor Inquiries
Subject: FW: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

Dear Sophie Tehranchi,

We have audited our records and found that we have not received a response for the following TCPA / DNC Issues. These escalated issues need your immediate attention and response. I have attached the original letters that have been sent to you.

Submitted Date	Consumer First Name	Consumer Last Name	Consumer Phone Number	Consumer DNC	Date Added to List (N, S, W, I)	Caller ID	Complaint Type	Retailer Name
10/14/08	Angela	Schooler	512-301-6838	None		800-375-8211	F P	Satellite System:
03/20/09	Kitty	Fowler	530-675-2230	I	04/29/08	800-375-8211	F P H RFL	Satellite System:

If you have any questions please contact me, so we can conclude our research for these consumers' complaints.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

From: Snyder, Serena
Sent: Friday, April 03, 2009 2:16 PM
To: 'alex@yourdish.tv'
Cc: Vendor Inquiries; Rukas, Terrence
Subject: URGENT - Satellite Systems Network - Follow Up TCPA / DNC Issues 2 - 11/20/08 and 03/27/09
Importance: High

Dear Mr. Tehranchi,

We have audited our records and found that we have not received a response for the following TCPA / DNC Issues. These escalated issues need your immediate attention and response. I have attached the original letters that have been sent to you.

Submitted Date	Consumer First Name	Consumer Last Name	Consumer Phone Number	Consumer DNC	Date Added to List (N, S, W, I)	Caller ID	Complaint Type	Retailer Name
10/14/08	Angela	Schooler	512-301-6838	None		800-375-8211	F P	Satellite System:

4/8/2009

PX1086-005

JA011940
010701

Confidential - U.S. v. DISH

DISH11-030984

TX 102-011202

If you have any questions please contact me, so we can conclude our research for these consumers' complaints.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

4/8/2009

PX1086-006

JA011941
010702

Confidential - U.S. v. DISH

DISH11-030985

TX 102-011203

Snyder, Serena

From: Snyder, Serena
Sent: Friday, March 27, 2009 4:02 PM
To: 'alex@yourdish.tv'
Cc: Musso, Reji; Vendor Inquiries; Rukas, Terrence
Subject: Satellite Systems Network - TCPA Violation Fowler F P RFL
Importance: High
Attachments: Fowler 03 27 09.TIF

Notice of Alleged Complaint "Do Not Call" Violation

To Mr. Tehranchi,

A fax of the Notice of Alleged Complaint "Do Not Call" Violation was sent today. I am also sending a copy of the letter via E-Mail attachment. Please comply with the requirements therein. If you are sending a response via E-mail to Reji Musso, please copy me: serena.snyder@echostar.com.

If you have any questions, please contact me.

Thank you,
Serena Snyder
Retail Services Compliance
Dish Network
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

3/27/2009

Confidential - U.S. v. DISH

PX1086-007

JA011942
010703

DISH11-030986

TX 102-011204

Snyder, Serena

From: Snyder, Serena
Sent: Thursday, November 20, 2008 4:03 PM
To: 'alex@yourdish.tv'
Cc: Musso, Reji; Taber, Chris; Vendor Inquiries
Subject: SSN- TCPA Allegation Scholarar
Importance: High
Attachments: Scholarar 11 20 08.TIF

Notice of Allegation - Telephone Consumer Protection Act (TCPA)

To Mr. Tehranchi:

A fax of the Notice of Alleged Complaint TCPA was sent today. I am also sending a copy of the letter via E-Mail attachment. Please comply with the requirements therein. If you are sending a response via E-mail to Reji Musso, please copy me: serena.snyder@echostar.com.

If you have any questions, please contact me.

Thank you,
Serena Snyder
Retail Services Compliance
Echostar Satellite LLC
9601 S. Meridian Blvd
Englewood, CO 80112
720-514-5742 (tel)
720-514-8288 (fax)

11/20/2008

PX1086-008

Confidential - U.S. v. DISH

JA011943
010704

DISH11-030987

TX 102-011205



November 20, 2008

Mr. Alex Tehranchi
Satellite Systems Network
9831 Irvine Center Dr.
Irvine, CA 92618

Via Facsimile: 949-643-7173
Via E-Mail: alex@yourdish.tv

Re: Notice of Allegation - Telephone Consumer Protection Act (TCPA)

Dear Mr. Tehranchi:

Please be advised that on October 14, 2008 a complaint was filed against DISH Network® L.L.C. by Ms. Angela Schoolar alleging that she received frequent, persistent calls to her home number of 512-301-6838 with a caller identification of 800-375-8211. When this number was called a representative named Louie identified Satellite Systems Network located out of Irvine, CA. Please immediately insure that this phone number has been added to your internal DNC registry. Ms. Schoolar believes these attempts to contact her are in violation of Telephone Consumer Protection Act regulations.

Pursuant to Section 9.1 of your Retailer Agreement you are required, among other things, to comply with all applicable governmental statutes, laws, rules, regulations, ordinances, codes, directives and orders.

Please provide, within the next five (5) days, a detailed explanation of the interaction with this consumer including, but not limited to,

- Origination of the lead
- Contact information for the Lead Generation company
- Date leads were scrubbed through PossibleNOW
- Dialer Records for the consumer phone number 512-301-6838

This information should be forwarded to:

DISH Network L.L.C.
Retail Services – Reji Musso
9601 S. Meridian Blvd.
Englewood, CO 80112

Additional incidences of this nature may result in disciplinary action up to and including termination of your Retailer Agreement without further warning, as deemed appropriate in our sole and absolute discretion. DISH Network L.L.C. hereby requests that Satellite Systems Network defends and indemnifies DISH Network from and against any and all costs that DISH Network incurs therein.

DISH Network® L.L.C.

9601 Meridian Blvd.

Englewood, CO 80112

PX1086-009

JA011944
010705

Confidential - U.S. v. DISH

DISH11-030988

TX 102-011206

This letter is without prejudice to any rights and remedies that may be available to DISH Network at law, in equity, under contract (including without limitation, its rights to chargeback any and all amounts owing to it pursuant to Section 6 of the Agreement), or otherwise.

Thank you for your attention to this matter.



Reji J. Musso
Compliance Manager
Retail Services

cc: Emily Pastorius

DISH Network® LLC

9601 Meridian Blvd.

Englewood, CO 80112

Musso, Reji*Satellite System
Network*

From: Musso, Reji
Sent: Thursday, June 21, 2007 12:09 PM
To: 'alex@yourdish.tv'
Cc: Mills, Mike
Attachments: Call Monitoring doc 06 21 07.TIF

Alex, you should have received this fax in an earlier communication in February. I hope that you will review the document and then give me a call to discuss.

I have heard from the Field Sales team that you have been reluctant to allow us access to your customer service/call center. If that is the case, I would certainly welcome an opportunity to discuss your reservations and work on a resolution.

If there is someone else that I should speak to regarding this requirement, please let me know.

I will appreciate your cooperation and participation in this highly visible project.

Regards,

Reji J. Musso (Ms)

Compliance Manager
Retail Services
EchoStar Satellite LLC
9601 S. Meridian Blvd
Englewood, CO 80112
303.723.3262 (tel)
720.514.8288 (fax)

6/28/2007

PX1086-011**JA011946**
010707

Confidential - U.S. v. DISH

DISH11-030990

TX 102-011208



Satellite Systems
Network

Retail Services
9601 S. Meridian Boulevard
Englewood, CO 80112

February 20, 2007

Alex Tehranchi
Satellite Systems Network
135 Columbia
Aliso Viejo, CA 92656

VIA FACSIMILE: 949-643-7173
VIA E-MAIL: alex@yourdish.tv

Re: Call Monitoring

Dear Alex Tehranchi:

Thank you to everyone who has participated in our call monitoring initiatives. In our joint effort to provide a world class customer experience, we are expanding this program to include all of our partners.

Our objective has been to utilize various methods for gathering quality assurance information relative to sales and customer service delivery.

- Live/On-Site – can be done with an Echostar representative in your location(s).
- Live/Remote – can be done if we have the ability to monitor your switch
- Recorded/Remote – you can provide us a predetermined # of calls that our QA resources can review
- Recorded/On-Site – in conjunction with our visit, we can assist your QA teams in reviewing previously recorded calls; these are also helpful as needed in customer service research.

It is our intention to use any or all of these methods to engage with you to provide feedback on opportunities for quality improvement to meet expectations for sharing accurate and complete information on disclosures and to ultimately reduce churn.

Beginning February 15, 2007 and through the month of March, you will be contacted by the local Field Sales Development Representative (FSDR) to arrange a time for the initial on-site monitoring visit. Subsequent visits will occur bi-weekly.

Echostar expects your support and cooperation with the implementation and facilitation of these new initiatives.

Sincerely,

Robb Origer
Director, Retail Services
Echostar Satellite L.L.C.

Copies to: Erik Carlson
Brian Neylon
James Jacobsen
Julie Riddell
Mike Mills
Jennifer Koutny
Esmaralda Barela
Reji Musso

PX1086-012

JA011947
010708

Musso, Reji

Satellite Sys Network

From: Oberbillig, Mike
Sent: Wednesday, May 16, 2007 1:56 PM
To: Musso, Reji
Cc: Mills, Mike
Subject: RE: Teranchi call - Thursday

1 PM PT, 2 PM MT

Please set it up in outlook. Call me and we can conf in Alex on his cellular (949) 433-5010

-----Original Message-----

From: Musso, Reji
Sent: Tuesday, May 15, 2007 10:40 AM
To: Oberbillig, Mike
Cc: Haman, Galen; Hopkins, Cathy
Subject: RE: Teranchi call

We have a lot of options on Thursday - at least at this moment in time...

All in MDT

8:30 - 10:00
1:30 - 2:30
3:30 - 5:00

Let me know - and thanks.

Reji Musso
Compliance Manager
Retail Services
303.723.3262 (tel)
720.514.8288 (fax)

PX1086-013

JA011948
010709

Musso, Reji

Sat Sys Network

From: Oberbillig, Mike
Sent: Thursday, May 10, 2007 4:00 PM
To: Neylon, Brian; Mills, Mike; Musso, Reji
Cc: Fielding, Bobby
Subject: RE: Teranchi

I have not, and have not been provided any details. I was aware of a garnishment issue,(\$15k) that was taken from their funds this week for Nathaniel Burdge, which Bruce Werner had spoken with Alex about.

-----Original Message-----

From: Neylon, Brian
Sent: Thursday, May 10, 2007 1:57 PM
To: Oberbillig, Mike; Mills, Mike; Musso, Reji
Subject: Teranchi

Mike O
Have you talked to alex regarding the spafford case. What are we doing here?
Sent From My Wireless Handheld

Musso, Reji

From: Oberbillig, Mike
Sent: Thursday, May 10, 2007 4:00 PM
To: Neylon, Brian; Mills, Mike; Musso, Reji
Cc: Fielding, Bobby
Subject: RE: Teranchi

I have not, and have not been provided any details. I was aware of a garnishment issue,(\$15k) that was taken from their funds this week for Nathaniel Burdge, which Bruce Werner had spoken with Alex about.

-----Original Message-----

From: Neylon, Brian
Sent: Thursday, May 10, 2007 1:57 PM
To: Oberbillig, Mike; Mills, Mike; Musso, Reji
Subject: Teranchi

Mike O
Have you talked to alex regarding the spafford case. What are we doing here?
Sent From My Wireless Handheld

Musso, Reji

From: Origer, Robb
Sent: Thursday, February 15, 2007 5:50 PM
To: Musso, Reji
Subject: RE: Satellite Systems Network

ok

From: Musso, Reji
Sent: Thursday, February 15, 2007 12:56 PM
To: Origer, Robb
Subject: RE: Satellite Systems Network

I have gotten only two allegations – Fisher and Mitchell...they include Spafford Lawsuit.

Denise thinks that Bruce provided information on their performance prior to 06 – she said she didn't have anything else.

Brian tells me that they are doing well and going on the incentive trip...so, once again, this is a business decision. I guess we just need to let the attorney know that as far as we know, they have "righted the wrongs".

Reji J. Musso
Manager - Compliance
Retail Services
303.723.3262 (tel)
720.514.8288 (fax)
reji.musso@echostar.com

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From: Origer, Robb
Sent: Thursday, February 15, 2007 7:28 AM
To: Musso, Reji
Subject: Satellite Systems Network

what is the detail on the allegations on this account -

2/16/2007

PX1086-016

JA011951
010712

Confidential - U.S. v. DISH

DISH11-030995

TX 102-011213

Musso, Reji

From: Musso, Reji
Sent: Friday, February 09, 2007 2:01 PM
To: 'Bobby Samini'
Subject: Gregory Fisher

Forgive any confusion. Jeffrey Mitchell and Gregory Fisher have identified Satellite Systems Network.

Thanks, Bobby.

Reji J. Musso
Manager - Compliance
Retail Services
303.723.3262 (tel)
720.514.8288 (fax)
reji.musso@echostar.com

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Satellite Systems Network

Musso, Reji

From: Whatton, Michael
Sent: Wednesday, February 07, 2007 3:23 PM
To: Musso, Reji
Subject: RE: Can you id the sales partner for me through E*C?

Finally some success! It is Satellite Systems Network.

Work Order: 45459350700006002
Canceled NC- NEW CONNECT 11/09/2005 PM
TECH: 010431594
5 hours and 20 minutes (32 units)

GREGORYA FISHER 937/681-3224 937/681-3224 7412 BARR CIR DAYTON, OH 45459-3507 Activated: Warranty: DISH Home Protection Plan	Digital Dish - Cincinnati Of MANAGEMENT AREA: 8D CSG ACCOUNT: 825590936686564 RESCHED COUNT: 0 CREATOR OPID: WD7 LAST EVENT: N/A
--	---

WORK ORDER REASON: Digital Home Advantage DIGITAL HOME

STANDARD NOTES:

WORK ORDER NOTES: Sales Partner- SATELLITE SYSTEMS NETWORK. -- SSYS029 -
WEB DHA SALE

DISPATCHER NOTES: N/A

Service Activities	Hardware Required
DISH 1000 Installation	DISH 1000
	Use applicable components for
Standard Installation (1 and 1)	
	SuperDISH Kit
SuperDISH Install	
105° SuperDISH	
Additional Tuner Hookup	
	DH 625 System

AA ... ACTIVATION T(... Standard Video Installation *C ... SuperDISH Kit (video) T\$... DH 522/625 P RCVR *F ... SuperDISH Install (video) 4W ... 2nd Tuner Install Y~ ... DISH 1000 Install .D ... DHA COMMIT	?? ... SALES PARTNER {7 ... 105° Services }{ ... Retail DHA }} ... DHPP WARRNTY K: ... DHA 18 Y: ... 129° Services #X ... DMA DAYTN OH AC ... TOP 200	CU ... FXCINCINN D0 ... HBO D1 ... CINEMAX D2 ... SHOWTIME K> ... HB SH MX JW ... 1ST MNTH
--	--	---

CUSTOMER EQUIPMENT: No Equipment In System

PX1086-018

JA011953
010714

DISH 1000 Installation Required - Use DISH 1000 antenna and applicable components.
105 SuperDISH installation required
Account holder must sign the DHA Agreement. The Additional Services section be complete prior to the customer signing the agreement.

*****SAFETY RULES ARE YOUR BEST TOOLS*****

+++ Account can be activated via the IVR: 888-233-3474; call using the cell phone whenever possible; IVR will auto route; follow the activation prompts

Thank you,
Michael Whatton
Key Accounts Field Support
720.514.6173
303.252.6994 (fax)
Email: <mailto:michael.whatton@echostar.com>

From: Musso, Reji
Sent: Wednesday, February 07, 2007 11:48 AM
To: Whatton, Michael
Subject: Can you id the sales partner for me through E*C?

8255909366865647

Reji J. Musso
Manager - Compliance
Retail Services
303.723.3262 (tel)
720.514.8288 (fax)
reji.musso@echostar.com

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Musso, Reji

From: Musso, Reji
Sent: Wednesday, January 17, 2007 11:35 AM
To: 'alex@yourdish.tv'
Subject: Satellite Systems Network_L2_Mitchell_1.17.06.doc

Attachments: Satellite Systems Network_L2_Mitchell_1.17.06.doc



Satellite Systems
Network_L2_M...

A signed copy of this letter will be faxed to 949-643-7173 today. While this complaint is "dated," we will still appreciate the favor of a reply.

Thank you for your time.

Reji J. Musso

Echostar Communications
Manager - Compliance
Retail Services
9601 S. Meridian Blvd.
Englewood, CO 80112
303.723.3262 (tel)

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Musso, Reji

From: Bobby Samini [bsamini@alsalaw.com]
Sent: Friday, January 12, 2007 1:31 PM
To: Musso, Reji
Subject: SSN.100 / Fisher Complaint
Attachments: IMDB1_12668_2.PDF

Mr. Musso:

We represent Satellite Systems Network, LLC. Attached is our correspondence which was sent to you by U.S. Mail earlier this week.

Bobby Samini | Allenbaugh | Samini LLP
1201 Dove Street, Suite 400 | Newport Beach, California 92660
Tel: (949) 724.0900 | Fax: (949) 724.0901
Email: bsamini@alsalaw.com | Website: www.alsalaw.com

| Newport Beach | GuanZhou |

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1/31/2007

PX1086-021

JA011956
010717

Confidential - U.S. v. DISH

DISH11-031000

TX 102-011218

Musso, Reji

Sent: Wednesday, January 03, 2007 2:42 PM
To: Central File Request
Cc: Musso, Reji
Subject: Satellite Systems Network

Additional Information: Once again, this info is being requested on behalf of legal and as a result of a government inquiry. Thanks.

AP: 133868
AR: 821970
Contact Found: 0
Contact Info: 0
Contact Info Founf: 0
Contact Information: 0
Contract: -1
Contract Information: 0
EFT: -1
EFT Found: 0
Entire File: -1
Notes1: Everything we have.
Other: 0
Other (Specify Below): 0
Other1: 0
Requestor Dept: Retail Services
Requestor Name: Reji Musso
Retailer Applications: -1
Retailer Applications Found: 0
Retailer or Vendor: Retailer
Structure: -1
Structure Found: 0
W-9: -1
W-9 Found: 0

Thank you,

Monique Chavez
Echostar
Central Setup
720.514.5077
Monique.Chavez@Echostar.com

Musso, Reji

From: Dufault, Ron
Sent: Thursday, September 21, 2006 12:41 PM
To: Vallejos, Lisa
Cc: Musso, Reji
Subject: RE: Your Free Dish
Attachments: \$25,500 fine ordered against Vitana in 2004.doc; Consumer complaint with rebuttal by DTV saying they termed the retailer.doc

Yes, I just cracked it.

It is SATELLITE SYSTEMS NETWORK OE# 821970

Owner is ALEX TEHRANCHI

They were fined \$25,500.00 by North Carolina in 2004 for TCPA violations.

I've attached a couple documents for your reading pleasure.

THANKS

Ron Dufault
Retail Services
EchoStar Satellite L.L.C.
303-723-3244

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-----Original Message-----

From: Vallejos, Lisa
Sent: Thursday, September 21, 2006 11:13 AM
To: Dufault, Ron
Subject: FW: Your Free Dish

Hey Ron,

Did you have any luck finding who the retailer is tied to the website listed below?

Reji asked you about it yesterday.

Thank You,
Lisa Vallejos
DISH Network
Retail Services - Risk Management

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1/31/2007

PX1086-023

JA011958
010719

Confidential - U.S. v. DISH

DISH11-031002

TX 102-011220

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-----Original Message-----

From: Musso, Reji
Sent: Thursday, September 21, 2006 11:12 AM
To: Vallejos, Lisa
Subject: RE: Your Free Dish

I saw this yesterday – I think Ron was going to try to find the owner.

Reji J. Musso

Manager - Retail Services
303.723.3262 (tel)
reji.musso@echostar.com

From: Vallejos, Lisa
Sent: Thursday, September 21, 2006 10:28 AM
To: Musso, Reji
Subject: Your Free Dish

Here is the website that I think Ron was looking into.
It is supposed to have the actual retailer name on it but this one does not.

<http://www.yourfreedish.tv>

Thank You,
Lisa Vallejos
DISH Network
Retail Services - Risk Management

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1/31/2007

PX1086-024

JA011959
010720

Confidential - U.S. v. DISH

DISH11-031003

TX 102-011221

EXHIBIT 621

EXHIBIT 621

JA011960
010721

TX 102-011222

From: Jones, Nathan [Nathan.Jones@dishnetwork.com]
Sent: Wednesday, June 03, 2009 12:19 PM
To: Kapil Juneja; Gary Bhasin
Subject: Hot/Cold Report 05/18/2009
Attachments: Hot-Cold Report 05 18 09.xls

OE Retailers -

Attached is this week's Hot Cold Report. In this version, the combination of the Capacity and the Performance Score tells a Sales Partner how much they can infuse into a market in a week before overflowing the market, and what performance they should expect.

The following is a summary of how capacity and performance are calculated:

Capacity: Determines how many more NC's could be created in a week without surpassing a 5 days to schedule threshold.

The calculation takes into account the following:

- The average days to schedule.
- The DNS forecast.

Performance: A weighted average of 3 main key measures, resulting in a letter grade.

30-Day NC Comp %: a 4 week weighted average (50/25/15/10)

TC-12% (NC Only): a 4 week weighted average (50/25/15/10)

Days between schedule and complete: a 4 week weighted average (50/25/15/10) – this measure's reschedules

Grades:

A = Top rated
B = Above average
C = Average
D = Below Average
F = Poor Performer

The combination of the capacity and the performance score tells a sales partner how much they can infuse into a market before overflowing the market, and what performance they should expect. For example, if they go to a market rated 125 C, they should expect that if they sell 125 excess jobs/week they will get an average performance. If they go above the 125 limit, they should expect performance to drop.

Regards,

OE Management

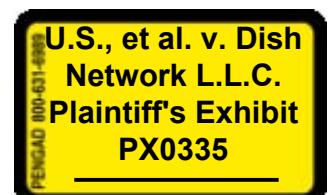


EXHIBIT 622

EXHIBIT 622

From: McGraw, Trevor </O=ECHOSTAR COMMUNICATIONS
CORP/OU=ECHOSTAR/CN=RECIPIENTS/CN=TREVOR.MCGRAW>
Sent: Thursday, August 13, 2009 12:29 PM
To: Ahmed, Amir <Amir.Ahmed@dishnetwork.com>
Subject: RE: OE Partner Call Recording QA

I am a big fan of the message and the efforts.

From: Ahmed, Amir
Sent: Thursday, August 13, 2009 7:47 AM
To: McGraw, Trevor
Subject: FW: OE Partner Call Recording QA

No nonsense from my employees or my retailers.

From: Ahmed, Amir
Sent: Wednesday, August 12, 2009 10:28 PM
To: Neylon, Brian; #Strategic Account Manager; Mills, Mike; Calbert, Robert; Cognetta, Chris
Cc: Musso, Reji; Ahmed, Amir
Subject: RE: OE Partner Call Recording QA

Also, OE retailers with sub-standard results, all I can say is that the Account Manager responsible for that account will be held responsible. I have been very clear from the beginning that I will not tolerate high churn, misrepresentation etc... so my attitude towards all this should not be a surprise to anyone.

I want results, I want excellence and if you don't believe in what I'm saying, please look for some other work. I want a team that wants to win and sets high expectations.

From: Neylon, Brian
Sent: Wednesday, August 12, 2009 10:23 PM
To: #Strategic Account Manager; Mills, Mike; Calbert, Robert; Cognetta, Chris
Cc: Ahmed, Amir; Musso, Reji
Subject: OE Partner Call Recording QA
Importance: High

Team,

We have scored the first wave of uploaded call from out OE partners. The results are an embarrassment. The things that are wrong range from misinformation about our product and programs to inadequate or incorrect disclaimers. We need as a group to get a handle on this very quickly. If we don't, there could be economic penalties levied against the accounts that are continuing to perform at a sub standard level.

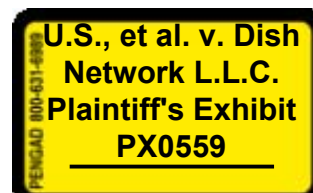
We all own this. We all are responsible and accountable. I want and expect each of you to get 110% involved in your handful of OE accounts and drive them to compliance. Failure is not an option. We need to see marked improvement within 14 days. This is your #1 priority.

Reji, please distribute to this group the final QA form and any relevant individual account information.. This is the form that all are scored against. This is the only form you are to use. Live it everyday, Demand excellence from these guys or we will be having a different conversation.

Lastly, I expect each of you to personally speak to your accounts regarding this. This is not something to be sent by e-mail. And you will need to spend time at each of the accounts.

Brian

PX0559-001



JA011963
010724

EXHIBIT 623

EXHIBIT 623

JA011964
010725

TX 102-011226

From: Ahmed, Amir </O=ECHOSTAR COMMUNICATIONS CORP/OU=ECHOSTAR/CN=RECIPIENTS/CN=AMIR.AHMED>
Sent: Tuesday, August 18, 2009 6:05 PM
To: Calbert, Robert <Robert.Calbert@dishnetwork.com>; Neylon, Brian <Brian.Neylon@dishnetwork.com>; Mills, Mike <Mike.Mills@dishnetwork.com>
Subject: RE: Sales OE Quality Report WE 8/14

Jut win, just win, it's that simple.

From: Calbert, Robert
Sent: Tuesday, August 18, 2009 4:03 PM
To: Ahmed, Amir; Neylon, Brian; Mills, Mike
Subject: RE: Sales OE Quality Report WE 8/14

It seems to me like they don't like the fact that we are outscoring them in the key areas of compliance. I love it!

From: Ahmed, Amir
Sent: Tuesday, August 18, 2009 4:01 PM
To: Neylon, Brian; Calbert, Robert; Mills, Mike
Subject: FW: Sales OE Quality Report WE 8/14

From: Han, Bernie
Sent: Tuesday, August 18, 2009 3:59 PM
To: Callaghan, Kieran; Salvatori, Brian; Delaney, Brian; Ahmed, Amir; Musso, Reji
Cc: Martin, Gregory (CSC - Corp Care Center)
Subject: RE: Sales OE Quality Report WE 8/14

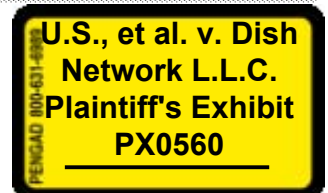
good point

From: Callaghan, Kieran
Sent: Tuesday, August 18, 2009 11:07 AM
To: Salvatori, Brian; Han, Bernie; Delaney, Brian; Ahmed, Amir; Musso, Reji
Cc: Martin, Gregory (CSC - Corp Care Center)
Subject: RE: Sales OE Quality Report WE 8/14

What is the rational to combined OE with direct (excluding all other indirect channels)?

Being neither channel has any operational influence over the other, it seems to produce data points that combine unrelated elements which I think invalidates the data. Seems it would make more sense to independently show direct, indirect, and a total.

From: Salvatori, Brian
Sent: Tuesday, August 18, 2009 12:48 PM
To: Han, Bernie; Delaney, Brian; Ahmed, Amir; Callaghan, Kieran; Musso, Reji
Cc: Salvatori, Brian; Martin, Gregory (CSC - Corp Care Center)
Subject: Sales OE Quality Report WE 8/14



Attached are the results for last weeks Direct Sales and OE quality evaluations. This report will be sent out each Tuesday morning for the prior week. Additionally, we will produce trending reporting once we have a few weeks of data under our belts.

PX0560-001

JA011965
010726

Below is a high level report out for the week.

Direct & OE combined scoring questions below 50% compliance:

Q25 – 83% of the time agents are not informing the customer of DISHNetwork.com being an alternative source to obtain account information and/or make payments.

Q18 – 68% of the time agents are not advising the customer how long the installation will take.

Direct & OE combined scoring questions above 90%:

Q1 – 93% of the time agents are inquiring about the amount of TVs that the customer is requesting services for.

Q9 – 97% of the time agents are matching the proper programming package with the customers needs/wants.

Q21 – 98% of the time agents are selecting the appropriate receivers based on the customer needs.

Q22 – 97% of the time agents are disclosing the monthly rate after promotional credits.

Q37 – 95% of the time agents are advising the agents of 24 month commitments.

Top Direct Sales Opportunities (Below 50%):

Q12 – 61% of the time agents are not imputing pin numbers correctly.

Q16 – 67% of the time the agent did not offer to add authorized users.

Q18 – 68% of the time agents are not advising the customer how long the installation will take.

Q25 – 83% of the time agents are not informing the customer of DISHNetwork.com being an alternative source to obtain account information and/or make payments.

Top OE Opportunities (Below 25%):

Q46 – 75% of the time, if charging a 3rd party fee, the retailer did not disclose that the fee was from them and not from Dish?

Q40 – 78% of the time the agent did not disclose that \$100-\$400 per receiver will be charged on debit/credit card used to qualify for unreturned equipment upon disconnect?

Q42 – 80% of the time, if pay in advance, the agent did not disclose that payment must be received by due date in order to keep receiving programming?

Q25 – 88% of the time agents are not informing the customer of DISHNetwork.com being an alternative source to obtain account information and/or make payments.

Brian

PX0560-002

JA011966
010727

EXHIBIT 624

EXHIBIT 624

JA011967
010728

TX 102-011229

What to Expect for Your Campaign

Time to Complete Project

What we need from you:

- OBR Form

- Approved Scripting

- Dialing List

Point of Contact

DNC Guidelines

Site Selection

If AutoMessage - things unique

Performance Management

DEFENDANT'S
EXHIBIT
DTX-964

JA011968
010729

OUTBOUND CAMPAIGN

Request Form

(Please complete & email back to Outbound.Operations@dishnetwork.com)

Date Submitted:	11/16/2009
Campaign Requestor:	Natalie Dreher
Department:	Retention Marketing
Campaign Type: (Live or Auto Message)	Auto Message
Campaign Name:	Pittsburgh HD local removal from 118.7
Requested start date:	Saturday, November 28th
Completion date:	Saturday, November 28th
Total List Size:(if recurring give avg daily size)	1,081

Campaign Objective

Have customers call in to schedule antenna re-points for customers with Pittsburgh, PA DMA HD locals.

Campaign Success Metrics

--

Reporting Requirements

--

Training Request Form Complete

☐ Yes ☐ No ☒ Not Needed

Training Requirements Beyond Basic Skill Set

n/a

Scripting

n/a

Additional Comments

n/a

Approval Requirements (Prior to submission)

Scripting approved with form attached:

- ☐ Retention General Manager: Kara Stegman
☐ Retention VP: Kevin Covell
☐ SVP of Marketing: Jessica Insalaco
☐ EVP Sales & Marketing: Jim Defranco

DNC Requirements:

☐ Federal ☐ State ☐ Internal ☒ Wireless

CSC VP (Budget and Resource) Approval:

☐ Approved ☐ Denied

Reason:

JA011969
010730

SAMPLE REPORT:

STB Health		Daily	Weekly	Cumulative
Service Name: EP-SIGNALI		2/18/2009	2/7/09 - 2/13/09	
Calling Hours		26.88	189.14	536.55
Events (Appt Scheduled)		24	462	1868
Contacts		1004	5067	12369
Presentations		629	3228	7626
Total Dials		7489	29998	76022
Presentations per hour		23.40	17.07	14.21
Events to Presentations		4%	14.3%	24.5%
Events per hour		0.89	2.44	3.48
Events to Contacts (Close Rate)		2%	9.1%	15.1%
Contacts to Dials (Connect Rate)		13%	16.9%	16.3%
Suppressions		57	278	989
Refusals		140	1098	2034
Cost per event		\$33.60	\$12.28	\$8.62
Total Cost		\$806.40	\$5,674.20	\$16,096.50
Idle Duration		14.39	90.18	265.26
Idle Percentage		53.53%	47.68%	49.44%

This report will be delivered to you on a daily basis to keep you up to speed on your campaign's performance.

EXHIBIT 625

EXHIBIT 625

JA011971
010732

TX 102-011233

From: Davis, Bob <Bob.Davis@dishnetwork.com>
Sent: Tuesday, January 5, 2010 3:04 PM
To: Pastorius, Emily <emily.pastorius@dishnetwork.com>
Subject: FW: ***Confidential***RE: Data Analysis
Attach: Call Research for Legal.msg; Q4 2008 Legal Analysis v_3.xls

Emily...our most recent email from Anitha and Rodney is attached. Joey also has detailed the types of calls from Anitha's analysis. Not sure where the breakdown occurred, but here is the information. Let me know if you would like to discuss.

Bob D.

From: Montano, Joey
Sent: Monday, December 28, 2009 3:28 PM
To: Davis, Bob
Subject: RE: ***Confidential***RE: Data Analysis

Attached are Anitha's last email and then the last research I completed that indicates where the records can be accounted for. I don't believe we ever meet after this.

Joey Montano
Resource Manager
CSC Administration & Management
Dish Network, LLC
Meridian: (720)-514-6479
Desk Ext: 46479
Email: joey.montano@dishnetwork.com

From: Davis, Bob
Sent: Monday, December 28, 2009 11:28 AM
To: Montano, Joey
Subject: FW: ***Confidential***RE: Data Analysis

Where did we end up on this?

From: Pastorius, Emily
Sent: Monday, December 28, 2009 11:17 AM
To: Davis, Bob
Subject: FW: ***Confidential***RE: Data Analysis

PRIVILEGE

Whatever happened with this inquiry? Were you able to finalize results for the calls that remained outstanding?

PLEASE NOTE MY EMAIL ADDRESS HAS CHANGED TO THE ADDRESS LISTED BELOW

Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Davis, Bob
Sent: Wednesday, September 16, 2009 10:07 AM
To: Pastorius, Emily
Cc: Kalani, Lori
Subject: RE: ***Confidential***RE: Data Analysis

We have not received the feedback file from Rodney as of yet, so the justification analysis has not happened. The information I sent only speaks to the fact that there are 291k calls, but only 105k impacted consumers. In past investigations, that has been useful information in reducing the overall impact.

Let me know if you have other questions.

Thanks,
Bob D.

From: Pastorius, Emily
Sent: Wednesday, September 16, 2009 9:33 AM



JA011972
010733

PX0733-001

Confidential - U.S. v. DISH

DISH9-0012809
TX 102-011234

To: Davis, Bob
Cc: Kalani, Lori
Subject: RE: ***Confidential***RE: Data Analysis

I am not sure I quite understand - the majority of the 291k calls we are able to justify (as a call back)? And what do we mean by "unique records"? Thanks for all of your help on this Bob.

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Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Davis, Bob
Sent: Tuesday, September 15, 2009 2:00 PM
To: Pastorius, Emily
Cc: Montano, Joey; Thompson, Corbin; Bagwell, Rodney
Subject: FW: ***Confidential***RE: Data Analysis

Copying Emily....

Emily...not sure if this helps but, the 291k can be reduced to 105k unique records.

The file has been sent to Rodney Bagwell to pull the feedback file for call results.

Bob D.

From: Montano, Joey
Sent: Tuesday, September 15, 2009 1:24 PM
To: Thompson, Corbin; Davis, Bob
Cc: Bagwell, Rodney
Subject: RE: ***Confidential***RE: Data Analysis

All,

The file Corbin sent contains 105,153 unique numbers. The 291,949 is total records including call backs.

Joey Montano
Resource Manager
CSC Administration & Management
Dish Network, LLC
Meridian: (720)-514-6479
Desk Ext: 46479
Email: joey.montano@dishnetwork.com

From: Thompson, Corbin
Sent: Tuesday, September 15, 2009 1:03 PM
To: Davis, Bob
Cc: Montano, Joey; Bagwell, Rodney
Subject: RE: ***Confidential***RE: Data Analysis

Rod,

The 291,000 calls in question are attached. The file contains time stamp and phone number called.

Thanks,

Corbin

From: Davis, Bob
Sent: Tuesday, September 15, 2009 12:10 PM
To: Thompson, Corbin
Cc: Montano, Joey; Bagwell, Rodney
Subject: RE: ***Confidential***RE: Data Analysis

Yea...let's do that. Hopefully, we can get an understanding of why we called based on the feedback file.

Rodney...how quickly can you pull this?

PX0733-002

JA011973
010734

Confidential - U.S. v. DISH

DISH9-0012810
TX 102-011235

Thanks,
Bob D.

From: Thompson, Corbin
Sent: Tuesday, September 15, 2009 11:49 AM
To: Davis, Bob
Cc: Montano, Joey
Subject: RE: ***Confidential***RE: Data Analysis

I can send the file to Rodney for analysis if need be. I never handled the feedback file aspect of the analysis.

From: Davis, Bob
Sent: Tuesday, September 15, 2009 11:28 AM
To: Thompson, Corbin
Cc: Montano, Joey
Subject: RE: ***Confidential***RE: Data Analysis

Corbin...do we have feedback file data that shows us call results on these numbers?

From: Thompson, Corbin
Sent: Wednesday, September 09, 2009 4:18 PM
To: Pastorius, Emily
Cc: Cernich, Dan; Montano, Joey; Davis, Bob
Subject: RE: ***Confidential***RE: Data Analysis

Emily,

I did attempt to see what I could do to reduce the final numbers, but after verifying that all the queries used in prior period analysis for Lori Kalani were followed, the 291,000 number still stands. I am sorry for not letting you know the results of any further investigations. I believe after reading a press release that stated that we settled on the FTC meant this was a done deal.

I am out sick today but if you need to discuss this further, please contact me at home 720-283-1595. I have also left a voice mail at the number listed below.

Thanks,

Corbin

From: Pastorius, Emily
Sent: Wednesday, September 09, 2009 11:41 AM
To: Thompson, Corbin
Cc: Cernich, Dan; Montano, Joey; Davis, Bob
Subject: RE: ***Confidential***RE: Data Analysis

PRIVILEGE

Corbin:

Did you ever complete this final portion of the audit? If so, please forward me the results. If not, why not?

PLEASE NOTE MY EMAIL ADDRESS HAS CHANGED TO THE ADDRESS LISTED BELOW

Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Thompson, Corbin
Sent: Tuesday, June 23, 2009 9:26 AM
To: Pastorius, Emily
Cc: Cernich, Dan; Montano, Joey; Davis, Bob; Kalani, Lori
Subject: RE: ***Confidential***RE: Data Analysis

Emily,

Sorry for the delay, I will have the remainder of the investigation complete by COB tomorrow. There has been numerous production support related items I had to attend to as well as items of concern to our financials (10q). I took Lewis Rose off this distro since this is an internal matter.

Thanks,

PX0733-003

JA011974
010735

Confidential - U.S. v. DISH

DISH9-0012811
TX 102-011236

Corbin

From: Pastorius, Emily
Sent: Tuesday, June 23, 2009 8:48 AM
To: Thompson, Corbin
Cc: Cernich, Dan; Montano, Joey; Davis, Bob; Kalani, Lori; 'Rose, Lewis'
Subject: FW: ***Confidential***RE: Data Analysis

Corbin: where are we on the 291,000 calls? I have not heard from you since my June 10 email.

PLEASE NOTE MY EMAIL ADDRESS HAS CHANGED TO THE ADDRESS LISTED BELOW

Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Pastorius, Emily
Sent: Wednesday, June 10, 2009 3:03 PM
To: Thompson, Corbin
Cc: Cernich, Dan; Montano, Joey; Davis, Bob
Subject: RE: ***Confidential***RE: Data Analysis

privilege

Corbin: I need you to conduct the additional investigation needed for the 291,000+ calls. Thanks.

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Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Thompson, Corbin
Sent: Wednesday, June 10, 2009 2:39 PM
To: Pastorius, Emily
Cc: Cernich, Dan; Montano, Joey; Davis, Bob
Subject: RE: ***Confidential***RE: Data Analysis

Emily,

Here are the preliminary results for the 3 month period of October thru December 2008 analysis.

Total records received and loaded: **9,510,981** call records
After removing duplicates (same date/time, phone number, call results): **8,090,669** unique call records

Using the criteria from previous analysis, we checked for Accounts that were currently active or disconnected within 18 months of the call for EBR. For lead calls, we checked to see if 'Encounter Date' was within 90 days of call date.

Call records considered EBR via either Lead or Active acct: **7,798,718** calls
Difference: **291,951** calls that require additional investigation.

I will look into the difference a little further.

Thanks,

Corbin

From: Pastorius, Emily
Sent: Thursday, June 04, 2009 4:17 PM
To: Thompson, Corbin
Cc: Cernich, Dan
Subject: FW: ***Confidential***RE: Data Analysis

PRIVILEGE

PX0733-004

JA011975
010736

Confidential - U.S. v. DISH

DISH9-0012812
TX 102-011237

Corbin:

My understanding is that the last phase of this project has been sent to you for handling. Time is of the essence. It is critical that we obtain this information by next **Wednesday, June 10**. If you are not able to meet that deadline, please let me know as soon as possible. Thanks in advance for all of your assistance.

PLEASE NOTE MY EMAIL ADDRESS HAS CHANGED TO THE ADDRESS LISTED BELOW

Emily V. Pastorius
Corporate Counsel
DISH Network L.L.C.
(Tel.) 720.514.5721
(Fax) 720.514.8450
emily.pastorius@dishnetwork.com

ATTORNEY CLIENT AND WORK PRODUCT PRIVILEGES MAY APPLY; DO NOT DISCLOSE WITHOUT PRIOR CONSENT OF GENERAL COUNSEL

From: Davis, Bob
Sent: Thursday, June 04, 2009 2:40 PM
To: Pastorius, Emily
Subject: FW: ***Confidential***RE: Data Analysis

FYI...we have made the handoff to Corbin for the EBR analysis.

From: Montano, Joey
Sent: Thursday, June 04, 2009 11:29 AM
To: Thompson, Corbin
Cc: Sitko, Josh; Davis, Bob
Subject: ***Confidential***RE: Data Analysis

Corbin,

We just got the Q4 Audit file back from Possible Now.

It's located in a zip file titled 2009-May_Return which is here: Shared 'Riverfront1'\OutboundE-care Operations\Kelley Drye\Outbond Audit\2009-May-Return.zip

Can you grab it and work some magic on it? I believe we need to determine which customers on the list that we have an EBR with...let me know what information you need from us to bounce the list.

As always, I think Lori is looking for this to be yesterday...do you have an ETA of when you think we might actually be done?

Joey Montano
Resource Manager
CSC Administration & Management
Dish Network, LLC
Meridian: (720)-514-6479
Desk Ext: 46479
Email: joey.montano@dishnetwork.com

From: Thompson, Corbin
Sent: Wednesday, June 03, 2009 1:43 PM
To: Montano, Joey
Cc: Sitko, Josh
Subject: RE: Data Analysis

Ok. Thanks Joey.

From: Montano, Joey
Sent: Tuesday, June 02, 2009 1:55 PM
To: Thompson, Corbin
Cc: Sitko, Josh
Subject: FW: Data Analysis
Importance: High

Corbin,

It looks like its that time again. We are working on getting the Kelley Dryer audit data back from Possible Now. Once we do, we'll need your help running it against EBR's for the time frame. We'll let you know what the file name is and where its located as soon as we get it.

Thanks,

PX0733-005

JA011976
010737

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DISH9-0012813
TX 102-011238

Joey Montano
Resource Manager
CSC Administration & Management
Dish Network, LLC
Meridian: (720)-514-6479
Desk Ext: 46479
Email: joey.montano@dishnetwork.com

From: Montano, Joey
Sent: Tuesday, June 02, 2009 1:52 PM
To: 'Guy Caldwell'; Sitko, Josh
Cc: Davis, Bob
Subject: RE: Data Analysis
Importance: High

Guy,

Can you place file on the original sftp site where we provided the original document to you? Once there lets know the file name and we will pull it off to conduct the analysis against EBR's.

Call me or Josh if you have questions.

Thanks,

Joey Montano
Resource Manager
CSC Administration & Management
Dish Network, LLC
Meridian: (720)-514-6479
Desk Ext: 46479
Email: joey.montano@dishnetwork.com

From: Davis, Bob
Sent: Tuesday, June 02, 2009 1:42 PM
To: Montano, Joey
Subject: FW: Data Analysis

From: Pastorius, Emily
Sent: Tuesday, June 02, 2009 11:20 AM
To: 'LRose@KelleyDrye.com'; 'gcaldwell@possiblenow.com'; Davis, Bob
Cc: Kalani, Lori
Subject: Re: Data Analysis

Bob: can you coordinate with Guy asap? Thanks.

Sent from my BlackBerry Wireless Device

From: Rose, Lewis
To: Guy Caldwell
Cc: Pastorius, Emily
Sent: Tue Jun 02 09:23:49 2009
Subject: RE: Data Analysis

Thanks. I have asked Emily to coordinate getting the list of phone calls to numbers on the DNC Registry from you so that Dish can pull together a spreadsheet of its EBRs with those consumers.

Lewis Rose
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
202-342-8821 (voice)
202-391-8268 (cell)

-----Original Message-----

From: Guy Caldwell [mailto:gcaldwell@possiblenow.com]
Sent: Tuesday, June 02, 2009 9:42 AM
To: Rose, Lewis
Cc: Pastorius, Emily
Subject: Data Analysis

PX0733-006

JA011977
010738


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DISH9-0012814
TX 102-011239

Lew,

The analysis of data is complete. My team needs to know where to send or post everything.

GC

 **POSSIBLENOW™**
Guy Caldwell
PossibleNOW, Inc - Business Dev Mgr
4375 River Green Pkwy - Suite 200
Duluth, GA 30096

(770) 255-1020 main
(770) 255-1042 direct
(770) 255-1025 fax
gcaldwell@possiblenow.com

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PX0733-007

JA011978
010739

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DISH9-0012815
TX 102-011240

APEN

J. Stephen Peek, Esq. (1758)
Robert J. Cassity, Esq. (9779)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Tel: (702) 669-4600
Fax: (702) 669-4650
speek@hollandhart.com
bcassity@hollandhart.com

C. Barr Flinn (*Admitted pro hac vice*)
Emily V. Burton (*Admitted pro hac vice*)
YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square, 1000 North King Street
Wilmington, DE 19801
Tel: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for Special Litigation Committee of
Nominal Defendant DISH Network Corp.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

PLUMBERS LOCAL UNION NO. 519 PENSION
TRUST FUND and CITY OF STERLING
HEIGHTS POLICE AND FIRE RETIREMENT
SYSTEM, derivatively on behalf of nominal
defendant DISH NETWORK CORP.,

Plaintiffs,
v.

CHARLES W. ERGEN; JAMES DEFRANCO;
CANTEY M. ERGEN; STEVEN R.
GOODBARN; DAVID MOSKOWITZ; TOM A.
ORTOLF; CARL E. VOGEL; GEORGE R.
BROKAW; JOSEPH P. CLAYTON; and GARY
S. HOWARD,

Defendants,

DISH NETWORK CORP., a Nevada Corp.,

Nominal Defendant

CASE NO.: A-17-763397-B
DEPT. NO.: XI

**VOLUME 39 OF APPENDIX TO
THE REPORT OF THE SPECIAL
LITIGATION COMMITTEE OF
DISH NETWORK CORPORATION**

<u>Ex.</u>	<u>Date</u>	<u>Description</u>	<u>Page No.</u>
626	01/26/2010	Email from B. Werner to R. Hernandez et al.	10740
627	01/28/2010	Email from J. Montano to B. Davis	10745
628	02/02/2010	Project Scope Document	10748
629	04/09/2010	Retailer Profile & Notification for American Satellite Inc.	10754
630	05/03/2010	Email from A. Dexter to B. Davis	10757
631	06/03/2010	Email from R. Quader to T. Rukas et al.	10760
632	06/17/2010	Email from B. Werner to R. Musso	10762
633	07/01/2010	Pdialer Meeting Notes	10765
634	07/02/2010	Email Chain between S. Tafur, J. Montano, G. Caldwell, T. Head (June 30–July 1, 2010)	10774
635	07/08/2010	Email from J. Blum to B. Kitei et al.	10780
636	07/28/2010	Email from J. Dang to J. Montano et al.	10785
637		INTENTIONALLY OMITTED	10787
638	01/11/2011	Email from J. Montano to J. Dang et al.	10789
639	03/16/2011	Email from A. Dexter to B. Lohmeier	10793
640	03/25/2011	Email from A. Ahmed to B. Neylon	10797

DATED this 28th day of November 2018.

By /s/ Robert J. Cassity
J. Stephen Peek, Esq. (1758)
Robert J. Cassity, Esq. (9779)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

C. Barr Flinn (*Admitted pro hac vice*)
Emily V. Burton (*Admitted pro hac vice*)
YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square, 1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee of
Nominal Defendant DISH Network Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November 2018, a true and correct copy of the foregoing **VOLUME 39 OF APPENDIX TO THE REPORT OF THE SPECIAL LITIGATION COMMITTEE OF DISH NETWORK CORPORATION** was served by the following method(s):

☐ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

David C. O'Mara, Esq.
THE O'MARA LAW FIRM, PC.
311 East Liberty Street
Reno, NV 89501

Travis E. Downs, III, Esq.
Benny C. Goodman III, Esq.
Erik W. Luedeke, Esq.
Timothy Z. Lacombe, Esq.
ROBBINS GELLER RUDMAN & DOWD, LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-8498

Howard S. Susskind, Esq.
SUGARMAN & SUSSKIND
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
*Attorneys for Plaintiff Plumbers Local Union
No. 519 Pension Trust Fund*

Mark E. Ferrario, Esq.
Chris Miltenberger, Esq.
GREENBERG TRAURIG LLP
10845 Griffith Peak Drive, Ste 600
Las Vegas, NV 89135
*Attorneys for Nominal Defendants DISH
Network Corp.*

J. Randall Jones, Esq.
KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Pkwy, 17th Floor
Las Vegas, NV 89169

Brian T. Frawley, Esq.
Maya Krugman, Esq.
Yevgeniy Zilberman, Esq.
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004

Attorneys for Defendants

By: /s/ Valerie Larsen
An Employee of Holland & Hart, LLP