

EXHIBIT 4



To:
Cc:
Bcc:
Subject:

From: Christopher M Lomax/JonesDay
To: Christopher Perre <CPerre@pbyalaw.com>
Cc: "Angie M. Cancino" <ACancino@pbyalaw.com>, "Brian W. Chaiken" <bchaiken@pbyalaw.com>, Bernard Bell <bellb@millerfriel.com>, Christopher R Pace <crpace@jonesday.com>, Erika Handelson <ehandelson@jonesday.com>, "John W. Annesser" <jannessers@pbyalaw.com>, "D. Porpoise Evans" <pevans@pbyalaw.com>, "Samantha A. Gillett" <sgillett@pbyalaw.com>
Date: 02/21/2017 12:46 AM
Subject: RE: Follow-Up Call

Chris,

We served our initial notice on 1/20/17. We amended that notice simply to move the inspection back one day so that it would not fall on a federal holiday. We communicated with John about the inspection several times in the interim. It seemed the only issue that remained was whether the inspection would involve invasive testing. Yesterday (Monday) we learned that plaintiffs object to defendants inspecting certain portions of the JMP side of the facility. We also learned yesterday of plaintiffs' objection to the inspection date. Our understanding was that we were negotiating the terms of the inspection with eye toward completing it on Feb. 21.

As to the scope of the inspection, our understanding is that plaintiffs will not agree, under any set of circumstances, to an inspection of any portion of the container on the JMP side of the facility. As I noted during our call this afternoon, this is an interesting position given the fact that JMP has not objected to our request to inspect the JMP side of the facility. Please confirm that the entire Doral facility is controlled by Rossi and Leonardo and, as a result, Rossi and Leonardo are the proper party to object to inspection of the JMP side of the facility. Also, please let us know when Rossi/Leonardo took control of the entire facility. It is also our understanding that plaintiffs intend to exclude defendants entirely from a particular room on the JMP side of the facility. As reflected in prior email communications, our position is that we are entitled to inspect the entire JMP side of the facility and whatever alleged trade secrets are in plain site can be covered. Our understanding is that you refuse to make such an accommodation. As you know, our clients were told that JMP was a confidential subsidiary of Johnson Matthey and that it was engaged in a real manufacturing process at the Doral facility. We have alleged in our counterclaims that this representation, among other representations, was not true. Accordingly, the JMP side of the facility is squarely at issue in this litigation and defendants are entitled to a reasonable inspection that is inclusive of that side of the facility.

Finally, as to Penon's deposition, our position is that defendants are entitled to a reasonable opportunity to examine Penon. Penon is attending his deposition in the D.R. voluntarily, at plaintiffs' request. Although Penon is traveling to D.R. at plaintiffs' request and intends to answer your questions, you claim to have no control over Penon and cannot do anything to ensure that he will participate in an examination by defendants. You asked that we provide a basis for plaintiffs' authority to secure cooperation from Penon. We would suggest that you use the same authority that was used to convince Penon to travel to D.R. for examination by plaintiffs. If this is not achievable, we will live with whatever the court believes is a fair resolution of this issue.

Happy to discuss this further.

Thanks,

Chris

Christopher Lomax
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Christopher Perre Good Evening Chris, We have a few follow-up q... 02/20/2017 08:56:48 PM

From: Christopher Perre <CPerre@pbyalaw.com>
To: 'Christopher M Lomax' <clomax@jonesday.com>, Bernard Bell <bellb@millerfriel.com>, Christopher R Pace <crjpace@jonesday.com>
Cc: "Brian W. Chaiken" <bchaiken@pbyalaw.com>, Erika Handelson <ehandelson@jonesday.com>, "John W. Annesser" <jannesser@pbyalaw.com>, "Samantha A. Gillett" <sgillett@pbyalaw.com>, "D. Porpoise Evans" <pevans@pbyalaw.com>, "Angie M. Cancino" <ACancino@pbyalaw.com>
Date: 02/20/2017 08:56 PM
Subject: RE: Follow-Up Call

Good Evening Chris,

We have a few follow-up questions with respect the issues that you intend to raise tomorrow.

With respect to the first issue, it appears that Defendants have only now attempted to reschedule the inspection and that, in any event, Defendants have attempted to do so when neither counsel for Plaintiffs nor Plaintiffs are available to attend the inspection. In addition, Defendants appear to be taking the position that they are entitled to conduct the inspection before the deadline for Plaintiffs to respond to the request, under Rule 34(b)(2)(A), has expired. What is the basis of requiring Plaintiffs to prematurely respond to the inspection request and to show the premises before the 30 days have passed? What of Plaintiffs' offer to conduct the inspection at a time when Plaintiffs' counsel and Plaintiffs are available?

With respect to the second issue, we remain unclear – as we were during our call with you this afternoon – as to what exactly Defendants' issues are with the reasonable limitations that Plaintiffs would seek to impose on the inspection. During our call this afternoon, you indicated that you would more clearly explain the issues via email. We have yet to receive such correspondence. As such, the parties cannot be said to have met and conferred regarding your issues in advance of any hearing.

With respect to the third issue, what exactly are Defendants asking that Plaintiffs do in an effort to "ensure that Fabio Penon is available for examination" by Defendants? If Defendants maintain that Plaintiffs should engage in some affirmative act, please provide the basis upon which Defendants believe Plaintiffs have any such authority.

Please let us know your positions so that we may properly meet and confer in advance of any hearing, and so that we may represent to the Court that we did so adequately.

Sincerely,



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From: Christopher M Lomax [mailto:clomax@jonesday.com]
Sent: Monday, February 20, 2017 7:31 PM
To: D. Porpoise Evans <pevans@pbylaw.com>
Cc: Brian W. Chaiken <bchaiken@pbylaw.com>; Bernard Bell <bellb@millerfriel.com>; Christopher Perre <CPerre@pbylaw.com>; Christopher R Pace <crpace@jonesday.com>; Erika Handelson <ehandelson@jonesday.com>; John W. Annesser <jannessers@pbylaw.com>; Samantha A. Gillett <sgillett@pbylaw.com>
Subject: RE: Follow-Up Call

Porpoise,

We intend to raise the following issues during a telephonic hearing before Judge O'Sullivan tomorrow:

1. Plaintiffs' attempts to reschedule the inspection of the Doral facility; **Just attempted to reschedule. We have agreed to reschedule after the deposition schedule when all parties are available. Rossi not available. Our response to your request is not yet due. We are entitled to 30 days to respond and state our objections.**
2. The limitations plaintiffs seek to place on the scope of defendants' inspection of the Doral facility (as explained by John to me by phone today); and **What did John explain? We are unable to discern the issues you are referring to. In our conversation this afternoon, you indicated that you would provide, via email, the issues to which you are referring.**

3. Plaintiffs' unwillingness to ensure that Fabio Penon is available for examination by defendants during his deposition on 2.22.17, as well as the logistics of Fabio Penon's deposition. What exactly are you attempting to achieve? Requesting that we agree to keep Penon present during the deposition? Have you

We tried to get the 21st date for a hearing, but you told us you could not attend and pushed the hearing to the 23rd.

We will call Judge O'Sullivan's chambers first thing tomorrow morning to find out if/when he is available.

Thanks,

Chris

Christopher Lomax
Associate

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Cc: Christopher R Pace <cripace@jonesday.com>, Erika Handelson <ehandelson@jonesday.com>, Bernard Bell <bellb@millerfriel.com>, "Samantha A. Gillett" <sgillett@pbyalaw.com>, "Brian W. Chaiken" <bchaiken@pbyalaw.com>, "John W. Annesser" <jannesser@pbyalaw.com>
Date: 02/20/2017 06:44 PM
Subject: RE: Follow-Up Call

Tomorrow before 11 or between 3 and 4. But do please put pen to paper. I do not want to waste Judge O'Sullivan's time with a hearing that we have not fully discussed, and the issues you raised this afternoon were not clear at all.

Best,
Porpoise

D. Porpoise Evans, Esq. | Partner

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From: Christopher M Lomax [<mailto:clomax@jonesday.com>]
Sent: Monday, February 20, 2017 6:39 PM
To: Christopher Perre <CPerre@pbyalaw.com>
Cc: D. Porpoise Evans <pevans@pbyalaw.com>; Christopher R Pace <cripace@jonesday.com>; Erika Handelson <ehandelson@jonesday.com>; Bernard Bell <bellb@millerfriel.com>
Subject: RE: Follow-Up Call

Hi Chris,

Thanks for your email. I will send you another email this evening outlining the issues we intend to raise with the judge during the telephonic hearing tomorrow. We probably won't need to have another call, but I can be available anytime after 10:00AM.

Are there any times that do not work for you for the hearing tomorrow?

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----- Message from "Christopher Perre" <CPerre@pbyalaw.com> on Mon, 20 Feb 2017 23:29:06 GMT -----

From: "Christopher Perre" <CPerre@pbyalaw.com>
To: "Christopher M Lomax"
CC: "D. Porpoise Evans" , "Christopher Perre"
Subject: Follow-Up Call

Hi Chris,

We received your voicemail about a follow-up issue that you may wish to bring before the Court. We were unable to call you back this evening, but we can give you a call in the morning. Is there a time that works for you?

Best,
Chris

P | B | Y | & | A
FORT LAUDERDALE | MIAMI

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To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

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