

EXHIBIT A
**(The Parties' Correspondence
Concerning Plaintiffs'
Pending Discovery)**

From: Pratt, Marcel S. <PrattM@ballardspahr.com>
Sent: Tuesday, March 11, 2025 4:30 PM
To: Lawrence J. Lederer
Cc: Rogers, Edward; Burruss, Chesley; Gallagher, Thomas J.; Daniel Arellano; Roy Herrera; jillian@ha-firm.com; Bart D. Cohen; Michael L. Murphy; Justin A. Heller; Matthew M. Zapala; Gabriel R. Dos Santos; Beatriz Aguirre; Watson, Travis W.
Subject: RE: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition
Attachments: 2025.03.11 Responses and Objections to Rule 30(b)(6) Notice 4900-8285-2901.pdf

CAUTION: External Email

Larry:

In response to your most recent and earlier emails:

1. Attached please find Prestamos's objections to Plaintiffs' Rule 30(b)(6) notice (the "Objections").
2. After discussing your initial proposal with our client, Prestamos will agree to produce Jose Martinez on a single date to testify as a Rule 30(b)(1) and Rule 30(b)(6) witness, subject to the Objections. We will work on providing dates for a virtual deposition.
3. Prestamos is not agreeing to produce David Castillo as a witness, in any capacity. You made a proposal that explicitly waived a deposition of Mr. Castillo, and gave us a unilateral deadline of March 12 (tomorrow) to respond to that proposal. Rather than give us the opportunity to meet your deadline, you revoked the proposal and have now asked for Mr. Castillo's deposition on the ground that we have not responded to your 30(b)(6) topics. With this email, we are responding to your topics and offering to produce Mr. Martinez to testify to all of them, as stated above. Accordingly, we assume you will withdraw your request for Mr. Castillo's deposition and if you do not do so, we will regard your latest proposal as not being made in good faith.
4. We are willing to meet and confer this week.

Best,
Marcel

Marcel S. Pratt
He/Him/His

Ballard Spahr
LLP

1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
215.864.8506 DIRECT
215.864.8999 FAX

prattm@ballardspahr.com
VCARD

www.ballardspahr.com

From: Lawrence J. Lederer <llederer@baileyglasser.com>

Sent: Tuesday, March 11, 2025 9:56 AM

To: Pratt, Marcel S. <PrattM@ballardspahr.com>

Cc: Rogers, Edward <RogersE@ballardspahr.com>; Burruss, Chesley <burrussc@ballardspahr.com>; Gallagher, Thomas J. <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com; Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Justin A. Heller <jheller@woh.com>; Matthew M. Zapala <mzapala@woh.com>; Gabriel R. Dos Santos <gdossantos@baileyglasser.com>; Beatriz Aguirre <beatriz@ha-firm.com>

Subject: RE: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

 **EXTERNAL**

Marcel and team:

Good morning. As part of our proposal to substantially narrow the pending discovery, Plaintiffs also seek to depose Mr. Castillo under Rule 30(b)(1). We understand that we also originally proposed forgoing his deposition. But that was subject to who Prestamos designates as its Rule 30(b)(6) witness(es), and Prestamos still hasn't identified its Rule 30(b)(6) designee(s) for any of the five specific topics set forth in Plaintiffs' Rule 30(b)(6) notice. To the extent that Castillo is Prestamos' 30(b)(6) designee for any of those five topics, Plaintiffs would also be willing to depose Castillo once not twice as with Martinez unless Prestamos wants the Rule 30(b)(1) and (b)(6) depositions separate.

Plaintiffs will also forgo the 30(b)(1) depositions of Nunez and Adame in full, again subject also to Prestamos also answering Plaintiffs' pending RFAs. Further, Plaintiffs are also amenable to limiting the time of both the Martinez and Castillo depositions to a maximum of up to three or four hours depending on whether they are also Prestamos' Rule 30(b)(6) designees.

Please advise. Again, if Prestamos fails to agree to produce Martinez and Castillo for deposition and identify its Rule 30(b)(6) designee(s) -- who Plaintiffs continue to believe are indeed Martinez and Castillo anyway -- we will be forced to promptly seek Judge Gallagher's intervention. If you want to discuss any aspect of this, we can do that too.

Thank you.

Larry

Lawrence J. Lederer

Partner

Bailey & Glasser, LLP

T: 202.548.7787

From: Lawrence J. Lederer <llederer@baileyglasser.com>

Sent: Wednesday, March 5, 2025 5:41 PM

To: Marcel S. Pratt <PrattM@ballardspahr.com>

Cc: Edward Rogers <RogersE@ballardspahr.com>; Chesley Burruss <burrussc@ballardspahr.com>; Thomas J. Gallagher <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com; Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Justin A.

Heller <jheller@woh.com>; Matthew M. Zapala <mzapala@woh.com>; Gabriel R. Dos Santos <gdossantos@baileyglasser.com>; Beatriz Aguirre <beatriz@ha-firm.com>

Subject: Re: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

We are aware of the context. We are also aware of when we served plaintiffs' latest discovery. Indeed, by contrast, Prestamos still has served no Phase 2 discovery which provides additional context. And we're also aware of the quite generous compromise we've proposed in the circumstances -- which should require no further litigation pretext or gamesmanship. But we've learned how you proceed.

Context aside, the bottom line remains that if our highly generous proposal isn't answered and resolved by next week, plaintiffs will be forced to impose on the Court.

Larry

Lawrence J. Lederer

Partner

Bailey & Glasser, LLP

T: 202.548.7787

On Mar 5, 2025, at 4:25 PM, Pratt, Marcel S. <PrattM@ballardspahr.com> wrote:

CAUTION: External Email

Larry,

Your email ignores critical context: Plaintiffs deliberately failed to pursue Phase 2 discovery for an extraordinary six months. As the Judge stated during yesterday's conference, and as you acknowledged, plaintiffs could have done this sooner. Plaintiffs' tactical decision to pursue this discovery at the 11th hour does not justify your arbitrary deadline or the imposition of an undue burden and expense for Prestamos. Having manufactured this urgency, you cannot force us and our client to work on your timetable.

We are not foreclosing the possibility that we may reach a resolution. But we have a client, and we need to consult with that client before addressing your demands. We will endeavor to do so and let you know our position by March 12.

Best,

Marcel

Marcel S. Pratt
He/Him/His

Ballard Spahr
LLP

1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
215.864.8506 DIRECT
215.864.8999 FAX

prattm@ballardspahr.com
VCARD

www.ballardspahr.com

From: Lawrence J. Lederer <llederer@baileyglasser.com>

Sent: Wednesday, March 5, 2025 2:26 PM

To: Pratt, Marcel S. <PrattM@ballardspahr.com>; Rogers, Edward <RogersE@ballardspahr.com>; Burruss, Chesley <burrussc@ballardspahr.com>; Gallagher, Thomas J. <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com

Cc: Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Heller, Justin A. <jheller@woh.com>; Zapala, Matthew M. <mzapala@woh.com>; Gabriel R. Dos Santos <gdossantos@baileyglasser.com>; Beatriz Aguirre <beatriz@ha-firm.com>

Subject: RE: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

 **EXTERNAL**

Marcel:

Plaintiffs have more than narrowed their pending discovery. Plaintiffs propose to forgo entirely three of the four Rule 30(b)(1) depositions for only a single Rule 30(b)(1) deposition of Martinez. We again request your answer.

In addition, you also fail to answer whether Martinez will be Prestamos' Rule 30(b)(6) designee for any of the five topics plaintiffs noticed, even concerning the Loan Documents which Martinez signed as Prestamos' President (Topic 1), and Prestamos' PPP lending policies and practices (Topic 5). This is a straightforward, simple question. Indeed, you didn't even request to meet and confer with us regarding it. And Prestamos can answer while also preserving any objections it has to the Rule 30(b)(6) notice. Of course our proposal is to efficiently depose Martinez only once as both a fact and corporate designee witness to save resources for each side. But we can also depose him separately if Martinez will also be Prestamos' 30(b)(6) designee as we suspect and you have yet to answer, or we are forced to do so by potentially litigating your objections to the 30(b)(6).

But we will oppose procedural gamesmanship designed to deprive plaintiffs of further discovery. Your vague reference to "objections" to the 30(b)(6) could pretextually drag that issue out past the April 9, 2025 deadline. Even with that, however, it still would leave open plaintiffs' offer to reduce 30(b)(1) depositions to one.

We therefore request Prestamos' position by March 12, 2025 at least as to plaintiffs' overall proposal – that is, whether Prestamos will agree to produce Martinez for a 30(b)(1) deposition on or prior to April 9, 2025 in exchange for which plaintiffs will forgo the other three 30(b)(1) depositions, and whether Martinez would also be Prestamos' Rule 30(b)(6) designee as to any of the five topics in plaintiffs' Rule 30(b)(6) notice, such that we would depose Martinez only once not twice.

Plaintiffs' proposal also includes Prestamos answering plaintiffs' RFAs. If we can't resolve these issues March 12, 2025, we reserve the right to seek the Court's intervention.

Thank you.

Larry

Lawrence J. Lederer

Partner

Bailey & Glasser, LLP

T: 202.548.7787

From: Pratt, Marcel S. <PrattM@ballardspahr.com>

Sent: Tuesday, March 4, 2025 5:49 PM

To: Lawrence J. Lederer <llederer@baileyglasser.com>; Rogers, Edward <RogersE@ballardspahr.com>; Burruss, Chesley <burrussc@ballardspahr.com>; Gallagher, Thomas J. <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com

Cc: Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Heller, Justin A. <jheller@woh.com>; Zapala, Matthew M. <mzapala@woh.com>; Gabriel R. Dos Santos <gdossantos@baileyglasser.com>

Subject: RE: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

CAUTION: External Email

Larry:

We appreciate plaintiffs' offer to narrow the scope of your recent deposition requests, particularly given the limited time that plaintiffs have left to conduct their Phase 2 discovery. As we stated during the status conference before Judge Gallagher, we find substantive aspects of the discovery objectionable, particularly the Rule 30(b)(6) notice. We will discuss your proposal with our client who continues to reserve all rights to object.

Regards,
Marcel

Marcel S. Pratt

He/Him/His

Ballard Spahr
LLP

1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
215.864.8506 DIRECT
215.864.8999 FAX

prattm@ballardspahr.com
VCARD

www.ballardspahr.com

From: Lawrence J. Lederer <llederer@baileyglasser.com>

Sent: Tuesday, March 4, 2025 2:54 PM

To: Pratt, Marcel S. <PrattM@ballardspahr.com>; Rogers, Edward <RogersE@ballardspahr.com>; Longley, Henry <longleyh@ballardspahr.com>; Burruss, Chesley <burrussc@ballardspahr.com>; Gallagher, Thomas J. <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com

Cc: Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Heller, Justin A. <jheller@woh.com>; Zapala, Matthew M. <mzapala@woh.com>; Gabriel R. Dos Santos <gdossantos@baileyglasser.com>

Subject: RE: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

 **EXTERNAL**

Marcel and team:

I write on behalf of plaintiffs following today's status conference with the Court. Plaintiffs are willing to forgo three of the four Rule 30(b)(1) depositions plaintiffs noticed last week – specifically, Nunez, Adame and Castillo – if Prestamos agrees to timely produce Martinez for deposition on or prior to the April 9, 2025 discovery deadline. This assumes Martinez would also be Prestamos' Rule 30(b)(6) designee as to at least two of the five specific Rule 30(b)(6) topics plaintiffs noticed – including specifically topic one as to Prestamos' use of the Loan Documents, and topic five as to Prestamos' policies and procedures regarding PPP lending. In addition, please advise us whether Martinez would also be Prestamos' Rule 30(b)(6) designee as to the three other Rule 30(b)(6) topics, as to which we reserve our rights. Further, as part of this proposal to narrow the pending discovery, plaintiffs would also a) agree to depose Martinez once as both a 30(b)(1) witness and Prestamos' 30(b)(6) witness, and b) expect Prestamos to provide timely answers and substantive responses to plaintiffs' RFAs rather than just objections.

Happy to further discuss if and as you want. Either way, please promptly advise as to defendant's position.

Thank you.

Larry

Lawrence J. Lederer

Partner

Tel: 202.548.7787

Cell: 267.977.0898

Fax: 304.342.1110

Email: llederer@baileyglasser.com

Office: 1055 Thomas Jefferson Street NW, Suite 540
Washington, D.C. 20007

Connect:    

BaileyGlasser.com | Firm Biography

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From: Gabriel R. Dos Santos <gdossantos@baileyglasser.com>

Sent: Monday, March 3, 2025 3:24 PM

To: Pratt, Marcel S. <PrattM@ballardspahr.com>; Rogers, Edward <RogersE@ballardspahr.com>; Longley, Henry <longleyh@ballardspahr.com>; Burruss, Chesley <burrussc@ballardspahr.com>; Gallagher, Thomas J. <GallagherT@ballardspahr.com>; Daniel Arellano <daniel@ha-firm.com>; Roy Herrera <roy@ha-firm.com>; jillian@ha-firm.com

Cc: Lawrence J. Lederer <llederer@baileyglasser.com>; Bart D. Cohen <bcohen@baileyglasser.com>; Michael L. Murphy <MMurphy@baileyglasser.com>; Heller, Justin A. <jheller@woh.com>; Zapala, Matthew M. <mzapala@woh.com>

Subject: Prestamos - Plaintiffs' 30(b)(6) Notice of Deposition

Counsel,

Please, see attached Plaintiffs' Notice of Deposition Pursuant to Rule 30(b)(6). Should you have any trouble opening the attachment, please do not hesitate to contact me.

Thank you.

Gabriel R. Dos Santos

Bailey & Glasser, LLP

309 East 5th Street

Suite 202B

Des Moines, IA 50309

T: 515.416.9050

F: 304.342.1110

gdossantos@baileyglasser.com

www.baileyglasser.com

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