

**IN RE BROBECK, PHLEGER & HARRISON LLP**  
**United States Bankruptcy Court N.D. California Case No. 03-32715-DM**

**PLEASE TAKE NOTICE** that, on August 10, 2006, the United States Bankruptcy Court for the Northern District of California (the "Bankruptcy Court"), the Honorable Dennis Montali, United States Bankruptcy Judge presiding, entered its "Order Granting Motion For Order (A) Authorizing The Abandonment Of Brobeck's Digital Records; (B) Authorizing The Trustee To Transmit Notice Of Abandonment To Former Clients Of Brobeck; (C) Authorizing The Trustee To Enter Into Electronic Data Access Agreement With Gallivan, Gallivan & O'melia, LLC; And (D) Granting Related Relief" (the "Order"), by which the Bankruptcy Court, among other things, authorized (i) the turn over of the digital records of files of former clients of Brobeck, Phleger & Harrison LLP ("Brobeck") that are stored on Brobeck's servers (the "Digital Records") to an outside vendor, Gallivan, Gallivan & O'Melia LLC, and (ii) the abandonment of any right, title and interest of the estate in and to the Digital Records after such turnover in accordance with the terms of the Order.

**PLEASE TAKE FURTHER NOTICE** that Brobeck's records indicated that you may be a former Brobeck client with Digital Records subject to the provisions of the Order. Under the Order, the Digital Records will be established under the direction of the Library of Congress and its partners in the National Digital Information Infrastructure Preservation Program, subject to the restrictions of a closed archive methodology attached as an exhibit to the Order. Please contact Prof. David Kirsch at the address below with any concerns regarding the Digital Records.

**David Kirsch**  
**University of Maryland**  
**Robert H. Smith School of Business**  
**4544 Van Munching Hall**  
**College Park, MD 20742**

**PLEASE TAKE FURTHER NOTICE** that the undersigned, Ronald F. Greenspan, chapter 7 trustee for Brobeck, will not participate in making arrangements respecting the disposition of Digital Records. **ANY SUCH ARRANGEMENTS MUST BE MADE DIRECTLY WITH DAVID KIRSCH.**

Dated: August 16, 2006

RONALD F. GREENSPAN  
CHAPTER 7 TRUSTEE FOR  
BROBECK, PHLEGER & HARRISON LLP

**OPTION SHEET****What Is The Digital Archive of the Birth Of The Dot Com Era?**

The Library of Congress's National Digital Information Infrastructure and Preservation Program ("NDIIPP") is part of a national effort to preserve our digital heritage. Joined by The University of Maryland and other partners, NDIIPP aims to memorialize the Dot Com Era by preserving the Brobeck Digital Records in an archive that will be established upon closure of the bankruptcy estate. In the interim, you may choose among the following options:

**Your Three Options:**

**IF YOU TAKE NO ACTION**, the estate will turn over all Digital Files to the archive and your digital files will be preserved in an archive subject to the restrictions of a closed archive methodology on file with the Court.

**OPT-IN:** I \_\_\_\_\_ (the "Company") understand that, in connection with Brobeck's representation of the Company, Brobeck created, received and/or stored information and materials that are protected by and subject to the attorney-client privilege, the work product doctrine and/or other confidentiality obligations ("Protected Materials") that prevent Brobeck from disclosing such Protected Materials without the Company's consent. Nonetheless, in the interest of contributing to historical scholarship and archival preservation of cultural materials, the Company hereby waives any such privilege, work product and other confidentiality obligations, and consents to the use of the Protected Materials by the Library of Congress and its sublicensees. Access to the Company's records will continue to be governed by traditional archive principles as set forth in the Code of Ethics of the Society of American Archivists.

**OPT-OUT:** I \_\_\_\_\_ (the "Company") do not wish the Company's Digital Files to be turned over to the Closed Archive. You may contact the interim repository regarding disposition of your digital files at: Gallivan Gallivan O'Melia LLP, 101 Yesler Way Suite 507, Seattle, WA 98104-3448 -- Tel: 206-652-1441.

Acting on behalf of \_\_\_\_\_, I hereby request execution of the above checked option.

By: \_\_\_\_\_

(Former) Title: \_\_\_\_\_

Date: \_\_\_\_\_

If you opt-in or opt-out, please **check** the appropriate box, **sign**, and **return** to:

**David Kirsch**  
**University of Maryland**  
**Robert H. Smith School of Business**  
**4544 Van Munching Hall**  
**College Park, MD 20742**