Exhibit C

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November 24, 2015

VIA EMAIL
Ms. Melanie A. Miller, Esq.
Member, Intellectual Property Department
Cozen O'Connor
One Liberty Place
1650 Market Street
Philadelphia, PA 19103

Re: **American Board of Internal Medicine v. Jamie Salas Rushford, M.D.**
No. 2:14-cv-06428-KSH-CLW

Dear Ms. Miller:

This is in response to your most recent emails to me in connection with the subpoena that was served upon your client, Dr. Rajender K. Arora.[1]

I have been able to review your email and the correspondence exchanged by us related to this matter and in which I have been very careful and precise in stating what each correspondence contains as the subject was discussed by us. Having said that, you state in your email of yesterday that Dr. Arora received "some" of the documents from ABIM that ABIM had originally seized from him during that case in late 2009, sometime in 2010 after the case concluded. This new fact is different from what we have discussed before and it is so recognized from your correspondence. That in itself calls into question ABIM's case against our client because they may have retained the only copy of documents which contain(ed) exculpatory evidence and because it calls into question the authenticity of all the documents if ABIM in any

[1] This is the earliest opportunity for me to reply as I have been unavailable until late yesterday.

way modified what it returned to Dr. Arora. Those issues are more than proper basis to depose Dr. Arora.

The second issue you bring up is that of Dr. Arora's newsletters which you claim to be irrelevant. We disagree. His newsletters may very well be relevant if they relate to any of the categories contained in our subpoena *duces tecum*, which was carefully crafted to limit its scope to the discovery of relevant evidence.

The third issue you discuss is that of documents in which Dr. Arora may have (legally) destroyed. Regarding that, it is well established that the existence of a destroyed document may be proven via testimony, so if Dr. Arora recalls any of the documents he destroyed (even if it was done "legally" and legitimately) or that ABIM did not return, then his testimony may be essential to proving their existence, and therefore his deposition would be even more valuable than if the documents still existed.

The last substantive issue you bring up is your statement that Dr. Arora does not recall any telephone conversations with Dr. Salas Rushford. That may very well be the case, but those conversations are explicitly alleged in ABIM's Complaint against Dr. Salas Rushford, and Dr. Arora's testimony under oath that he does not recall such communications further calls into question the case against our client. That makes his deposition as to that issue essential to our defense. The same is true about every other topic about which he is referenced directly or indirectly in the Pleadings.

We need his statements under oath concerning all the above and other topics related to the Complaint filed by ABIM against Dr. Salas Rushford under oath in order to be able to introduce them as evidence. Therefore we cannot limit the scope of the deposition to simple matters of authenticity of some limited documents as you propose. ABIM plastered Dr. Arora's name all over the allegations in its Complaint against Dr. Salas Rushford. Thus, Dr. Salas Rushford is entitled under applicable court rules and case law to depose Dr. Arora as to all of the issues evident from the pleadings that he may conceivably testify at trial about or that may lead

to the discovery of admissible evidence. Given that ABIM v. Arora provided the genesis for the current matter, as explicitly alleged in ABIM's Complaint, all the circumstances in that matter that relevant and/or reasonably calculated to lead to the discovery of admissible evidence for the instant matter is fair game at the deposition, including, but not limited to the particulars of the settlement agreement between ABIM and Dr. Arora.[2] ABIM may not use private confidentiality agreements to prevent the finder of fact from learning the truth.

Since all parties have asked the Court to extend fact discovery until at least December 18, we are available to depose Dr. Arora on December 17 as you propose, but given the large number of issues about him and his company that are raised in this litigation, please be advised that we require at least the full time (7 hours) provided by the rules to depose him (but considering that as per your statements we may need him to testify about the content of destroyed documents that only he can attest to, instead of simply getting copies that we could review later, we may ask the Court for additional time under Rule 30(b)(1)). We are willing to start the deposition in the afternoon if the ending time of the deposition will not be an issue for Dr. Arora, including considering any breaks that may be necessary or convenient and which may prolong the closing time.

Please confirm at your earliest convenience.

Very truly yours,

/s/ Marco A. Gonzalez, Jr.
Marco A. Gonzalez, Jr., Esq. (036001991)
Nicoll Davis & Spinella LLP

Attorneys for Defendant

cc: Roberto Rivera-Soto, Esq. (via email)

[2] This is so regardless of whether or not ABIM deems it to be confidential, because it may have preclusive effect on this litigation. See Parklane Hosiery Co., Inc. v. Shore, 439 U.S. 322 (1979).