



5. Contrary to Mr. Swier's statement, the parties did not discuss the December 5 date "multiple" times over the next several weeks. In fact, it was never discussed following the October 29 email exchange. My time records reflect that I had no telephone calls with Mr. Swier between October 29 and November 25. (Keep in mind that Mr. Swier has prohibited me from contacting him by phone, and has begun recording calls that we did have.)

6. In addition, I have nothing in my file suggesting there was any written confirmation of any kind that NAT intended to proceed on December 5, or had set a location.

7. On November 12, Sprint attorney Diane Browning and I spoke with Mr. Holoubek by phone, but Mr. Swier was not on the line. The Farrar deposition did not come up.

8. Mr. Swier was on the line during the November 25 depositions, but the deposition of Mr. Farrar did not come up.

9. Mr. Swier first served his notice on November 27, just before the holiday break. The parties' complete communications on that day is Exhibit C.

AFFIANT SAYS NOTHING FURTHER.

s/Philip R. Schenkenberg  
Philip R. Schenkenberg

Subscribed and sworn to before me  
this 3rd day of December, 2013.

Sheryl M. O'Neill  
Notary Public  
My commission expires: 1-31-2015