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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053945
Party	Plaintiff Darlington Apple Festival, Inc.
Correspondence Address	HARA K JACOBS BALLARD SPAHR LLP 1735 MARKET STREET, 51ST FLOOR PHILADELPHIA, PA 19103-7599 UNITED STATES jacobsh@ballardspahr.com, phila_tmdocketing@ballardspahr.com, sternam@ballardspahr.com, camposcruzl@ballardspahr.com
Submission	Motion for Sanctions
Filer's Name	Hara K. Jacobs
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Signature	/Hara K. Jacobs/
Date	09/28/2012
Attachments	20120928_Motion for Sanctions.pdf (212 pages)(4110576 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DARLINGTON APPLE FESTIVAL INC.		
Petitioner,		
v.	Cancellation No.	92053945
STEPHEN SMITH		
Registrant.		

PETITIONER'S MOTION FOR SANCTIONS

Petitioner, Darlington Apple Festival Inc. ("Petitioner"), pursuant to 37 CFR §§ 2.120(g)(1) and 2.120(g)(2), hereby moves the Board for sanctions against Stephen Smith ("Registrant").

PRELIMINARY STATEMENT

Petitioner seeks sanctions against Registrant for Registrant's repeated failure to abide by the rules and participate in discovery. Registrant has willfully ignored the Board's Order compelling him to respond to Petitioner's discovery requests and has refused to attend a deposition. Through his purposeful misconduct, Registrant is preventing Petitioner from obtaining access to documents and testimony that conclusively demonstrate that Registrant fraudulently procured his trademark registration that is the subject of this cancellation proceeding because he has never used it commerce and he knows that Petitioner is and has been the rightful owner of the mark well prior to his trademark application. Registrant's flagrant violation of the Board's Order and his discovery obligations should not be countenanced.

FACTUAL BACKGROUND

Registrant has refused to participate in discovery proceedings. First, in direct contravention of the Board's August 31st Order, Registrant has not responded to any of Petitioner's discovery requests. Petitioner served its First Set of Requests for the Production of Documents and Things on May 14, 2012, and its First Set of Interrogatories to Registrant on May 23, 2012. (Dkt. No. 17 at 2). On June 28, 2012, due to a lack of response by Registrant, Petitioner filed a Motion to Compel Registrant's responses to Petitioner's discovery requests. (Dkt. No. 17). On August 31, 2012, the Board issued an order granting Petitioner's Motion to Compel, stating that Registrant was given "20 days from the mailing date of [the] order in which to respond to petitioner's first set of interrogatories and first set of document requests, without objection, failing which a motion for sanctions will be entertained by the Board." (Dkt. No. 18) On September 24, 2012, in conjunction with correspondence attempting to secure his deposition testimony, Petitioner inquired as to the status of Registrant's overdue discovery responses. (Jacobs Decl. at ¶12; Email from Hara K. Jacobs, Esq. to Stephen Smith, dated September 24, 2012, Exh. H to Jacobs Decl.). On September 24, 2012, Registrant replied to Petitioner's correspondence, indicating his refusal to participate in discovery proceedings, and urging Petitioner to involve the Board. (Jacobs Decl. at ¶13; Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. I to Jacobs Decl.) As of September 28, 2012, Petitioner has not received responses to its outstanding discovery requests. (Jacobs Decl. at ¶5). Thus, Registrant has directly flouted the Board's Order.

Consistent with Registrant's fundamental disregard for the rules, Registrant has refused to appear for his deposition. Petitioner initially noticed Registrant's deposition for July 3, 2012. (Jacobs Decl. at ¶2; Email from Andrew M. Stern, Esq. to Stephen Smith, dated June

12, 2012, Exh. A to Jacobs Decl.). Petitioner received no response from Registrant regarding the notice. (Jacobs Decl. at ¶2). After Registrant failed to respond to the deposition notice and failed to produce responses to Petitioner's discovery requests, Petitioner informed Registrant that it was forced to reschedule the deposition until Registrant provided his discovery responses. (Jacobs Decl. at ¶4; Email from Andrew M. Stern, Esq. to Stephen Smith, dated June 29, 2012, Exh. B to Jacobs Decl.).

Petitioner re-noticed Registrant's deposition for September 25, 2012, but
Registrant was again uncooperative in its scheduling and attendance. (Jacobs Decl. at ¶6; Email from Andrew M. Stern, Esq. to Stephen Smith, dated September 12, 2012, Exh. C to Jacobs Decl.). Petitioner did not receive a response from Registrant until Sunday, September 16, 2012, when Registrant expressly refused to attend the deposition. (Jacobs Decl. at ¶7; Email from Stephen Smith to Andrew M. Stern, Esq., dated September 16, 2012, Exh. D to Jacobs Decl.). Registrant stated he would attend a deposition either the next day (Monday), on Rosh Hashanah, or in November, after the presidential election. Id. He further stated that he would not participate in a discovery until "I know who are the people you represent in addition to there [sic] address and full names!" Id.

Petitioner's counsel responded to Registrant that same day, on Sunday, September 16th, requesting that Registrant either confirm his attendance at the deposition as originally noticed, or provide another date and time that would be mutually convenient. (Jacobs Decl. at ¶8; Email from Hara K. Jacobs, Esq. to Stephen Smith, dated September 16, 2012, Exh. E to Jacobs Decl.). Registrant did not respond. (Jacobs Decl. at ¶10). On September 20, 2012, Petitioner again contacted Registrant, requesting confirmation of his deposition attendance or another mutually agreeable date in the discovery period. (Jacobs Decl. at ¶9; Email from Hara

K. Jacobs, Esq. to Stephen Smith, dated September 20, 2012, Exh. F to Jacobs Decl.). Registrant did not reply to Petitioner's email for four days. He then claimed that he would only be available for deposition on Sunday, September 30, 2012 at 2 p.m. (Jacobs Decl. at ¶11; Email from Stephen Smith to Hara K. Jacobs, Esq. dated September 24, 2012, Exh. G to Jacobs Decl.). Petitioner replied immediately, explaining that a Sunday was not feasible, and, in any case, was after the close of discovery. (Jacobs Decl. at ¶12; Email from Hara K. Jacobs, Esq. to Stephen Smith, dated September 24, 2012, Exh. H to Jacobs Decl.). Registrant responded by stating that he would no longer communicate with Petitioner regarding discovery matters and encouraged Petitioner to involve the Board. (Jacobs Decl. at ¶13; Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. I to Jacobs Decl.).

ARGUMENT

As a party to this proceeding, Registrant has a duty to cooperate with Petitioner in the discovery process, including the provision of responses to interrogatories and document requests, and the attendance at a deposition. TBMP §§ 408.01 and 408.02 ("A party served with a request for discovery has a duty to thoroughly search its records for all information properly sought in the request, and to provide such information to the requesting party within the time allowed for responding to the request."); Panda Travel Inc. v. Resort Option Enter., Inc., 94 U.S.P.Q.2d. 1789, 1791 (TTAB 2009) ("Each party has a duty to make a good faith effort to satisfy the reasonable and appropriate discovery needs of its adversary."); Sunrider Corp. v. Raats, 83 U.S.P.Q.2d 1648, 1654 (TTAB 2007) (parties have a duty to cooperate in resolving conflicts in the scheduling and taking of depositions). A party that fails to cooperate in these discovery proceedings can be the subject of a motion to compel. TBMP § 411. And where a party does not comply with a motion to compel that is granted by the Board, or explicitly refuses

to participate in discovery altogether, the Board may enter appropriate sanctions, including, among other things, entry of default judgment. 37 CFR §§ 2.120(g)(1) and 2.120(g)(2); TBMP §§ 527.01(a) and 527.01(b).

I. Registrant Should Be Sanctioned for Violating the Board's Order

Registrant has not only failed to provide discovery responses as ordered by the Board, but has expressly refused to further communicate with Petitioner with regard to discovery proceedings, and is therefore subject to sanctions under 37 CFR §2.120(g)(1). Petitioner's previously filed Motion to Compel was granted on August 31, 2012, with the Board stating that Registrant had twenty (20) days from the issuance of the order to serve discovery responses to Petitioner, i.e., September 20, 2012. (Dkt. No. 18). It is now September 27, 2012, and Petitioner has not received responses to its outstanding discovery requests. (Jacobs Decl. at ¶5). In fact, when questioned about the outstanding requests, Registrant replied that he will no longer communicate with Petitioner. (Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. I to Jacobs Decl.). Not only is Registrant refusing to participate in discovery as a party to this proceeding, but he is flouting the Board's Order compelling responses to Petitioner's discovery requests. Registrant has provided no legitimate reason for his refusal to participate in the discovery process.

Registrant's behavior is no different from that of the applicant in <u>Caterpillar Tractor Co. v. Catfish Anglers Together, Inc.</u>, 194 U.S.P.Q. 99, 100 (TTAB 1976). There, the opposer issued its first set of interrogatories on May 21, 1976, and when it was still without any response, filed a motion to compel on July 19, 1976. The motion was granted on August 17, 1976, with applicant allowed until September 16, 1976, to answer opposer's interrogatories. When applicant failed to answer by September 23, 1976, opposer moved to have a default judgment entered against the applicant. In the following month, the applicant filed various

documents with the Board, some appearing to address opposer's motion for default judgment, but none addressing his overdue responses to interrogatories. The Board noted:

Applicant has made absolutely no response to the interrogatories served by opposer over seven months ago. It has not even made casual reference to them in arguing against opposer's motion for sanctions and judgment. No reason for failure to comply with the order compelling discovery has been given. ... <u>Id.</u>

The Board explained that the Applicant had not complied with the Trademark Rules in any sense with respect to opposer's interrogatories, and that "[i]n the absence of even an excuse or reason by applicant explaining or mitigating its failure to comply, the Board is left with no basis for proceeding with the opposition." <u>Id.</u> As a result, the Board entered a default judgment against the Applicant. <u>Id.</u>

Petitioner finds itself in the exact same situation. Petitioner served requests for production and interrogatories in May 2012. (Dkt. No. 17 at 2). After receiving no response from Registrant, Petitioner filed its Motion to Compel on June 28, 2012, and the Board granted the motion on August 31, 2012. (Dkt. Nos. 17 and 18). It is now over four months since Petitioner initially served its discovery requests, and it is without any responses or responsive documents from Registrant. (Jacobs Decl. at ¶5). When asked about the status of the outstanding discovery requests, Registrant skirted the question, and responded by saying that he will no longer communicate with Petitioner regarding discovery matters. (Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. I to Jacobs Decl.). Thus, not only has Registrant provided no reason for his refusal to participate in discovery, he flat out refuses to do so. Caterpillar, 194 U.S.P.Q. at 100. A default judgment in Petitioner's favor cancelling Petitioner's registration is appropriate here because Registrant, like the applicant in Caterpillar, will not play by the rules.

II. Registrant's Failure to Attend His Deposition and Refusal to Communicate with Petitioner Regarding His Discovery Obligations Further Demonstrates the Need for Sanctions

In addition to Registrant's failure to provide responses to Petitioner's discovery requests, Registrant refuses to cooperate with Petitioner in the scheduling of his deposition, and has expressly stated that he will not fulfill this obligation, and is therefore subject to sanctions under 37 CFR §2.120(g)(2). See Kairos Inst. of Sound Healing, LLC v. Doolittle Gardens, LLC, 88 U.S.P.Q.2d. 1541 (TTAB 2008) (sanctions under 37 CFR §2.120(g)(2) available where party bearing discovery obligation affirmatively states that discovery will not be forthcoming). Registrant's explicit refusal to cooperate in securing his deposition testimony is inexcusable. In S. Indus., Inc. v. Lamb-Weston, Inc., the Board granted a party's motion to compel deposition testimony because the opposing party refused to attend its deposition and would not cooperate in rescheduling the deposition. 45 U.S.P.Q.2d. 1293 (TTAB 1997). Lamb-Weston, filed a motion to compel petitioner, S. Industries, and its president, Leo Stoller, to appear at a Fed. R. Civ. P. 30(b)(6) deposition. <u>Id.</u> at 1297. Lamb-Weston served a proper notice of deposition, but the petitioner expressly refused to attend the deposition because Mr. Stoller would supposedly be attending another deposition during the week of the noticed deposition. Id. Additionally, Lamb-Weston offered to reschedule the date of deposition, but Mr. Stoller indicated that he would be unavailable for several months. Id. at 1297-1298. The Board found that Lamb-Weston's notice of deposition was timely served and that it had, in good faith, sought to resolve the matter before bringing it to the attention of the Board, by offering to reschedule the deposition on an alternative date. Id. at 1298. The Board indicated that the petitioner and Mr. Stoller, "on the other hand, [have] been wholly uncooperative," noting that "[i]t is obvious from the record that respondent [(Lamb-Weston)] has made every attempt to accommodate petitioner. However, petitioner has refused to reschedule the deposition within a reasonable time period." Id. The

Board granted Lamb-Weston's motion to compel the petitioner's deposition appearance as scheduled by Lamb-Weston. <u>Id.</u>

Registrant's refusal to appear for deposition is similarly unjustifiable. Registrant has simply been playing games with Petitioner and has no intention of cooperating with Petitioner's requests. Like Lamb-Weston, Petitioner has made several attempts to secure the deposition testimony of Registrant, and has, in good faith, sought to resolve the matter before bringing it to the attention of the Board. (Jacobs Decl. at ¶ 6, 8 and 9). However, Registrant, much like Leo Stoller, has expressly refused to attend the deposition as noticed, and would not cooperate with Petitioner to schedule a mutually convenient time for both parties. The dates offered by Mr. Smith in his September 16th correspondence were impossible to accommodate, which was precisely Registrant's intention. (See email from Stephen Smith to Andrew M. Stern, Esq., dated September 16, 2012, Exh. D to Jacobs Decl.) After reaching out to Registrant several times with no response, Registrant finally responded to Petitioner's correspondence, offering to appear for his deposition on Sunday, September 30, 2012 at 2 p.m. (Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. G to Jacobs Decl.) Of course, Registrant does not acknowledge the fact that his "offer" of compromise is futile, being on a weekend, and outside of the discovery deadline set by the Board. After further correspondence, with Petitioner explaining that the suggested date is outside of the discovery period set by the Board, Mr. Smith replied that he will no longer communicate with Petitioner on this matte. (Jacobs Decl. at ¶¶ 12-13; Email from Hara K. Jacobs, Esq., to Stephen Smith, dated September 24, 2012, Exh. H to Jacobs Decl.; Email from Stephen Smith to Hara K. Jacobs, Esq., dated September 24, 2012, Exh. I to Jacobs Decl.).

Unlike Mr. Stoller, Registrant has not provided any reason for his inflexibility, and, furthermore, has not provided responses to Petitioner's discovery requests, which is what caused the initial rescheduling of Mr. Smith's deposition testimony. (Jacobs Decl. at ¶¶ 4, 5 and 7; Email from Andrew M. Stern, Esq. to Stephen Smith, dated June 29, 2012, Exh. B to Jacobs Decl.). Mr. Smith has been wholly uncooperative and flat out refuses to negotiate a mutually convenient time for his deposition testimony, only suggesting times that would clearly never work under the circumstances. Registrant has failed to cooperate in scheduling his deposition, and has informed Petitioner that he will no longer communicate with Petitioner about the same.

III. The Appropriate Sanction Under the Circumstances is a Default Judgment

Registrant's flouting of the Board's Order, willful refusal to participate in discovery, and his explicit response to Petitioner's correspondence that he will not do so, demonstrates the need for the ultimate sanction of a default judgment in this case. While default judgment is a harsh remedy, it is justified where no less drastic remedy would be effective, and there is a strong showing of willful evasion. Barone Philippe de Rothschild S.A. v. Styl-Rite Optical, 55 U.S.P.Q.2d. 1848, 1854. Much like in Caterpillar, it is clear from Registrant's failure to provide responses to Petitioner's discovery requests, the lack of any reason for doing so, and Registrant's unequivocal statement that he will no longer communicate with Petitioner regarding discovery, that Registrant has no interest in proceeding with this case or complying with orders issued by the Board. Registrant is willfully evading any and all attempts from Petitioner and the Board to secure discovery responses, and, therefore, the only effective remedy is the entry default judgment against Registrant. Caterpillar Tractor Co. v. Catfish Anglers Together, Inc., 194 U.S.P.Q. 99, 100 (TTAB 1976).

IV. Alternatively, the Board Should Admit Critical Documents into Evidence that Registrant Has Refused to Produce and Require Registrant to Appear for His Deposition

In the alternative, Petitioner requests that, inter alia, the Board admit into evidence emails between Registrant and Ms. Jennifer Tisch, a graphic designer, that Petitioner obtained by subpoena from Ms. Tisch. (Jacobs Decl. at ¶14; Documents received from J. Tisch, Exhibit J to Jacobs Decl.). The e-mails explain that Registrant obtained the services of Ms. Tisch to put together a website for "The Darlington Apple Festival." Id. Critically, the e-mails show that Ms. Tisch was confused by Registrant's request for a website, believing that Registrant was acting on behalf of Petitioner, Darlington Apple Festival, Inc. Id. Further, the emails indicate that although the commissioned website was never accessible by the public, and was only kept as a mock-up design (which Registrant knew full well), Registrant nonetheless fraudulently submitted the mock-up website to the U.S. Patent and Trademark Office as evidence of his purported use of THE DARLINGTON APPLE FESTIVAL mark. Id.

The foregoing emails among Ms. Tisch and Registrant are directly responsive to Petitioner's document requests, which seek all documents concerning Ms. Tisch and all communications between Registrant and Ms. Tisch. (Jacobs Decl. at ¶15; Exhibit K to Jacobs Decl. at Request Nos. 20-21.) However, Registrant has refused to produce any documents to Petitioner and has refused to attend a deposition to answer questions about these documents, thus effectively depriving Petitioner of the critical evidence that literally makes Petitioner's case. Under the unique circumstances presented here, if a default judgment is not entered, Petitioner respectfully requests an order:

• admitting all of the documents produced by Ms. Tisch into evidence (attached at Exhibit J hereto);

Ms. Tisch is seriously ill and is unable to attend a deposition. (Jacobs decl. ¶ 16.) We are advised by her counsel that it is unlikely that she will be able to give testimony in this case. (Id.) Petitioner suspects that Registrant is aware of Ms. Tisch's current health situation and, together with his willful refusal to participate in discovery, is attempting to use it to his advantage.

• permitting Ms. Tisch to testify through an affidavit; and

• requiring Registrant to appear for his deposition at the Baltimore office of Petitioner's counsel and granting only Petitioner a brief extension of the discovery period to enable

Petitioner to take Registrant's deposition.

Although these remedies will not provide Petitioner with the same discovery that it should have

received from Registrant, it would alleviate some but not all of the prejudice that Petitioner has

suffered and will continue to suffer as a result of Registrant's willful refusal to produce

responsive documents, answer interrogatories and to appear for his deposition.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board grant

Petitioner's Motion for Sanctions and issue a default judgment against Registrant, or, in the

alternative, grant Petitioner's alternative request for sanctions. Petitioner respectfully requests

that the Board suspend the proceedings pending the disposition of Petitioner's motion.

Date: September 28, 2012

Respectfully submitted,

BALLARD SPAHR LLP

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

215.665.8500

Attorney for Petitioner Darlington Apple

Festival. Inc.

CERTIFICATE OF SERVICE

I, Andrew M. Stern, hereby certify that on today's date, I caused a copy of the foregoing Petitioner's Motion for Sanctions, to be served by Priority Mail on the Registrant as set forth below:

STEPHEN SMITH 4539 CONOWINGO ROAD DARLINGTON, MD 21034

Dated: September 28, 2012

Andrew M. Stern

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DARLINGTON APPLI	E FESTIVAL INC.		
	Petitioner,		
v. STEPHEN SMITH		Cancellation No.	92053945
	Registrant.		

DECLARATION OF HARA K. JACOBS

I, Hara K. Jacobs, declare as follows:

- 1. I am a partner in the law firm of Ballard Spahr LLP, counsel for Petitioner,
 Darlington Apple Festival, Inc. ("Petitioner") in the above-captioned proceeding. I submit this
 Declaration in support of Petitioner's Motion for Sanctions.
- 2. On June 12, 2012, Petitioner, through counsel, served a Notice of Deposition upon Stephen Smith ("Registrant"), scheduling Registrant's deposition for July 3, 2012, attached hereto as Exhibit A. Petitioner received no response from Registrant regarding this notice.
- 3. On June 28, 2012, Petitioner filed its Motion to Compel due to Registrant's failure to provide responses to Petitioner's discovery requests. (Dkt. No. 17).
- 4. On June 29, 2012, Andrew Stern, Esq., an associate with our firm working on this matter, e-mailed Registrant to inform him that due to his failure to provide timely discovery

responses, Petitioner's counsel would reschedule Registrant's deposition to a later date, once the responses were received. A copy of Mr. Stern's e-mail is attached as Exhibit B.

- 5. To date, Registrant has not responded to Petitioner's outstanding discovery requests.
- 6. On September 12, 2012 Petitioner served a second Notice of Deposition upon Registrant, scheduling Registrant's deposition for September 25, 2012, attached hereto as Exhibit C.
- 7. On September 16, 2012, Registrant responded to Petitioner by email, indicating his refusal to comply with Petitioner's Notice of Deposition, with no justification as to why he could not attend the deposition as noticed, and providing alternative dates that would be convenient for him. A copy of Mr. Smith's email is attached as Exhibit D.
- 8. On September 16, 2012, I responded to Registrant's email, explaining that the deposition could not be rescheduled to the dates offered by Registrant, because the first date was less than twenty-four hours notice and fell on a religious holiday observed by Petitioner's counsel, and the second date was well beyond the close of discovery. Petitioner sought to confirm Registrant's attendance at the deposition as noticed, and offered to reschedule to a mutually agreeable date and time. A copy of my email is attached as Exhibit E.

- 9. Registrant did not respond to my September 16, 2012 e-mail.
- 10. On September 20, 2012, I followed up with a second email to Registrant, and again requested confirmation that Registrant would attend the deposition as scheduled, or suggest another date and time that would be more convenient. A copy of my email is attached as Exhibit F.
- 11. On September 24, 2012, Registrant responded to my email dated September 20, 2012, indicating that the only time he would be available to meet with Petitioner would be Sunday, September 30, 2012 at 2 p.m. A copy of Mr. Smith's email is attached as Exhibit G.
- 12. On September 24, 2012, I replied to Registrant's email dated September 24, 2012, reiterating that the dates proposed by Registrant are outside of the discovery period and inquiring as to the status of overdue responses to Petitioner's discovery requests. A copy of my email is attached as Exhibit H.
- 13. On September 24, 2012, Registrant replied to my email dated September 24, 2012, indicating that he "will now cease this communication" with Petitioner. A copy of Mr. Smith's email is attached as Exhibit I.

14. On May 7, 2012, Petitioner issued a subpoena to Ms. Jennifer Tisch, a graphic

designer in Bel Air, Maryland. Based on the documentation received from Ms. Tisch, Registrant

requested that Ms. Tisch build him a website to publicize "The Darlington Apple Festival,"

however, the documentation indicates that the website was never accessible by the public, was

only a mock-up and that Registrant was fully aware of these facts. Additionally, Ms. Tisch's

emails indicate that she was under the impression that Registrant was obtaining her services on

behalf of Petitioner, Darlington Apple Festival, Inc. A copy of the pertinent documentation

received from Ms. Tisch is attached as Exhibit J.

15. The e-mails that Ms. Tisch produced are directly responsive to Petitioner's First

Set of Document Requests, including Request Nos. 20 and 21, and should have been produced

by Registrant. A copy of Petitioner's First Set of Requests for the Production of Documents is

attached as Exhibit K.

16. I have been advised by counsel for Ms. Tisch that she is seriously ill and,

therefore, unable to attend a deposition at the present time. I have been further advised that

because of her illness, it is unlikely that she will be able to give testimony in this case during the

testimony period.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Philadelphia, Pennsylvania

September 28, 2012

Hara K. Jacobs

EXHIBIT A

Stern, Andrew M. (Phila)

From: Stern, Andrew M. (Phila)

Sent: Tuesday, June 12, 2012 5:52 PM

To: 'stephenhque@gmail.com'
Cc: Jacobs, Hara K. (Phila)

Subject: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

Mr. Smith:

Pursuant to Rule 30 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, we are enclosing a notice of deposition which requires your appearance at our offices for deposition testimony on July 3, 2012 at 10AM.

We are additionally enclosing a copy of a subpoena being served on Ms. Jennifer Tisch for her deposition testimony.

Thank you.

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Andrew Stern

Ballard Spahr, LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 Direct: 215.864.8127

Fax: 215.864.8999

sternam@ballardspahr.com | www.ballardspahr.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DARLINGTON APPLE FESTIVA	L INC.		
Petitioner,	,		
v.		Cancellation No.	92053945
STEPHEN SMITH			
Registrant	· <u>.</u>		

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that in accordance with Rules 30 of the Federal Rules of Civil Produce and 37 C.F.R. § 2.120, Petitioner, Darlington Apple Festival, Inc. ("Petitioner"), by its undersigned counsel, will take the deposition upon oral examination of Stephen Smith ("Registrant"). The deposition will commence on July 3, 2012, at 10:00 a.m., at the offices of Ballard Spahr LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103, and will continue day to day until completed. The deposition will be taken before an officer authorized by law to administer oaths pursuant to the Federal Rules of Civil Procedure and shall be recorded by sound, visual and/or stenographic means.

Dated: June 12, 2012

Hara K. Jacobs
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
215.665.8500
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I, Andrew M. Stern, hereby certify that on today's date, I caused a copy of the foregoing Notice of Deposition, to be served by First Class Mail on the Registrant as set forth below:

STEPHEN SMITH 4539 CONOWINGO ROAD DARLINGTON, MD 21034

Andrew M. Stern

Dated: June 12, 2012

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EXHIBIT B

Stern, Andrew M. (Phila)

From: Stern, Andrew M. (Phila)

Sent: Friday, June 29, 2012 2:24 PM

'stephenhque@gmail.com'

Cc: Jacobs, Hara K. (Phila)

Subject: Deposition in Darlington Apple Festival Cancellation Proceeding

Mr. Smith,

Yesterday, we filed a Motion to Compel your discovery responses because you have not responded to Petitioner's outstanding document or interrogatory requests, you have not produced any documents and you have not responded to any of our emails on this subject. Please be advised that we are rescheduling your deposition originally set for July 3rd so that we can have your documents and interrogatory responses at the time of your deposition. We look forward to receiving your production of documents and your interrogatory responses so that we can reschedule your deposition.

Thank you.

Andrew Stern

Ballard Spahr, LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 Direct: 215.864.8127

Fax: 215.864.8999

sternam@ballardspahr.com | www.ballardspahr.com

EXHIBIT C

Stern, Andrew M. (Phila)

From: Stern, Andrew M. (Phila)

Sent: Wednesday, September 12, 2012 1:50 PM

To: 'stephenhque@gmail.com'
Cc: Jacobs, Hara K. (Phila)

Subject: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

Attachments: Scan-0037.pdf

Mr. Smith:

Pursuant to Rule 30 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, we are enclosing a notice of deposition which requires your appearance at our offices for deposition testimony on September 25, 2012 at 9:00 am.

Thank you.

Andrew Stern

Ballard Spahr, LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599

Direct: 215.864.8127 Fax: 215.864.8999

sternam@ballardspahr.com | www.ballardspahr.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DARLINGTON APPLE FESTIVAL INC.		
Petitioner,		
v.	Cancellation No.	92053945
STEPHEN SMITH		
Registrant.		

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that in accordance with Rules 30 of the Federal Rules of Civil Produce and 37 C.F.R. § 2.120, Petitioner, Darlington Apple Festival, Inc. ("Petitioner"), by its undersigned counsel, will take the deposition upon oral examination of Stephen Smith ("Registrant"). The deposition will commence on September 25, 2012, at 9:00 a.m., at the offices of Ballard Spahr LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103, and will continue day to day until completed. The deposition will be taken before an officer authorized by law to administer oaths pursuant to the Federal Rules of Civil Procedure and shall be recorded by sound, visual and/or stenographic means.

Dated: September 12, 2012

Hara K. Jacobs

BALLARD SPAHR LLP

1735 Market Street, 51st Floor Philadelphia, PA 19103-7599

215.665.8500

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I, Andrew M. Stern, hereby certify that on today's date, I caused a copy of the foregoing Notice of Deposition, to be served by Overnight Mail on the Registrant as set forth below:

STEPHEN SMITH 4539 CONOWINGO ROAD DARLINGTON, MD 21034

Andrew M. Stern

Dated: September 12, 2012

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EXHIBIT D

Stern, Andrew M. (Phila)

From: Sent: To: Subject:	Stephen Smith <stephenhque@gmail.com> Sunday, September 16, 2012 12:50 PM Stern, Andrew M. (Phila) Re: Darlington Apple Festival Cancellation Proceeding Notice of Deposition</stephenhque@gmail.com>
Mr. Stern,	
addresses and full names! I am	neet with you when I know who are the people you represent in addition to there a willing to meet with you tomorrow here in Harford County at a mutual be avaiolable is election day, again here in Harford County.
Stephen Smith	
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Thank you.	

Andrew Stern

Ballard Spahr, LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 Direct: 215.864.8127

Fax: 215.864.8999

sternam@ballardspahr.com | www.ballardspahr.com

Stephen P. Smith

EXHIBIT E

Stern, Andrew M. (Phila)

From: Jacobs, Hara K. (Phila)

Sent: Sunday, September 16, 2012 11:13 PM

To: 'stephenhque@gmail.com' **Cc:** Stern, Andrew M. (Phila)

Subject: FW: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

Mr. Smith,

My colleague, Andrew Stern, is presently out of the office and forwarded your email to me.

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We cannot accommodate your last minute request to take your deposition tomorrow as we will be out for the Jewish holiday, nor can we accommodate your request to take your deposition in November because discovery in this matter concludes at the end of September.

We look forward to hearing from you.

Regards,

Hara

Hara K. Jacobs
Ballard Spahr LLP
1735 Market Street
51st Floor
Philadelphia, PA 19103-7599

Direct: 215.864.8209 Fax: 215.864.8999

jacobsh@ballardspahr.com | www.ballardspahr.com

Begin forwarded message:

From: Stephen Smith <stephenhque@gmail.com>
Date: September 16, 2012 12:50:26 PM EDT

To: "Stern, Andrew M. (Phila)" <SternAM@ballardspahr.com>

Subject: Re: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

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Stephen P. Smith

EXHIBIT F

Stern, Andrew M. (Phila)

From:

Jacobs, Hara K. (Phila)

Sent:

Thursday, September 20, 2012 11:26 AM

To: Cc: 'stephenhque@gmail.com' Stern, Andrew M. (Phila)

Subject:

RE: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

Mr. Smith,

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51st Floor
Philadelphia, PA 19103-7599

Direct: 215.864.8209 Fax: 215.864.8999

jacobsh@ballardspahr.com | www.ballardspahr.com

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Direct: <u>215.864.8127</u> Fax: <u>215.864.8999</u>

sternam@ballardspahr.com | www.ballardspahr.com

--

Stephen P. Smith

EXHIBIT G

Stern, Andrew M. (Phila)

Sent: Monday, September 24, 2012 8:34 AM To: Jacobs, Hara K. (Phila) Subject: Re: Darlington Apple Festival Cancellation Proceeding Notice of Deposition
Mr. Jacobs,
I have just returned into the area and I want you to stop making mandates, to me regarding the above!
I will only be available to meet with you this coming Sunday 09/30/2012. As I reside in Maryland and the event is held in this state, that is were we will have to meet here in Harford County MD.
I am available on my sabbath anytime after 2 PM.
Please advise when you have made arrangements.
Your welcome,
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Direct: <u>215.864.8209</u> Fax: <u>215.864.8999</u>

jacobsh@ballardspahr.com | www.ballardspahr.com

From: Jacobs, Hara K. (Phila)

Sent: Sunday, September 16, 2012 11:13 PM

To: 'stephenhque@gmail.com' Cc: Stern, Andrew M. (Phila)

Subject: FW: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

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Subject: Re: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

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sternam@ballardspahr.com | www.ballardspahr.com

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Stephen P. Smith

Stephen P. Smith

EXHIBIT H

Stern, Andrew M. (Phila)

From: Jacobs, Hara K. (Phila)

Sent: Monday, September 24, 2012 9:33 AM

To: 'Stephen Smith'

Cc: Stern, Andrew M. (Phila)

Subject: RE: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

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We have been trying to schedule your deposition for weeks and you have been wholly uncooperative. The date you propose below, in addition to being a weekend, is not within the discovery period. Also, we are not required to and will not travel to Hartford County, Maryland to take your deposition. You reside less than 100 miles from our office. We are entitled to take your deposition here.

Additionally, I note that you have failed to comply with the Board's August 31, 2012 Order, which required you to serve your responses to Petitioner's document and interrogatory requests by September 20th. You have not done so.

We do not want to burden the Board with another motion but you are leaving us with no other alternative. I ask that you contact me by 2 p.m. today by email or phone to work this out. Absent an agreement, we will seek relief from the Board.

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51st Floor

Philadelphia, PA 19103-7599

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From: Stephen Smith [mailto:stephenhque@gmail.com]

Sent: Monday, September 24, 2012 8:34 AM

To: Jacobs, Hara K. (Phila)

Subject: Re: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

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Direct: <u>215.864.8209</u> Fax: <u>215.864.8999</u>

Sent: Sunday, September 16, 2012 11:13 PM

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To: 'stephenhque@gmail.com'
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sternam@ballardspahr.com | www.ballardspahr.com

Stephen P. Smith

--

Stephen P. Smith

EXHIBIT I

Stern, Andrew M. (Phila)

From: Stephen Smith [mailto:stephenhque@gmail.com]

Sent: Monday, September 24, 2012 10:20 AM

To: Jacobs, Hara K. (Phila)

Subject: Re: Darlington Apple Festival Cancellation Proceeding -- Notice of Deposition

Mr. Jacobs,

You assume a lot reference my organization, where we make NO assumptions about you or yours!

We did talk in the past 2 weeks again and again the date to meet but was not good for you and your group or not too your liking.

I am also NOT required or mandated by anyone or persons to come to PA. nor shall I that being said and your refusal to do otherwise which you can and should also inform The Board about, I will now cease this communication, as I have been continually attempting to work things out, but NO longer have the time.

You have and will continue to burden the Board with another motion but you are leaving me with no other alternatives.

Very sorry,

Stephen Smith

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sternam@ballardspahr.com | www.ballardspahr.com

Stephen P. Smith

Stephen P. Smith

Stephen P. Smith

EXHIBIT J

UNITED STATES DISTRICT COURT

for the
DISTRICT OF MARYLAND

DARLINGTON APPLE FESTIVAL, INC.))
Plaintiff/Petitioner) In the United States Patent and Trademark Office Before the Trademark Trial and Appeal Board
A.)
STEPHEN SMITH) Cancellation No.: 92053945)
Respondent/Defendant	j
OR TO PERMIT INSP	ents, information, or objects ection of premises
To: Jennifer Tisch Tisch Creative Services, LLC 304 Delmont Court Bel Air, MD 21014	
Production: YOU ARE COMMANDED to following documents, electronically stored information, sampling of the material: See definitions, instructions,	produce at the time, date, and place set forth below the or objects, and permit their inspection, copying, testing, or and requests set forth in Exhibit A.
Phice: BALLARD SPAHR LLP 1735 Market Street, 51 rd Flowr Philadelphia, PA 19103	Date and Time: May 18, 2012
other property possessed or controlled by you at the tim	IDED to permit entry onto the designated premises, land, or it, date, and location set forth below, so that the requesting sample the property or any designated object or operation
Place:	Date and Time:
The provisions of Fed. R. Civ. P. 45(c), relating Rule 45 (d) and (e), relating to your duty to respond to the are attached. Date: 5/7/17	g to your protection as a person subject to a subpoena, and is subpoena and the potential consequences of not doing so,
CLERK OF COURT	OR Harn Scall
Signature of Clerk or Depu	ty Clerk Attorfiey's signature
The name, address, contail, and telephone number of the Festival, <u>Inc.</u> , who issues or requests this subpotna, is:	attorney representing (name of purty) Darlington Apple
Hara K. Jacobs, Esquire Ballard Spahr, LLP 1735 Market Street, S1 st Floor Philadelphia, PA 19103 Phone: 215.864.8209 Bugail: Jacobsh@balladspahr.com	

Civil Action No.

My fees a		for travel and \$ nally of perjury that this	for services, for a total of \$ information is true. Server's signature Printed name and title	00.0 00.0 00.00 00.00
My fees a	declare under per	nally of perjury that this	information is true.	
My fees a			·	6.00
	re \$	for travel and \$	for services, for a total of \$	5.00
181				
ha	nless the subpoe ave also tendered	na was issued on behalf	of the United States, or one of its off ne day's attendance, and the mileage	icers or agents, I
E		subpoena unexecuted be	oause	
<u>-</u>			on (date)	; or
] I scrved the su	bpoona by delivering a c	opy to the named person as follows:	
was receiv	ved by me on <i>(da</i>	(e)		
	-	-	(any)	
	4 . 4 .	et in a f in the state of		

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpactia.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpocus must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpocus. The issuing court must enforce this duty and impose an appropriate sanction which may include lost carnings and reasonable attorney's fees on a party or attorney who fails to comply.
 - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also communited to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attended to the subposess a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subposess is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may mave the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's afficer from significant expense resulting from compliance.
 - (3) Quashing or Modifying a Subpoeus.
- (A) When Required. On timely motion, the issuing court must quash or modify a subposent that:
 - (I) fails to allow a reasonable time to comply;
- (ii) requires a param who is neither a party nor a party's officer to move than 100 miles from where that person resides, is unplayed, or regularly transacts business in person—except that, subject to Ruic 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or valver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclasing a trade secret or other confidential research, development, or commercial information;
- (fi) disclosing an unremined expect's opinion or information that does not describe specific occurrences in dispute and results from the expect's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to altend trial.
- (C) Specifying Conditions as an Alternative, to the currentstances described in Rate 45(c)(3)(B), the court may, instead of quashing or modifying a subpoem, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the teatimony or material that cannot be otherwise met without undue hardship; and
- (II) ensures that the subpounsed person will be reasonably compensated.

- (d) Duties in Responding to a Subpocus.
- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoens to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the dentand.
- (B) Form for Producing Electronically Stored Information Nor Specified. If a subposess these not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Siccirmically Stored information Fraduced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccassible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may noncheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) information Withheld. A person withholding subpostaged information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subposent is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being multiled; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, falls without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

EXHIBIT A

DEFINITIONS

As used herein, the following terms have the following definitions:

- 1. "You" and "your" shall mean Tisch Creative Services, LLC, Jennifer Tisch, and any predecessors-in-interest, former or current parents, subsidiaries and divisions, present and former officers, directors, agents, employees, independent contractors, attorneys and advertising agencies and all other persons acting or purporting to act on behalf of you.
- 2. "Mr. Smith" shall mean Darlington Apple Festival, LLC, Stephen Smith, and any predecessors-in-interest, former or current parents, subsidiaries and divisions, present and former officers, directors, agents, employees, independent contractors, attorneys and advertising agencies and all other persons acting or purporting to act on behalf of Darlington Apple Festival, LLC or Stephen Smith.
- 3. "Petitioner" shall mean Darlington Apple Festival, Inc., and any predecessors-ininterest, former or current parents, subsidiaries and divisions, present and former officers,
 directors, agents, employees, attorneys, and all other persons acting or purporting to act on behalf
 of Petitioners.
- 4. "Smith's Trademark Registration" shall mean the mark THE DARLINGTON APPLE FESTIVAL, Trademark Registration No. 3,949,583.
- 5. "Trademark" shall be defined to be synonymous in meaning and equal in scope to the definition of the term in 15 U.S.C. § 1127.
- 6. "Person" shall mean any natural person, corporation, partnership, joint venture, cooperative, and any other entity of any kind whatsoever, and any former or present agent, officer, employee, director, attorney, consultant, and representative of any natural person or entity.

- 7. "Communication" shall mean any observations, explanations, opinions, conclusions, conversations, discussions, meetings, negotiations, agreements, statements, conferences, telephone calls, talks, actions, estimates, comments, or any other oral, verbal, or non-verbal assertion, gesture, or transfer of information from one Person to another, by any means. To "Communicate" means to make a "Communication" as defined herein.
- 8. "Document" shall mean all forms of written, printed, recorded, charted, taped, graphic, digital, electronic, magnetic, or photographic matter, sound reproductions, or computer input or output, including but not limited to, writings, contracts, agreements, letters, correspondence, memoranda, notes, pleadings, telegrams, telexes, electronic mail, metadata, pamphleis, reports, summaries, source code, messages, agendas, minutes, forms, ledgers, accounts, checks, tax returns, records, exhibits, studies, analyses, books, brochures, circulars, diaries, date books, databases, calendars, planners, rolodex-style cards or contact information, newsletters, insurance policies and records, press releases, press elippings, opinions, working papers, charls, lists, certificates, receipts, invoices, orders, papers, drawings, photographs, worksheets, sketches, graphs, spread sheets, data sheets, data processing cards, computer disks, tapes, microfilm, franscripts, logs, tables, displays, statistical statements, computer printouts, projections, payment receipts, sound recordings, maps, and any other written, printed, digitally or electronically stored or recorded matter, however produced, recorded, reproduced, reduced, punched, stored, taped, transcribed, or received, that are now or at any time were in the possession, custody, or control of you, your present or former agents, attorneys, accountants, consultants, officers, directors, employees, or any other Person acting on your behalf. "Document" also includes the original and any draft thereof, and all nonidentical drafts and copies of documents and copies upon which notes or backlines have been made.

- 9. "Concerning" shall mean, without limitation, constituting, containing, reflecting, in preparation for or leading to, concerning, contradicting, discussing, commenting upon, mentioning, quoting, describing, bearing upon, regarding, containing information regarding, relied on in connection with, evidencing, referring to, relating to, made in connection with or by reason of, or deriving or arising therefrom.
 - 10. "Or" shall include "and" and vice versa (i.c. "and/or").
 - 11. "The" shall also mean "a" or "an" and vice versa.
- 12. Words in the singular shall include the phiral thereof and vice versa and all words of masculine gender shall include the feminine gender thereof.
 - 13. The past tense includes the present tense and vice versa.
- 14. "All" shall include "any" and vice versa as necessary to bring within the scope of each Document Request all documents and information that otherwise might be construed to be outside its scope.
- 15. "State," "Describe," "Description," "Define," "Definition," and "Specify" means to set forth fully and unambiguously each and every fact that is relevant to the response called for by the interrogatory.

INSTRUCTIONS

- If an e-mail responsive to a document request is also part of a string of e-mails, produce all of the e-mails making up such a string.
- 2. Each Document produced shall be categorized by the file in which it was located and be identified by the custodian who maintained possession, custody or control of such file.
- 3. In the event that any Communication or Document (or portion thereof) is withheld from description or production on the basis of any privilege or otherwise claimed to be protected

against production, such Communication or Document shall be identified by stating: (a) the nature of the privilege or reason for withholding that you contend applies; (b) the factual basis for your assertion of privilege or the reason for withholding; (c) if a Document, its type (e.g. letter, memorandum, e-mail, etc.), and if a Communication, its nature (a meeting, statement, phone conversation, non-verbal gesture); (d) if a Document, all of its authors and addressees, and if a Communication, all of its declarants and recipients; (e) all indicated and blind copies of the Document; (f) if a document, all Persons to whom it was distributed, shown or explained, and if a Communication, all Persons who know of it; (g) the date of the Document or Communication; (h) a summary description of the subject matter of the Document or Communication; (i) the number of pages and attachments or appendices of the Document; and (j) the name, title and address of the Document's present custodian.

- 4. In the event that any Document called for by any request has been destroyed or discarded, such Document shall be identified by stating all of the information requested in subparagraphs (c) through (j) of Instruction 2 herein and, in addition, (k) its date of destruction or discard, manner of destruction or discard and reason for destruction or discard; (i) the Persons who authorized and carried out such destruction or discard and (m) whether any copies of the Document presently exist and, if so, the name of the custodian of each copy.
- 5. If any Document Request requires production of a Document that contains discoverable information that can only be seen in electronic form, such Document shall be produced in native format along with all prior versions and metadata preserved in addition to any printed copies of such Document.

- 6. If any Document Request cannot be complied with in full, it shall be complied with to the extent possible, and an explanation shall be given as to why full compliance is not possible.
- 7. These Document Requests shall be deemed continuing so as to require supplemental production, if additional Documents or information are received, generated or discovered after the time of your original responses and document production.
- 8. Unless otherwise instructed, answer each Document Request with regard to the time period from January 1, 2010 to the present.

DOCUMENT REQUESTS

- 1. All Documents concerning the Darlington Apple Festival.
- 2. All Communications between You and Mr. Smith.
- 3. All Documents concerning Mr. Smith.
- 4. All Documents concerning Smith's Trademark Registration.
- 5. All Documents concerning any payment made by Mr. Smith to You.
- 6. All Documents concerning any services You performed for Mr. Smith.
- 7. All Communications between You and any Person regarding Mr. Smith.
- 8. All Communications between You and any Person regarding Petitioner.
- 9. All Documents that refer to Petitioner.

Date: 8/3/11 5:13 PM

To: Will Murdoch <will@eliteracemanagement.com>
CC: Shawn Loper <shawn@eliteracemanagement.com>

JC Penny LLC!

By the way, I looked up the business records for the festival and they have had darlington apple festival, inc. registered since 1993. I can't believe the state let him register the same thing, except adding LLC at the end. It seems like a huge mistake on the state's part, doesn't it??

On 8/3/11 4:59 PM, Will Murdoch wrote:

Yea, it's all still unbelievable to me. I guarantee if he tries to keep this thing going forward you/we are going to get roped into this lawsuit. Save every e-mail you have from him, we might need them:)

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com

Like us on Facebook!

On Wed, Aug 3, 2011 at 4:47 PM, Jennifer Tisch < <u>jennifer@tischcreative.com</u>> wrote:

fyi.....

keeping you looped. It took me and Rob an hour to draft this. will, thanks for giving me the tip on 'the specimen'.

----- Original Message -----

Subject:Re: Jennifer INFORMATION regarding site.

Date:Wed, 03 Aug 2011 16:44:14 -0400

From:Jennifer Tisch <jennifer@tischcreative.com>

Reply-To:jennifer@tischcreative.com

Organization:Tisch Creative

To:Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

There are a few pictures used in the home page on the draft development (unpublished / blocked from search engines) website. There are some generic apples (royalty-free stock photos I purchased) in the banner and then there are two photos from the apple festival that I obtained from the old apple festival website. Since you told me I was designing the official apple festival website, I didn't even consider there could be any issue from using images from the old festival website. I would have verified my assumptions

prior to going live anyway.

Also, since the images in question were never used in any official capacity (marketing, print, promotional, legal) and the website was never launched (it stayed in development phase at all times), I can't see why this would be an issue at all.

I hope this is helpful, Jennifer

On 8/2/11 11:59 PM, Stephen Smith wrote:

> Jennifer,

> A question is being asked of us as to origin of Picture on our front

> page as in where did they come from. Do we own the website and if so

> where did we get it? Is the answer godaddy.com? or otherwise.

> Please also change the password to the site we have under

> construction. Please do this as soon as possible and if possible

> please answer the question I have ask you about. I think it is public

> domain and I think we didn't / don't require permission to use those

> pictures. I hope I am correct in my statement to you.

> Thanks,

> Stephen P. Smith

Subject: Re: Jennifer INFORMATION regarding site.
From: Jennifer Tisch & jennifer@tischcreative.com>

Date: 8/3/11 4:44 PM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

There are a few pictures used in the home page on the draft development (unpublished / blocked from search engines) website. There are some generic apples (royalty-free stock photos I purchased) in the banner and then there are two photos from the apple festival that I obtained from the old apple festival website. Since you told me I was designing the official apple festival website, I didn't even consider there could be any issue from using images from the old festival website. I would have verified my assumptions prior to going live anyway.

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Thanks, Stephen P. Smith

Clite 4.

Subject: Fwd: Jennifer INFORMATION regarding site. **From:** Jennifer Tisch < jennifer@tischcreative.com>

Date: 8/3/11 7:52 AM

To: Will Murdoch kwill@eliteracemanagement.com>

and guess where I got the photos? From the REAL festival website!

----- Original Message ----Subject:Jennifer INFORMATION regarding site.
Date:Tue, 2 Aug 2011 23:59:06 -0400
From:Stephen Smith <stephenhque@gmail.com>
To:Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

A question is being asked of us as to origin of Picture on our front page as in where did they come from. Do we own the website and if so where did we get it? Is the answer godaddy.com? or otherwise.

Please also change the password to the site we have under construction. Please do this as soon as possible and if possible please answer the question I have ask you about. I think it is public domain and I think we didn't / don't require permission to use those pictures. I hope I am correct in my statement to you.

Thanks, Stephen P. Smith

5.

Subject: Jennifer INFORMATION regarding site. From: Stephen Smith <stephenhque@gmail.com> Date: 8/2/11 11:59 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

A question is being asked of us as to origin of Picture on our front page as in where did they come from. Do we own the website and if so where did we get it? Is the answer godaddy.com? or otherwise.

Please also change the password to the site we have under construction. Please do this as soon as possible and if possible please answer the question I have ask you about. I think it is public domain and I think we didn't / don't require permission to use those pictures. I hope I am correct in my statement to you.

Thanks, Stephen P. Smith Subject: Fwd:

From: Stephen Smith <stephenhque@gmail.com>

Date: 7/12/11 4:04 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

I need to talk with both Shawn and Will, regarding this as I stated to you please wait for our face to face!

Thanks,

Stephen

See you tonight!

----- Forwarded message -----

From: Will Murdoch <willdeliteracemanagement.com>

Date: Tue, Jul 12, 2011 at 3:39 PM

Subject: Re:

To: Stephen Smith <stephenhque@agmail.com>

Cc: Shawn Loper <shawn@eliteracemanagement.com>

Stephen,

This morning Shawn received a call from Jim Calcutt with the Darlington Apple Festival informing us that you are not affiliated with the actual festival. This information is also visible on the front of the official Darlington Apple Festival website.

After discussing this issue with Shawn, we have decided that Elite Race Management will adhere to the request of the Darlington Apple Festival Board and can no longer be of service regarding the proposed Darlington Apple Festival Triathlon or any events related to it. If you wish to continue planning the race you are free to seek out other timing companies, as we have not entered into a contract to perform any duties or render any services regarding the race.

Best of luck with your future endeavors.

Will

Will Murdoch
Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jul 12, 2011 at 2:27 PM, Will Murdoch wrote:

6

www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jul 12, 2011 at 1:37 PM, Will Murdoch wrote:

ok i'll send you a draft

Will Murdoch
Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jul 12, 2011 at 1:25 PM, Shawn Loper <shawn@eliteracemanagement.com> wrote:

Jim calcutt 4104574823

#On Jul 12, 2011 1:02 PM, "Will Murdoch" wrote:

you are right about stephen...i will draft something and send it to you before sending to him. what is the name of the guy who contacted you?

Will Murdoch
Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

yes good addition

i called tisch back and did tell her i'd bcc on my message to him. shit is crazy.

Will Murdoch
Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jul 12, 2011 at 2:23 PM, Shawn Loper <shawn@eliteracemanagement.com> wrote:

looks good - may want to say something along the lines of:

we decided that ERM will adhere to the request of the official apple festival board and can no longer be a part of

Also go ahead and bcc Tisch on it so she knows where we are at.

funny about the site isn't it. Shawn Loper

Elite Race Management P.O. Box 44608 Baltimore, MD 21236 410.652.5850

shawn@eliteracemanagement.com

On Tue, Jul 12, 2011 at 2:02 PM, Will Murdoch wrote

Stephen,

This morning Shawn received a call from Jim Calcutt with the Darlington Apple Festival informing us that you are not affiliated with the actual festival. This information is also visible on the front of the Darlington Apple Festival website.

After discussing this issue with Shawn, we have decided that Elite Race Management can no longer be of service regarding the proposed Darlington Apple Festival Triathlon or any events related to it. If you wish to continue planning the race you are free to seek out other timing companies, as we have not entered into a contract to perform any duties or render any services.

Best of luck with your future endeavors.

Will

Will Murdoch Elite Race Management P.O. Box 44608 Baltimore, MD 21236 (443) 243-4205 Subject: Re: problem?

From: "stephenhque@gmail.com" <stephenhque@gmail.com>

Date: 7/12/11 1:34 PM

To: "Jennifer Tisch" <jennifer@tischcreative.com>





Jennifer,

The answer is yes because that will give people who want to sign up for The TRI. The ability to do so. Let's talk this evening be fore you turn the key as it is just as important that Will is ready.

Stephen

----Original Message-----

From: Jennifer Tisch

Date: 7/12/2011 1:25:46 PM
To: stephenhque@gmail.com
Subject: Re: problem?

so carry on with launch?

On 7/12/11 1:23 PM, stephenhque@gmail.com wrote:





Jennifer,

I have talk to you about this before! I have for the pass year owned the Trademark to:The Darlington Apple Festival. The fact of the matter is that several of us decided that it should be about the entire community vs just a few individuals. And wanted to expand the event to, two days and expand off of 1 Street. Hence The TRI. As a segway to doing something for The Many!

The exposure should be excellent!

Stephen

----Original Message-----

From: Jennifer Tisch /

Date: 7/12/2011 1:11:34 PM **To:** stephenhque@gmail.com **Subject:** Re: problem?

well i'm glad you are ok. I thought I was doing the official apple festival website and this would be good exposure for my company.

On 7/12/11 11:46 AM, stephenhque@gmail.com wrote:



Jennifer,

I am ok. I will talk with you this evening!

Stephen

----Original Message----

From: Jennifer Tisch
Date: 07/12/11 11:24:13
To: Stephen Smith
Subject: problem?

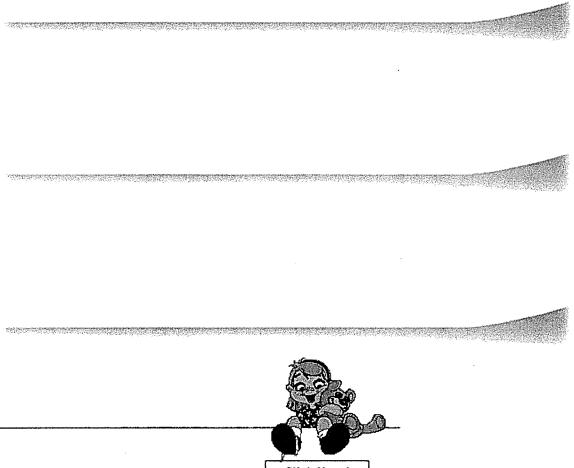
Hi Stephen,

I hope you are well. I was planning to update and launch the site this morning and I happened upon the other apple festival website: http://www.darlingtonapplefest.org/

There is a big scrolling banner on the site here about you. What is going on? I thought the festival committee were working with you on the festival. I assumed that the new website was replacing this old one. I'm very confused. I don't feel comfortable launching the new site until I know what is going on. I don't want to get into any trouble.

Please let me know, thanks!

-- Jennifer Tisch | Principal Consultant | Tisch Creative LLC | jennifer@tischcreative.com | voice 443.957.1399 | www.tischcreative.com



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Click Here!

Subject: Re: site

From: Stephen Smith <stephenhque@gmail.com>

Date: 7/6/11 12:36 AM

To: jennifer@tischcreative.com

0408

I know i owe you \$ 200.00 I wasn't aware of any additional cost maybe I missed something. We should discuss when you have a free moment. In addition the event "TRI" is approved and I should get the permit in the next couple of days!

Thanks for all your support and guidance.

Stephen P. Smith

I hope you had a nice 4th!

I need you to make me an Account Exec for your go daddy account or please send me your call—in PIN (four digits). I can't upload our Wordpress site to your hosting account with the FTP access and password that you gave me. I need to be able to get into your main go daddy account and set up a database, which is more advanced. Our site is not a simple html website, it's a little more complicated than just uploading it via FTP. I need access to your Go Daddy main account, please!

Also, we need to discuss any further arrangement with Tisch Creative for graphic design. I agreed to help out with the site for a very reduced cost (i still need to give you my final break out for my employee's time, I'll do that after we launch it). I saw your emails about signage for the Triathlon, mile markers, etc. I'll need a list of all the items you need (banners, signs, etc) and whether or not I am supposed to work with Elite so I can provide an estimate. Elite usually handles signage for mile markers, etc...so you might want to work that out with them. I'll need to provide proper estimates and get a signature before I start producing any more materials.

Thanks! Jennifer

-- Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u> Subject: Re: Apple Festival Triathlon

From: Stephen Smith <stephenhque@gmail.com>

Date: 7/1/11 6:29 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

In addition you don't have to answer these messages based on your location I am just having thoughts after speaking with Will! Can we use the same dimension of 24 X whatever so we can make mile marker signs with a variety of LOGOS, make these markers by 5 – 6" wide L would be no more than 18 or 19" such as 5 X 18 or 19"! MILE! MILE! MILE! MILE! MILE! MILE! MILE. the word MILE should be vertical and then we will stencil the number below or if you can start the MILE at 1 to the total number of MILES for the TRI. We will then print on coraplast and slit them down so we will get apx. 5 per run which would mean that we would need apx 5 in addition a start and finish sign you design!!!

Thanks,

Stephen

On Fri, Jul 1, 2011 at 6:07 PM, Stephen Smith < stephenhque@gmail.com wrote: Jennifer,

Please make the corner /RED area addressing Cancer donations larger! In addition where you list our Organization and Website please make that larger both rows. Can you also pull from website for Box Hill Pizzeria their LOGO which is BHP with a circle around it in red, there address and phone number / fax number. In addition please expand the area that we can use for Sponsors in W and H. Let's make the size standard even if you need to make the signage 24 X 19 or whatever you choose.

Thanks we will talk as you stated,

Stephen

On Fri, Jul 1, 2011 at 4:32 PM, Jennifer Tisch < <u>jennifer@tischcreative.com</u>> wrote: hi Stephen, I'm out of commission at a concert downtown, will touch case later this weekend!

Sent from my iPhone

On Jul 1, 2011, at 4:27 PM, Stephen Smith < stephenhque@gmail.com wrote:

Jennifer,

As Will and I discussed about 1 hour ago he would like to bring the TRI. Site on line next week!

----- Forwarded message -----

From: stephenhque@gmail.com>

Date: Fri, Jul 1, 2011 at 4:03 PM Subject: Re: Apple Festival Triathlon <1.jpg>

Will, <THUMBS~1.GIF>

It was nice talking with you Sponsor information you requested will follow!

Happy 4th to you and Shawn and families!

Stephen

----Original Message----

From: Will Murdoch
Date: 07/01/11 15:14:59
To: Stephen Smith

Subject: Apple Festival Triathlon

Stephen,

We need to chat when you have time and discuss exactly where we're at with the triathlon. I'd like to start getting information up on the site and registration pages built asap, so please give me a call when you have a chance.

Thanks,

Will

Will Murdoch Elite Race Management P.O. Box 44608 Baltimore, MD 21236 (443) 243-4205 www.eliteracemanagement.com facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

<2.jpg>

<stampa girl line en.gif>

--

Stephen P. Smith

Stephen P. Smith



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Read the latest in the ERM Blog!

<2.jpg>

Stephen P. Smith

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Date: 07/01/11 15:14:59

To: Stephen Smith

Subject: Apple Festival Triathlon

Stephen,

We need to chat when you have time and discuss exactly where we're at with the triathlon. I'd like to start getting information up on the site and registration pages built asap, so please give me a call when you have a chance.

Thanks,

20.

Will

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!



```
Subject: Re: REMOVE
From: Stephen Smith <stephenhque@gmail.com>
Date: 6/29/11 10:07 AM
To: jennifer@tischcreative.com
Good Morning,
That would and will be great. I am going to go fix the directions in a minute.
Thanks,
Stephen
On Wed, Jun 29, 2011 at 10:01 AM, Jennifer Tisch
<jennifer@tischcreative.com> wrote:
 ok, stephen, well the site is not live under the domain, it's still in
 development. I'll get it off and I'll work on getting into go daddy....
 On 6/29/11 9:52 AM, Stephen Smith wrote:
   Jennifer,
   Please remember to remove Chesapeake Holley Davidson form the site!!!
   Thanks,
   Stephen
```

Subject: Re: REMOVE

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 6/29/11 10:01 AM

To: Stephen Smith <stephenhque@gmail.com>

ok, stephen, well the site is not live under the domain, it's still in development. I'll get it off and I'll work on getting into go daddy....

On 6/29/11 9:52 AM, Stephen Smith wrote:

Jennifer,

Please remember to remove Chesapeake Holley Davidson form the site!!!

Thanks,

Stephen

Subject: D A F INFORMATION which you requested **From:** Stephen Smith <stephenhque@gmail.com>

Date: 6/29/11 8:34 AM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

I have just gotten off the phone w/godaddy, and the following is the information you requested and will require. Again the dashboard is some what out of sorts as I had explained as I was attempting to place in applications for various vendors

so if time permits might you correct the mess that I must have caused. At the same time I will be correcting where our parking is going to be.

Thanks,

Stephen

the darlington apple festival llc.org

Lynne0905!

IP address: 184.168.232.1

Subject: AD Signs

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/23/11 10:12 PM

To: Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

The signs we are doing for ADs are 18" X 24". And remember we are a .org and not a .com !

Thanks as always

Stephen

Subject: Sponsor new one

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/23/11 10:02 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

We have talked about this one before. www.StonefieldSoaps.com, Please create 1 for them with B4BC Logo and then another one with just B4BC and please make it pretty. Also we are a .org not a .com Thanks,

Stephen the sooner the better as we will be attempting to get those 2 signs made tomorrow!

Thanks,

Subject: The signage you just sent

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/23/11 3:32 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

Can you please resend the sign you just sent me. And are there LOGOs large enough to be seen? If Not please make them larger again they will be going on an $18"\ X\ 24"$ sign...

Thanks,

Stephen

Subject: Fwd: Fwd: autumn sky logo

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 6/23/11 3:04 PM

To: Will Murdoch <will@eliteracemanagement.com>

and here is your water safety squad.

----- Original Message -----

Subject:Fwd: autumn sky logo

Date:Thu, 23 Jun 2011 14:51:26 -0400

From:Stephen Smith <stephenhque@gmail.com>
To:Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

By the way they will be on the water during the event providing addition safety for the water part of the event! So we may give them addition mention where ever to feel would work!

Stephen

----- Forwarded message -----

From: Stephen Smith <stephenhque@gmail.com>

Date: Thu, Jun 23, 2011 at 2:40 PM

Subject: Fwd: autumn sky logo

To: Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

This is the best that he has he feels it will be ok! The pizzeria will e-mail me in about 20 minutes. How is everything?

------ Forwarded message -----

From: <info@autumnskyoutfitters.com>
Date: Thu, Jun 23, 2011 at 2:36 PM

Subject: autumn sky logo To: stephenhque@qmail.com

Stephen,

See attached logo

thank you

Autumn Sky Outfitters LLC 3404 Conowingo Road Street, Maryland 21154 Phone 410-836-3660 Fax 410-836-3334		
Stephen P. Smith		

Stephen P. Smith

-for-buscards.jpg-



-Attachments:

for-buscards.jpg

52.0 KB

Subject: Fwd: autumn sky logo

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/23/11 2:51 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

By the way they will be on the water during the event providing addition safety for the water part of the event! So we may give them addition mention where ever to feel would work!

Stephen

From Stephen Smith Stephenbaue@gmail.com

From: Stephen Smith <stephenhque@gmail.com>

Date: Thu, Jun 23, 2011 at 2:40 PM Subject: Fwd: autumn sky logo

To: Jennifer Tisch <iennifer@tischcreative.com>

Jennifer,

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-----Forwarded message ------

From: <u><info@autumnskyoutfitters.com></u>
Date: Thu, Jun 23, 2011 at 2:36 PM

Subject: autumn sky logo To: stephenhque@qmail.com

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thank you

Autumn Sky Outfitters LLC 3404 Conowingo Road Street, Maryland 21154 Phone 410-836-3660 Fax 410-836-3334 Stephen P. Smith

Stephen P. Smith

-for-buscards.jpg



-Attachments:

Subject: Re: Fwd: autumn sky logo

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 6/23/11 2:44 PM

To: Stephen Smith <stephenhque@gmail.com>

he feels it will be ok, but it will look terrible on the sign, just letting you know. sorry to be so negative but we have such a pretty sign and this image is of not the right quality.

On 6/23/11 2:40 PM, Stephen Smith wrote:

Jennifer,

This is the best that he has he feels it will be ok! The pizzeria will e-mail me in about 20 minutes. How is everything?

----- Forwarded message -----

From: <info@autumnskyoutfitters.com>
Date: Thu, Jun 23, 2011 at 2:36 PM

Subject: autumn sky logo To: stephenhque@qmail.com

Stephen,

See attached logo

thank you

Autumn Sky Outfitters LLC 3404 Conowingo Road Street, Maryland 21154 Phone 410-836-3660 Fax 410-836-3334 **Subject:** Fwd: autumn sky logo **From:** Stephen Smith <stephenhque@gmail.com>

Principle State 11 2 40 PM

Date: 6/23/11 2:40 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

This is the best that he has he feels it will be ok! The pizzeria will e-mail me in about 20 minutes. How is everything?

----- Forwarded message -----

From: <info@autumnskyoutfitters.com>
Date: Thu, Jun 23, 2011 at 2:36 PM

Subject: autumn sky logo To: stephenhque@gmail.com

Stephen,

See attached logo

thank you

Autumn Sky Outfitters LLC 3404 Conowingo Road Street, Maryland 21154 Phone 410-836-3660 Fax 410-836-3334

Stephen P. Smith

-for-buscards.jpg-

34.



-Attachments:

for-buscards.jpg

52.0 KB

Subject: Re: Sponsors X 2

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 6/23/11 2:25 PM

To: Stephen Smith <stephenhque@gmail.com>

Please ask both sponsors for vector/eps of their logos, I can not use the ones from the website, they are not the correct kind of file. They need to be .eps or .ai files.

Thanks!

On 6/23/11 2:22 PM, Stephen Smith wrote: | Jennifer,

Can you please prepare to Sponsor signs for us?

#1 is: Buno Gusto PIZZERIA& GRILL at thr intersection of Route 165
& Route 136 Whiteford Road, Whiteford, Maryland
21160

Website is; www.BuonGustoPizzeriaandGrill.com

2 is : AutumnSkyOutfitters.com
HE WOULD LIKE HIS logo the buck to be seen..

Please send as I want to get these to the printer for me to pick up tomorrow...

Please check there sites for specific LOGOSThanks,

Stephen

www.eliteracemanagement.com

www.darlingtonapplefestivallic.com

Subject: Sponsors X 2

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/23/11 2:22 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

Can you please prepare to Sponsor signs for us?

#1 is: Buno Gusto PIZZERIA & GRILL at thr intersection of Route 165
& Route 136 Whiteford Road, Whiteford, Maryland
21160

Website is; www.BuonGustoPizzeriaandGrill.com

2 is : AutumnSkyOutfitters.com
HE WOULD LIKE HIS logo the buck to be seen..

Please send as I want to get these to the printer for me to pick up tomorrow...

Please check there sites for specific LOGOSThanks,

Stephen

Subject: new sign

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 6/22/11 12:12 PM

To: Stephen Smith <stephenhque@gmail.com>

I decided I didn't like inaugural, I looked it up in the dictionary and it's specifically related to giving speeches, so let's forget it!

New Sign attached, annual!

— Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

- Attachments:

Race-Sign-annual.pdf

388 KB

Subject: Re: Important account information From: Jennifer Tisch < jennifer@tischcreative.com>

> Date: Sat, Jan 22, 2011 at 11:03 AM Subject: Important account information

To: stephenhque@gmail.com

Date: 6/22/11 11:58 AM

To: Stephen Smith <stephenhque@gmail.com>

I know, but I still can't login to the account.

On 6/22/11 11:10 AM, Stephen Smith wrote: We are also a .org not a .com On Wed, Jun 22, 2011 at 12:15 AM, Jennifer Tisch < jennifer@tischcreative.com > wrote: not having any luck. :(I tried to login with the customer number and password and also Apple Festival and password, I must be doing something wrong. Will you try and let me know? Tomorrow is fine, i'm heading to bed! On 6/21/11 11:10 PM, Stephen Smith wrote: lennifer. TdAf1002! Apple Festival user name... I hope this is what you needed. I also explained that I had messed up The direction page as a result of attempting to put in he applications for the various vendors, please review before that goes live! Thanks. Stephen. Also we did discuss changing from the FIRST to _ _ . Would it be right to instead of the 1st, 2nd, 3rd do something like simply The Annual D A F Tri how do you feel? On Tue, Jun 21, 2011 at 9:16 PM, Jennifer Tisch < iennifer@tischcreative.com > wrote: Hi Stephen, Can you send me the password you use to login to go daddy? I need to login to be able to point your domain to your hosting account.... Let me know, thanks! Jennifer On Sat, Jan 22, 2011 at 1:51 PM, Stephen Smith <stephenhque@gmail.com> wrote: Jennifer, Here is what you are looking for... ----- Forwarded message -----From: <<u>support@qodaddy.com</u>>

46.

Dear Stephen Smith,

Thank you for creating a Customer Account with <u>GoDaddy.com</u>. Your account information is listed below. Please keep a record of this information as a reminder:

Customer #: 41211798

The next time you wish to log in to your new account, simply go to the <u>GoDaddy.com</u> home page and log in with your username or customer number and password.

You will then be able to manage <u>domains</u>, <u>hosting</u>, <u>email</u>, My Payment Information, and so much morel If you want to reset your password, click "Account Settings" in "My Account," and then "Account Security Information."

To retrieve your customer number or password hint or to reset your password, click the "Forgot Your Password?" hyperlink in the login area on the home page.

18

SAVE 20% off \$75 or more*

Simply enter source code gdbb80520 when you check out or mention the code when you call (480) 505-8821

0

Thanks again for creating your account at GoDaddy.com.

Sincerely,

Bob Parsons CEO & Founder GoDaddy.com

Know what you want? Find it quickly with these direct links:						
Hosting Options	Website Design	Email Plans	Business Solutions	Security & Privacy		
> Web Hosting	> WebSite Tonight®	> Web-Based Email	> Search Engine Visibility	> SSL Certificates		
> WordPress® Hosting	> Website Design Services	> Fax Thru Email	> Express Email Marketing®	> Certified Domains		
> <u>Dedicated Servers</u>	> SmartSpace®	> Hosted Exchange	> School of Business	> Private Registration		
> Virtual Dedicated Servers	> Quick Shopping Cart®	> Online File Folder®	> Reseller Plans	> Protected Registration		
	> Quick Blogcast®		> AdSpace Local Advertising	> Website Protection		

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Stephen P. Smith

__

Stephen P. Smith



Subject: Re: Important account information **From:** Stephen Smith <stephenhque@gmail.com>

Date: 6/22/11 11:10 AM
To: jennifer@tischcreative.com

We are also a .org not a .com

On Wed, Jun 22, 2011 at 12:15 AM, Jennifer Tisch < jennifer@tischcreative.com > wrote:

not having any luck. :(

I tried to login with the customer number and password and also Apple Festival and password, I must be doing something wrong. Will you try and let me know?

Tomorrow is fine, i'm heading to bed!

On 6/21/11 11:10 PM, Stephen Smith wrote:

lennifer,

TdAf1002! Apple Festival user name...

I hope this is what you needed. I also explained that I had messed up The direction page as a result of attempting to put in he applications for the various vendors, please review before that goes live!

Thanks,

Stephen.

Also we did discuss changing from the FIRST to _ _ . Would it be right to instead of the 1st, 2nd, 3rd do something like simply The Annual D A F Tri how do you feel?

On Tue, Jun 21, 2011 at 9:16 PM, Jennifer Tisch < <u>jennifer@tischcreative.com</u>> wrote:

Hi Stephen, Can you send me the password you use to login to go daddy? I need to login to be able to point your domain to your hosting account....

Let me know, thanks!

Jennifer

On Sat, Jan 22, 2011 at 1:51 PM, Stephen Smith < stephenhque@gmail.com> wrote: Jennifer,

Here is what you are looking for...

----- Forwarded message -----

From: <support@godaddy.com>
Date: Sat, Jan 22, 2011 at 11:03 AM
Subject: Important account information

To: stephenhque@gmail.com

44,

(B)

Dear Stephen Smith,

Thank you for creating a Customer Account with GoDaddy.com. Your account information is listed below. Please keep a record of this information as a reminder:

Customer #: 41211798

The next time you wish to log in to your new account, simply go to the <u>GoDaddy.com</u> home page and log in with your username or customer number and password.

You will then be able to manage domains, hosting, email, My Payment Information, and so much more! If you want to reset your password, click "Account Settings" in "My Account," and then "Account Security Information."

To retrieve your customer number or password hint or to reset your password, click the "Forgot Your Password?" hyperlink in the login area on the home page.

(*1<u>5</u>

SAVE 20% off \$75 or more*

Simply enter source code gdbb80520 when you check out or mention the code when you call (480) 505-8821

Thanks again for creating your account at GoDaddy.com.

Sincerely,

-

Bob Parsons CEO & Founder GoDaddy.com

Know what you want? Find it quickly with these direct links:							
Hosting Options	Website Design	Email Plans	Business Solutions	Security & Privacy			
> Web Hosting	> WebSite Tonight®	> Web-Based Email	> Search Engine Visibility	> SSL Certificates			
> WordPress® Hosting	> Website Design Services	> Fax Thru Email	> Express Email Marketing®	> Certified Domains			
> Dedicated Servers	> SmartSpace®	> Hosted Exchange	> School of Business	> Private Registration			
> Virtual Dedicated Servers	> Quick Shopping Cart®	> Online File Folder®	> Reseller Plans	> Protected Registration			
	> Quick Blogcast®		> AdSpace Local Advertising	> Website Protection			

*Not applicable to ICANN fees, taxes, shipping & handling, sale priced domain names, bulk domains, premium domains, auction domains, Sunrise/Landrush domain registrations, discounted memberships or maintenance plans; custom page layouts, brand identity services, Go Daddy branded merchandise, posters, dis-cast cars or gift cards. Discount reflected in your shopping cart — cannot be used in conjunction with any other offer, discount or promotion, including renewals discounted from current list pricing. Offer subject to change without notice.

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Stephen P. Smith

Stephen P. Smith



Subject: Re: Important account information From: Stephen Smith <stephenhque@gmail.com> Date: 6/21/11 11:10 PM To: Jennifer Tisch < jennifer@tischcreative.com> Jennifer, TdAf1002! Apple Festival user name... I hope this is what you needed. I also explained that I had messed up The direction page as a result of attempting to put in he applications for the various vendors, please review before that goes live! Thanks, Stephen. Also we did discuss changing from the FIRST to ___. Would it be right to instead of the 1st, 2nd, 3rd do something like simply The Annual D A F Tri how do you feel? On Tue, Jun 21, 2011 at 9:16 PM, Jennifer Tisch < iennifer@tischcreative.com > wrote: Hi Stephen, Can you send me the password you use to login to go daddy? I need to login to be able to point your domain to your hosting account.... Let me know, thanks! Jennifer On Sat, Jan 22, 2011 at 1:51 PM, Stephen Smith < stephenhque@gmail.com > wrote: Jennifer.

Here is what you are looking for ... ----- Forwarded message -----From: <support@godaddy.com> Date: Sat, Jan 22, 2011 at 11:03 AM Subject: Important account information

Dear Stephen Smith,

To: stephenhque@qmail.com

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47.

The next time you wish to log in to your new account, simply go to the <u>GoDaddy.com</u> home page and log in with your username or customer number and password.

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To retrieve your customer number or password hint or to reset your password, click the "Forgot Your Password?" hyperlink in the login area on the home page.

SAVE 20% off \$75 or more*

Simply enter source code gdbb80520 when you check out or mention the code when you call (480) 505-8821

Thanks again for creating your account at GoDaddy.com.

Sincerely,

iau?

Bob Parsons CEO & Founder GoDaddy.com

Know what you want? Find it quickly with these direct links:					
Hosting Options	Website Design	Emali Plans	Business Solutions	Security & Privacy	
> Web Hosting	> WebSite Tonight®	> Web-Based Email	> Search Engine Visibility	> SSL Certificates	
> WordPress® Hosting	> Website Design Services	> Fax Thru Email	> Express Email Marketing®	> Certified Domains	
> Dedicated Servers	> SmartSpace®	> Hosted Exchange	> School of Business	> Private Registration	
> Virtual Dedicated Servers	> Quick Shopping Cart®	> Online File Folder®	> Reseller Plans	> Protected Registration	
	> Quick Blogcast®	_	> AdSpace Local Advertising	> Website Protection	

*Not applicable to ICANN fees, taxes, shipping & handling, sale priced domain names, bulk domains, premium domains, auction domains, Sunrise/Landrush domain registrations, discounted memberships or maintenance plans; custom page layouts, brand identity services, Go Daddy branded merchandise, posters, die-cast cars or gift cards. Discount reflected in your shopping cart – cannot be used in conjunction with any other offer, discount or promotion, including renewals discounted from current list pricing. Offer subject to change without notice.

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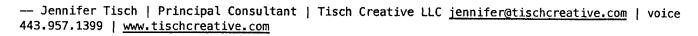
Subject: Tri Sign

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 6/21/11 3:38 PM

To: Stephen Smith <stephenhque@gmail.com>

per your request. 😮



-Attachments:-

Race-Sign.pdf

392 KB

Darlington, APPLE FESTIVAL, LLC

Subject: apple fest logo From: Jennifer Tisch <jennifer@tischcreative.com> Date: 6/21/11 3:37 PM

To: Stephen Smith <stephenhque@gmail.com>

50.

per your request.

- Jennifer Tisch Principal Consultant	Tisch Creative LLC	<pre>iennifer@tischcreative.com </pre>	voice
443.957.1399 www.tischcreative.com			

-Attachments:

TDAF-Logo-Ilc.eps

317 KB

TANDARIA STORMAN TMONTH OF THE PROPERTY OF THE

Subject: Re: The Apple Festival

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/21/11 10:48 AM
To: jennifer@tischcreative.com

Jennifer,

I think it is a clip art that you put on the web-site. Also id persons can't do the event can we still have a cat. for counting yet permit the to make race entry fee a donation?

On Tue, Jun 21, 2011 at 8:57 AM, Jennifer Tisch <iennifer@tischcreative.com> wrote:

i left you a voicemail.... i'm around all day today, i was out all day with a dead phone yesterday.

Let's get this stuff done!

I can send the applefest logo, but what tri logo do you mean? should I call Will?

On 6/21/11 8:53 AM, Stephen Smith wrote:

Jennifer,

Please save the LOGO and the TRI in a ventor or something like that. Reason is that I have to make large copies and the quality in pdf breaks down.

Size needs to be $\ 4' \ X \ 18"$ for the logo and the TRI picture will need to be apx $36 \ X \ 36"$

Today please,

Subject: Re: vector for logo

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 6/21/11 10:47 AM

To: Stephen Smith <stephenhque@gmail.com>

attached!

On 6/21/11 10:35 AM, Stephen Smith wrote:

Jennifer,

Might you also add $\ L$ $\ L$ $\ C$. in your green and same print to this logo and sign document, PLEASE !

Stephen

On Tue, Jun 21, 2011 at 9:15 AM, Jennifer Tisch <iennifer@tischcreative.com> wrote:

Hi Stephen,

Attached is the logo in VECTOR for the apple festival logo. The printers will prefer this format but you will most likely not be able to open it. Please confirm the date of the triathlon so I can next send that one. Is Will planning it still? Jennifer

- Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

-Attachments:

TDAF-Logo-Ilc.eps

317 KB

THE DATIONSTON APPLE FESTIVAL

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From: Stephen Smith <stephenhque@gmail.com>

Date: 6/21/11 10:35 AM

To: jennifer@tischcreative.com

Jennifer,

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Stephen

On Tue, Jun 21, 2011 at 9:15 AM, Jennifer Tisch <jennifer@tischcreative.com> wrote:

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-- Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

Subject: Re: vector for logo

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/21/11 10:27 AM

To: jennifer@tischcreative.com

Yes,

He is and the date is Oct. 2, 2011 See you at the meeting tomorrow!

On Tue, Jun 21, 2011 at 9:15 AM, Jennifer Tisch <jennifer@tischcreative.com> wrote:

Hi Stephen,

Attached is the logo in VECTOR for the apple festival logo. The printers will prefer this format but you will most likely not be able to open it. Please confirm the date of the triathlon so I can next send that one. Is Will planning it still?

Jennifer

-- Jennifer Tisch | Principal Consultant | Tisch Creative LLC jennifer@tischcreative.com | voice 443.957.1399 | www.tischcreative.com

Subject: Re: The Apple Festival

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 6/21/11 9:21 AM

To: Will Murdoch <will@eliteracemanagement.com>

ok cool, what is the date of the alleged tri?

On 6/21/11 9:19 AM, Will Murdoch wrote:

yea i can give you a buzz this afternoon if you'll be around. theres not much as we havent talked to him in probably a month...been too busy with events that we know will actually happen haha

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jun 21, 2011 at 9:17 AM, Jennifer Tisch < jennifer@tischcreative.com > wrote: can you chat today? what's the latest? he's asking me for tri logos?

On 6/21/11 9:16 AM, Will Murdoch wrote:

does not want:)

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

Read the latest in the ERM Blog!

On Tue, Jun 21, 2011 at 9:02 AM, Jennifer Tisch < jennifer@tischcreative.com> wrote: will, it's stephen time.

---- Original Message -----

Delivered-To:jennifer@tischcreative.com

Received:by 10.204.114.12 with SMTP id c12cs89682bkq; Tue, 21 Jun 2011 05:53:24 -0700 (PDT)

Received:by 10.150.174.16 with SMTP id w16mr7212201ybe.297.1308660801159; Tue, 21 Jun 2011 05:53:21 –0700 (PDT)

Return-Path:<stephenhque@gmail.com>

Received:from <u>mail-qx0-f177.google.com</u> (<u>mail-qx0-f177.google.com</u> [209.85.161.177]) by <u>mx.google.com</u> with ESMTPS id s3si3430061ybe.85.2011.06.21.05.53.19 (version=TLSv1/SSLv3 cipher=OTHER); Tue, 21 Jun 2011 05:53:20 -0700 (PDT)

Received-SPF:pass (google.com: domain of stephenhque@gmail.com designates 209.85.161.177 as permitted sender) client-ip=209.85.161.177;

Authentication-Results:mx.google.com; spf=pass (google.com: domain of stephenhque@gmail.com designates 209.85.161.177 as permitted sender) smtp.mail=stephenhque@gmail.com; dkim=pass (test mode) header.i=@gmail.com

Received:by gxk2 with SMTP id 2so1041107gxk.8 for <iennifer@tischcreative.com>; Tue, 21 Jun 2011 05:53:19 −0700 (PDT)

DKIM-Signature:v=1; a=rsa-sha256; c=relaxed/relaxed; d=<u>gmail.com</u>; s=gamma; h=domainkey-signature:mime-version:date:message-id:subject:from:to:content-type;

bh=pn0EL1Fyz3l211T+L/CChyNcZPzGGLc1f5BXVd8sji0=;

b=iHahO3V05O4FW4ZdeivC50hedWj8NyOvhgDGz72dZjVXPCe4j/ClhS/cVn9ugN1K7w P+hDum+aPU0IhJP+u99SJjEKr6pn+Mki0JR1ZqlvlhcTBhtNTfNaJC7b7e13PS02ycdC 7ifRliue3Vw1txBeOK6pIH/uw9vPhsulpOz5M=

DomainKey-Signature:a=rsa-sha1; c=nofws; d=<u>gmail.com</u>; s=gamma; h=mime-version:date:message-id:subject:from:to:content-type;

b=ZBvaOVHZMOYGBZ7m5giGO2NUQ3rmQEGVhin0TxGrh55KrLnz18ZTCiduS3YUG8oF04 H6Pn5HQ474pt3c3B3Q7UWvN3hqpCo8ulaY+kNgaWmjKlErv77EZdAjD5rn8z70XNdZck tZqqwWezXLa1KMHBPyIvvSVQtjSQqbAMuCmjE=

MIME-Version:1.0

Received:by 10.91.113.12 with SMTP id q12mr7213969agm.68.1308660799392; Tue, 21 Jun 2011 05:53:19 -0700 (PDT)

Received:by 10.90.89.12 with HTTP; Tue, 21 Jun 2011 05:53:19 -0700 (PDT) Date:Tue, 21 Jun 2011 08:53:19 -0400

Message-ID:<BANLkTimhnA+dD55VVoVV7cdCn9L3KAY9Fw@mail.qmail.com>

Subject: The Apple Festival

From:Stephen Smith <u><stephenhque@amail.com></u>
To:Jennifer Tisch <u><iennifer@tischcreative.com></u>

Content-Type:text/plain; charset=ISO-8859-1

Jennifer,

Please save the LOGO and the TRI in a ventor or something like that. Reason is that I have to make large copies and the quality in pdf breaks down.

Size needs to be $\,$ 4' X 18" for the logo and the TRI picture will need to be apx 36 X 36"

Today please,

Stephen P. Smith

Subject: vector for logo

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 6/21/11 9:15 AM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

Attached is the logo in VECTOR for the apple festival logo. The printers will prefer this format but you will most likely not be able to open it.

Please confirm the date of the triathlon so I can next send that one.

Is Will planning it still?

Jennifer

— Jennifer Tisch | Principal Consultant | Tisch Creative LLC $\underline{jennifer@tischcreative.com}$ | voice 443.957.1399 | $\underline{www.tischcreative.com}$

-Attachments: ----

TDAF-Logo.eps

313 KB

Subject: Re: The Apple Festival

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 6/21/11 8:57 AM

To: Stephen Smith <stephenhque@gmail.com>

i left you a voicemail.... i'm around all day today, i was out all day with a dead phone yesterday.

Let's get this stuff done!

I can send the applefest logo, but what tri logo do you mean? should I call Will?

On 6/21/11 8:53 AM, Stephen Smith wrote:

Jennifer,

Please save the LOGO and the TRI in a ventor or something like that. Reason is that I have to make large copies and the quality in pdf breaks down.

Size needs to be $\mbox{ 4' X } \mbox{ 18"}$ for the logo and the TRI picture will need to be apx 36 X 36"

Today please,

Subject: The Apple Festival

From: Stephen Smith <stephenhque@gmail.com>

Date: 6/21/11 8:53 AM

To: Jennifer Tisch < jennifer@tischcreative.com>

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Size needs to be $\,$ 4' X 18" for the logo and the TRI picture will need to be apx 36 X 36"

Today please,

Stephen P. Smith

Subject: Re: Fwd: how to edit pages / Apply online **From:** Jennifer Tisch <jennifer@tischcreative.com>

Date: 1/28/11 10:51 AM

* - * - * - *

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen, I am in crisis mode this week. I'll work on it as soon as I can and can walk you through some things on the phone possibly later today, thanks for your understanding, Jennifer

On 1/28/11 10:22 AM, Stephen Smith wrote: Jennifer,

I have been somewhat successful at placing the applications on line. However how do I get the to show I placed them in separate pages under Apply on line.

additionally Might you change the date for the Tri. to Sunday Oct. 2, 2011. And place a donation tab somewhere on the site...

Thanks,

Stephen

Subject: Fwd: how to edit pages / Apply online **From:** Stephen Smith <stephenhque@gmail.com>

Date: 1/28/11 10:22 AM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

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additionally Might you change the date for the Tri. to Sunday Oct. 2, 2011. And place a donation tab somewhere on the site...

Thanks,

Stephen

Stephen P. Smith

From: Stephen Smith <stephenhque@agmail.com>

Date: Wed, Jan 26, 2011 at 10:25 PM Subject: Fwd: how to edit pages

To:

Susan & Mary,

These are the instructions as to continuously update our website

----- Forwarded message -----

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: Sun, Jan 23, 2011 at 10:02 AM

Subject: how to edit pages

To: Stephen Smith <stephenhque@gmail.com>

Instructions:

login at the link I sent you.

Once you are in, you'll see 'Dashboard' at top left and under that there is a list of gray boxes.

click on the one that says 'pages'

It will bring up a list/table the right with the pages that are

currently in the site

Hover your mouse over 'directions' (for example) and options/menu will appear below the name and click 'edit'

this will then bring up a text editor

you can then type in the box and edit what is there. You can copy/paste use bold, etc.

Once you have made your changes, click the 'update' blue button on the far right.

This will update the page on the live site.

Please go ahead and edit any pages you want, or work directly with your guy that is going to manage the website for you, so the two of

64

you can get familiar with the site. I can answer questions.

Tisch Creative will get the forms up and running and make sure the sponsors/ads are the way you want them, then the site will be turned over to you and your manager to mange content/text.

Cheers,

.

Jennifer Tisch | Principal Consultant | Tisch Creative LLC iennifer@tischcreative.com | voice 443.957.1399 | www.tischcreative.com

Stephen P. Smith

Subject: Re: I have tried assist me

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/25/11 11:32 PM

To: Will Murdoch <will@eliteracemanagement.com>

I feel really bad, I had NO idea this would happen. When I met this guy, he came so highly regarded by Bob Buchanan who kinda seems like a sort of squared away guy. And Stephen talked a huge game (you know how that is) name dropping, politics, Bill Cosby, you name it. I really believed at first that he was in the inside. Then.....i learn after I have already spent a 100 hours on this website, that he is some kind of lone wolf who has no clue what he is doing. So, I feel terrible about this as he really wanted to turn the festival into a two day event and had asked me what he could do to make a splash. I thought of a race, which COULD HAVE BEEN be so cool. ugh, i owe you dinner and drinks at the very least after all this crap. I really want nothing to do with this either, I have no contract, it's a huge money suck for me after I've paid karim and donated all my time.

On 1/25/11 11:26 PM, Will Murdoch wrote:

I'm kinda upset with myself for getting so deep into this situation without considering some of the other issues. I blame stephen in some respects for almost misleading us into thinking that event cold actually happen on the same day as the festival. He kept telling us that people didnt start showing up till 9 or 10...come to find out from the cops that by 8 am there are already 20,000 people there. Saturday is definitely out, and with all the roads blocked and traffic congested i dont know how we could move around and set up the transition areas properly on saturday for a sunday race.

All i really want right now is for the police to finally approve the fallston du course so we can get all that info up and registration launched. Stephens grand plans for expanding the apple festival might have to wait...at least until its apparent that he has any support from anyone else associated with the festival.

In my eyes, darlington apple fesetival tri is dead.

On Tuesday, January 25, 2011, Jennifer Tisch<iennifer@tischcreative.com> wrote:
once the race is approved by the cops, best case scenario is you guys can just run the whole race show, right? Can Stephen get in the way? Can you just bulldoze over him and run with it?

Since it's not on the same day as the festival....the day after.... the more I think about it my concern for you guys is, what if the whole damn town is a big trash heap from the festival and you guys are setting up bike racks on top of styrofoam plates and bits and pieces of funnel cakes? What if it looks like a bomb went off? Then, you're dealing with a bunch of athletes who are pissed off that the town is a mess. did you think about that? You should ask Stephen what is sanitation plan is for getting the town ready for the race. Surely he must have this all worked out. lmao.

On 1/25/11 11:03 PM, Will Murdoch wrote:

Wow yea he just sent me an email that also makes no sense...i am getting very apprehensive about going forward with this whole process. The tri is definitely not going to take place on the same day as the



festival...the cops wont approve it and i dont blame them because it sounds like that whole area is a cluster. I def feel like stephen doesnt have a firm grasp on what needs to happen and hes driving us all batshit crazy. Shawn and i are going to talk about it more...

On Tuesday, January 25, 2011, Jennifer Tischentite: wrote: wrote: wrote: chc.com

Jennifer,

I was able to place 1 on and need to figure out how to separate them for people to fill them out maybe if you could just set the area up that I could just cut and paste them to would help or direct me how I might do this.

Thanks,
Stephen
--Stephen P. Smith

Subject: Tri. date...

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/25/11 6:55 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

Please be advised we have now moved the Tri. date too Sunday October 2, 2011! Please change date on the picture I tried but no luck.

Thanks,

Stephen

Subject: Fwd: Documents 3 A F D, LLC

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/24/11 10:31 PM

To: Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

As you had downloaded these documents form my other friends location they don't currently exist on our site. So please up/down load them to our site and I shall again check and correct them as needed.

Sorry,

Stephen

----- Forwarded message -----

From: mary williams < mjwilliamspharmd@yahoo.com>

Date: Mon, Jan 24, 2011 at 8:56 PM Subject: Re: Documents 3 A F D, LLC

To: Stephen Smith <<u>stephenhque@gmail.com</u>>

Stephen,

Sorry I am just getting these back to you. Tony has been very ill for the last week. I have attached the three documents. My cell phone number is 832-338-4869, Tony's cell number is 573-647-0683 and the house number is 443-327-7788.

Mary J. Taylor, Pharm.D., BCPS

--- On Sat, 1/22/11, Stephen Smith <<u>stephenhque@gmail.com</u>> wrote:

From: Stephen Smith <stephenhque@gmail.com>

Subject: Re: Documents 3 A F D, LLC

To: "mary williams" <mjwilliamspharmd@yahoo.com>

Date: Saturday, January 22, 2011, 1:21 PM

Hey how are you doing. Please give me you guys #'s so I can clean up my phone number listings. Just locked down our web site that being the darlington apple festivallic.org should be up in test mode within 24 - 36 hours... I will hopefully be able to put them on line Are you comfortable with running a website? Do you feel that you would like to take charge of the site? I feel it will be not a major issue after we get everything up just changing pictures from time to time in addition just addressing system issues as they might pop up or occur.

Stephen

On Sat, Jan 22, 2011 at 1:06 PM, mary williams < miwilliamspharmd@yahoo.com > wrote: I will have all 3 documents ready to go tomorrow. Anything else I can do?

Mary J. Taylor, Pharm.D., BCPS

--- On Fri, 1/21/11, Stephen Smith <<u>stephenhque@gmail.com</u>> wrote:

From: Stephen Smith < stephenhque@gmail.com >

Subject: Documents 3 A F D, LLC

To: "mary williams" < mjwilliamspharmd@yahoo.com>

Date: Friday, January 21, 2011, 11:14 PM

Hello Mary,

Have you had any luck in completing the 3 different contracts!

Stephen

--

Stephen P. Smith

Stephen P. Smith

- Attachments:	
CraftVendor-2011[1].docx	24.4 KB
FoodVendor-2011[1].docx	24.3 KB
Other Vendor Application.docx	25.0 KB

Subject: directions changes..

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/23/11 12:56 AM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,

REMOVE You will see THEN add ((Baltimore and South)) continue through village to Castleton Road Rte. 623 parking will be through light at The Chesapeake Harley Davidson Dealership on left! You will be able to move to other areas of our village by van or hayride at NO additional charge, We welcome you to Harford County and our village of Darlington, Population *prior to your arrival was 660...

REMOVE You will then SEE From Delaware and NORTH I 95 South to Route 222 / Perryville Outlets / Hollywood Casino, make Right turn and continue apx 5 miles straight. At light turn left and proceed down hill, at the stop sign make a right and enjoy the scenic tour around the beginning of The Chesapeake Bay on your left. You will continue apx. 5miles straight. At the stop sign you have now reached the confluence of The Susquehanna River. Look up you might just catch a glimpse of the nesting Eagles that reside in OUR Village continue straight too the light@ Rte 623 and make a right turn Chesapeake Harley Davidson parking right there on your left. Enjoy you time in our quaint village please note before you arrived there were only 660 citizens! Enjoy the rest of the sights and time you spend with us and remember to have safe travel HOME... You can go to all the other locations via van or hayride take your choice, Parking \$6,00 No additional charge for transport Welcome to The Village of Darlington, MD...

Thanks,

Subject: how to edit pages

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/23/11 10:02 AM

To: Stephen Smith <stephenhque@gmail.com>

Instructions:

. .

login at the link I sent you.

Once you are in, you'll see 'Dashboard' at top left and under that there is a list of gray boxes.

click on the one that says 'pages'

It will bring up a list/table the right with the pages that are currently in the site Hover your mouse over 'directions' (for example) and options/menu will appear below the name and click 'edit'

this will then bring up a text editor

you can then type in the box and edit what is there. You can copy/paste use bold, etc. Once you have made your changes, click the 'update' blue button on the far right. This will update the page on the live site.

Please go ahead and edit any pages you want, or work directly with your guy that is going to manage the website for you, so the two of you can get familiar with the site. I can answer questions.

Tisch Creative will get the forms up and running and make sure the sponsors/ads are the way you want them, then the site will be turned over to you and your manager to mange content/text.

Cheers,

Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

Subject: Re: Fwd: directions changes.2nd change. **From:** Jennifer Tisch <jennifer@tischcreative.com>

Date: 1/23/11 9:52 AM

To: Stephen Smith <stephenhque@gmail.com>

Stephen, I am going to send you a login and password so that you can go in and make direct edits to pages. I think this will be best as I am sure the text will be changing quite often. Check your email for the link and then I'll forward you directions as to how to make edits.

Jennifer

On 1/23/11 9:49 AM, Stephen Smith wrote:

----- Forwarded message ------From: Stephen Smith<stephenhque@qmail.com>

Date: Sun, Jan 23, 2011 at 12:56 AM

Subject: directions changes..

To: Jennifer Tisch<iennifer@tischcreative.com>

Jennifer,

REMOVE You will see THEN add ((Baltimore and South)) continue through village to Castleton Road Rte. 623 parking will be through light at The Chesapeake Harley Davidson Dealership on left! You will be able to move to other areas of our village by van or hayride at NO additional charge, We welcome you to Harford County and our village of Darlington, Population *prior to your arrival was 660"...

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Thanks,

Subject: Re: Website D A F, LLC

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/22/11 11:24 PM

To: jennifer@tischcreative.com

Jennifer,

Vendors Info (important!) I feel that we will just be using the 3 separate type of contracts here 1. Craft ter 2. Food Vendor and finally 2. Commercial Vendors, as per the initial pages you forwarded to me for editing. However if we have the health department sheet that may be included with the food vendor page. Please ensure that either they fill it out on line as I don't want people to steal this work of art, as it is a legal document which if they copy would cost them a bit of money to have created and I don't want to give these or any of our forms away! Also all vendors don't go on website unless stated in communication between us. I have been working on this today I will provide you with what I have tomorrow for now.

Thanks,

Stephen

On Sat, Jan 22, 2011 at 6:22 AM, Jennifer Tisch <iennifer@tischcreative.com> wrote:

HI Stephen.

Thanks for the update, I was planning to email you to ask about the forms, so I'll look for those soon. Please send them in a text format preferably (Word Doc, etc).

What I need:

I can't help with the specific content/text of the website, only you can do that because you are the gatekeeper of information. You will want to launch the site with all of your own information, not stuff from the old site because you don't want to put anything out there that is incorrect. So, make sure you look at all these pages carefully and send me the edits or I can delete the page. Regarding items that need to be addressed:

Vendors Info (important!)

Besides the forms which you will be providing, i need you to look carefully at this page and tell me what changes you need because I took it exactly from the old website:

http://www.tischcreative.com/darlingtonAF/site/vendors-info/
This is probably your most important page at it is providing all the
background info that vendors will need.

Public Address:

For the public address, you need to purchase a domain name. I assumed that you and your lawyers were handling and deciding that but if you want, I can do that for you. You'll need to go to a site such as go daddy to purchase a domain name.

You can search for domain availability here:

http://www.godaddy.com/ I recommend that you purchase a .org domain name.
.com usually implies a commercial business. .org usually implies an
organization (community, non profit, etc). The .org is more appropriate for
the festival in my opinion, but it is up to you.

I did a quick check and

http://www.thedarlingtonapplefestival.org is available

http://www.thedarlingtonapplefestival.com is available
Please create an account with go daddy (or any other that you prefer) and
purchase one of the domain names and then send me the login information for
the account so that I can go in and 'point the domain' to the website when
it's ready to go live.

Web Site Hosting:

At one point you mentioned that your fraternity brothers were running a server and that they were also going to host the darlington website for you. Is Karon Mahon the guy who I need to talk to about this? You had mentioned this person was going to 'manage and run' the site. Please verify if he is also hosting it for you. I'll need to copy the site files over to your host server some time soon.

Directions: http://www.tischcreative.com/darlingtonAF/site/directions/
Please check this page, it's from the other site and if anything needs to change, let me know. Just send me the new text in an email.

Schedule: http://www.tischcreative.com/darlingtonAF/site/schedule/
What goes on this page? I just have placeholder text right now. should I delete the page? Or do you have text for it? You'll probably want to have some kind of a loose agenda of what things are planned for the day. Are you having bands? Contests? What will the hours be? People will want to know what is planned. Maybe you can draft some text here for what people can look forward to.

The Race http://www.tischcreative.com/darlingtonAF/site/the-race/
You'll need to work with Will and Shawn and let me know what you would like to say on the race page.

Vendors versus Sponsors versus Advertisers.
We set up the site so that we can have people pay to advertise their business. Sponsors usually are contributing to the festival either by donating money or goods/services. Vendors are just people who are paying to set up a booth and sell stuff at the festival. The waters are a little muddy on these three things so I don't know what to do about putting their information on the site. You have been sending me emails about people being vendors, or sponsors, etc. Does everyone who is a vendor get their logo on the website as a sponsor? And an advertisement at the top?

That's it for now, Have a great weekend! Jennifer

On 1/22/11 1:08 AM, Stephen Smith wrote:

Hello Jennifer,

I felt we were going to see each other this week @ B4BC meeting, however Bob as you know was under the weather. Any how I will have the 3 contracts completed by Sunday and look forward to sending them to you at that point. By the way what will the public use as address for the website? For the Tri. in addition to the vendors. I still need to provide you with Sponsor information in addition to adds, which will be nothing more than the name of the business and address if I can I will hand off business cards which will give some life to there ad. Is there anything that I am leaving out that I

need to provide?
Please respond as you can,
Thanks,
Stephen
PS October 1 is the first Saturday it is wrong on the site...
Stephen P. Smith

Subject: Re: The RACE

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/25/11 11:22 PM

To: Will Murdoch <will@eliteracemanagement.com>

and you forgot to mention the beer cans and funnel cakes.
well stated, let's see what he comes back with.

On 1/25/11 11:20 PM, Will Murdoch wrote: Stephen,

Shawn mentioned that he had a chance to speak with you earlier this evening. After hearing some of the comments from Shawn's contact at the Sheriff's office, I am starting to become very apprehensive about the possibility of hosting a triathlon on the same weekend of the Apple Festival. It sounds like the traffic situation alone could present serious issues in maintaining the safety of the event, and with the extreme amount of foot and car traffic on Saturday it could be very difficult to set up the necessary racks and equipment in time for a race on Sunday.

I think we need to regroup after you speak with Sheriff Bane tomorrow and discuss a few of our concerns.

Thanks,

Will

On Tuesday, January 25, 2011, Stephen Smithstephenhque@gmail.com wrote: | To all,

Please forward your words limiting to 1/2 page any specific information on the race and or the race event or whatever! Please do as soon as possible as site is just about ready additionally anything I might include in the home page. I will be speaking with Sheriff Bane and the Captain tomorrow, so it is important to be ready to launch very soon.

I feel very positive about tomorrow so please be ready to get this thing going.

Thanks,

Stephen

Subject: Re: I have tried assist me

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/25/11 11:12 PM

To: Will Murdoch <will@eliteracemanagement.com>

once the race is approved by the cops, best case scenario is you guys can just run the whole race show, right? Can Stephen get in the way? Can you just bulldoze over him and run with it?

Since it's not on the same day as the festival....the day after.... the more I think about it my concern for you guys is, what if the whole damn town is a big trash heap from the festival and you guys are setting up bike racks on top of styrofoam plates and bits and pieces of funnel cakes? What if it looks like a bomb went off? Then, you're dealing with a bunch of athletes who are pissed off that the town is a mess. did you think about that? You should ask Stephen what is sanitation plan is for getting the town ready for the race. Surely he must have this all worked out. lmao.

On 1/25/11 11:03 PM, Will Murdoch wrote:

Wow yea he just sent me an email that also makes no sense...i am getting very apprehensive about going forward with this whole process.

The tri is definitely not going to take place on the same day as the festival...the cops wont approve it and i dont blame them because it sounds like that whole area is a cluster. I def feel like stephen doesnt have a firm grasp on what needs to happen and hes driving us all batshit crazy. Shawn and i are going to talk about it more...

On Tuesday, January 25, 2011, Jennifer Tisch<iennifer@tischcreative.com> wrote:

we need to regroup. I have no idea WTF he is talking about, this is getting old.

----- Original Message -----

Subject:

I have tried assist me

Date:

Tue, 25 Jan 2011 22:23:21 -0500

From:

Stephen Smith<stephenhque@gmail.com> <stephenhque@gmail.com>

To:

Jennifer Tisch<iennifer@tischcreative.com> <iennifer@tischcreative.com>

Jennifer,

I was able to place 1 on and need to figure out how to separate them for people to fill them out maybe if you could just set the area up that I could just cut and paste them to would help or direct me how I might do this.

Thanks,

Stephen

Subject: Fwd: I have tried assist me

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 1/25/11 10:26 PM

To: Will Murdoch <will@eliteracemanagement.com>

we need to regroup. I have no idea WTF he is talking about, this is getting old.

----- Original Message -----Subject: I have tried assist me
Date: Tue, 25 Jan 2011 22:23:21 -0500
From: Stephen Smith <stephenhque@gmail.com>
To: Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

I was able to place 1 on and need to figure out how to separate them for people to fill them out maybe if you could just set the area up that I could just cut and paste them to would help or direct me how I might do this.

Thanks,

Stephen

Subject: Re: Fwd: Important! Private Registration Account Information

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/22/11 2:36 PM

To: jennifer@tischcreative.com

Jennifer,

I hear what you are saying NO IIc. However that is the name of the organization from a legal standpoint if we continue to modify somewhere down the road it will become confusing from a legal standpoint. So to avoid that we may want to stick with the full name. And for go the additional cost of addition site NO money coming in at this point just going out! In another month or so we should start getting healthy but until then we will have to wait and see I feel.

Stephen

On Sat, Jan 22, 2011 at 2:05 PM, Jennifer Tisch < jennifer@tischcreative.com wrote: I am talking about darlingtonapplefestival.org (no llc in name) better for marketing.

On 1/22/11 2:03 PM, Stephen Smith wrote:

Jennifer I did purchase the following: thedarlingtonapplefestivalllc.org

On Sat, Jan 22, 2011 at 1:56 PM, Jennifer Tisch < jennifer@tischcreative.com> wrote: hi stephen, this is great! for marketing purposes though you want a clean and simple domain name. companies usually do not use 'LLC' in their domain name. It's not a waste though, we can point two domains to the same place. I would also purchase the the the theorem and we will use that for marketing.

cheers! Jennifer

On 1/22/11 1:52 PM, Stephen Smith wrote:

lennifer.

Here is # 2 part of it...

----- Forwarded message -----From: <support@domainsbyproxy.com>

From: <<u>support@domainsbyproxy.con</u>
Date: Sat, Jan 22, 2011 at 11:28 AM

Subject: Important! Private Registration Account Information

To: stephenhque@gmail.com

This email contains important information regarding your DBP customer account – please save it for future referencei

Dear Stephen Smith,

Thank you for purchasing Domains By Proxy® (DBP) private registration service for:

THEDARLINGTONAPPLEFESTIVALLLC.ORG

81.

DBP Password: This is the password you created for your customer account at GoDaddy.com, inc.

You may log in to your DBP account and change this password at any time.

S

What you can do inside your DBP account:

- Modify your login name, password, and DBP account information.
- Update the personal contact information for your private domains.
- Control spam through your email preferences for the private email address we create for your domains.
- Purchase domain authorization letters for obtaining a merchant account or SSL certificate for your website.

You need a separate DBP customer account because...

- DBP is an affiliated, but separate, company from your registrar.
- A separate account adds another layer of protection against cyber criminals who hijack domains every day to facilitate illicit
 worldwide scams, send spam, spread malware or viruses, and more.

Questions about DBP?

Email us: support@domainsbyproxy.com

Call us: 480.624.2599

Sincerely,

Domains By Proxy

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Stephen P. Smith

Stephen P. Smith

Subject: Re: Fwd: Important! Private Registration Account Information

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Subject: Important! Private Registration Account Information

To: stephenhque@gmail.com

6.3

5

This email contains important information regarding your DBP customer account – please save it for future referencel

Dear Stephen Smith,

Thank you for purchasing Domains By Proxy® (DBP) private registration service for:

THEDARLINGTONAPPLEFESTIVALLLC.ORG

DBP Customer #: 41212227

DBP Password: This is the password you created for your customer account at GoDaddy.com, Inc.

You may log in to your DBP account and change this password at any time.

What you can do inside your DBP account:

- Modify your login name, password, and DBP account information.
- Update the personal contact information for your private domains.
- Control spam through your email preferences for the private email address we create for your domains.

83

Purchase domain authorization letters for obtaining a merchant account or SSL certificate for your website.

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Email us: support@domainsbyproxy.com

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Stephen P. Smith

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85

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Questions about DBP?

Email us: support@domainsbyproxy.com

Call us: 480.624.2599

Sincerely,

Domains By Proxy

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Stephen P. Smith



Subject: Fwd: Information regarding the registration of THEDARLINGTONAPPLEFESTIVALLLC.ORG

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/22/11 1:53 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Jennifer,
#3 part lets' talk tomorrow!
----- Forwarded message

From: <<u>support@godaddy.com</u>>
Date: Sat, Jan 22, 2011 at 12:00 PM

Subject: Information regarding the registration of THEDARLINGTONAPPLEFESTIVALLLC.ORG

To: stephenhque@gmail.com

Ct.

🗅 Domain Registration Confirmation

www.GoDaddy.com

138 520

Congratulationsi Your registration of the domain(s) below was successful:

THEDARLINGTONAPPLEFESTIVALLLC.ORG

The next step: Log in to the Go Daddy Account Manager, where you can set up your free products (such as email, hosting with a website builder, and a blog), activate services you bought, and manage or modify your domain information (name servers, auto-renewal options, contact information, etc.).

To safely log in:

- Go to the GoDaddy.com home page and log in at the top of the screen with your username or customer number and password. Click on the "My Account" tab, and then click on the domain you'd like to manage to launch the product dashboard.
- From the dashboard, you can complete or change your contact information for the account, forward your domain to another URL, change nameservers, set auto-renewal options and much more.

We're MUCH more than just domains!

Check out some of these great products and services that help you get the most out of your domain!

Web Hosting & Servers

Enjoy FREE setup from <u>GoDaddy.com</u> and enjoy a fast, secure, affordable plan that's just right for you – with a company you know and trust. <u>GoDaddy.com</u> offers a world-class data center, best-of-breed equipment, 24/7 live security, monitoring and live support. Starting at just \$4.99 per month! <u>Learn more</u>

Protect yourself against Identity theft, spam & more. Register 5 domains and get privacy for FREE - NO LIMITI†

<u>Learn more</u>

Get affordable, reliable Web hosting from a company you trustl <u>See plans</u>

Build your own website - no experience necessary.

See plans

Get paid for referring customers to us – join the Go Daddy Affiliate Program.

<u>Learn more</u>

Tell Me How To:
Set up my FREE
personalized email
account

Build Your Website

With <u>click 'n build templates</u>, you can build a professional site in minutes! Or <u>run your own online store!</u>

Website Promotion

<u>Submit your website</u> to key search engines and directories like Google® and MSN®.

Protected Registration

Protect your privacy and secure your domain, while still promoting your website, with Private Registration, Domain Ownership Protection and Business Registration. <u>Learn more</u>

Personalized Email Accounts & More

Get 2GB storage and 5 email addresses (you@YourPersonalDomainName.com) with a <u>Deluxe email account</u>.

Set up my FREE
ad-supported website
Set up my FREE Quick
Blogcast®
Set up my Business
Registration
Use FREE domain locking
Get another domain for
just \$1.99**

Prices are current as of 1/22/2011, and may be changed without notice.

*Not applicable to previous purchases or renewals, ICANN fees, taxes, shipping and handling, sale priced domain names, bulk domains, premium domains, Sunrise/Landrush domain registrations or pre-registrations, memberships or maintenance plans, additional disk space and bandwidth renewals, custom page layouts, brand identity services, incorporation services, Go Daddy branded merchandise, posters, die-cast cars or gift cards. Discount reflected in your shopping cart -- cannot be used in conjunction with any other offer, discount or promotion. Offer subject to change without notice.

**Plus ICANN fee of 18 cents per domain name year. Visit our website for details.

†Private Registration MUST be added to your cart before checkout in order to qualify for this offer.

Third party marks and logos are registered trademarks of their respective owners. All rights reserved.

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Dear Stephen Smith,

Thank you for creating a Customer Account with GoDaddy.com. Your account information is listed below. Please keep a record of this information as a reminder:

Customer #: 41211798

The next time you wish to log in to your new account, simply go to the GoDaddy.com home page and log in with your username or

customer number and password.

You will then be able to manage <u>domains</u>, <u>hosting</u>, <u>email</u>, My Payment Information, and so much more! If you want to reset your password, click "Account Settings" in "My Account," and then "Account Security Information."

To retrieve your customer number or password hint or to reset your password, click the "Forgot Your Password?" hyperlink in the login area on the home page.

SAVE 20% off \$75 or more*

Simply enter source code **gdbb80520** when you check out or mention the code when you call **(480) 505-8821**

Thanks again for creating your account at GoDaddv.com.

89.

Sincerely,



Bob Parsons CEO & Founder GoDaddy.com

Know what you want? Find it quickly with these direct links:				
Hosting Options	Website Design	Email Plans	Business Solutions	Security & Privacy
> Web Hosting	> WebSite Tonight®	> Web-Based Email	> Search Engine Visibility	> SSL Certificates
> WordPress® Hosting	> Website Design Services	> Fax Thru Email	> Express Email Marketing®	> Certified Domains
> <u>Dedicated Servers</u>	> SmartSpace®	> Hosted Exchange	> School of Business	> Private Registration
> Virtual Dedicated Servers	> Quick Shopping Cart®	> Online File Folder®	> Reseller Plans	> Protected Registration
	> Quick Blogcast®		> AdSpace Local Advertising	> Website Protection

*Not applicable to ICANN fees, taxes, shipping & handling, sale priced domain names, bulk domains, premium domains, auction domains, Sunrise/Landrush domain registrations, discounted memberships or maintenance plans; custom page layouts, brand Identity services, Go Daddy branded merchandise, posters, die-cast cars or gift cards. Discount reflected in your shopping cart — cannot be used in conjunction with any other offer, discount or promotion, including renewals discounted from current list pricing. Offer subject to change without notice.

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Subject: Re: Website D A F, LLC

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/22/11 6:22 AM

To: Stephen Smith <stephenhque@gmail.com>

HI Stephen,

Thanks for the update, I was planning to email you to ask about the forms, so I'll look for those soon. Please send them in a text format preferably (Word Doc, etc).

What I need:

I can't help with the specific content/text of the website, only you can do that because you are the gatekeeper of information. You will want to launch the site with all of your own information, not stuff from the old site because you don't want to put anything out there that is incorrect. So, make sure you look at all these pages carefully and send me the edits or I can delete the page. Regarding items that need to be addressed:

Vendors Info (important!)

Besides the forms which you will be providing, i need you to look carefully at this page and tell me what changes you need because I took it exactly from the old website:

http://www.tischcreative.com/darlingtonAF/site/vendors-info/

This is probably your most important page at it is providing all the background info that vendors will need.

Public Address:

For the public address, you need to purchase a domain name. I assumed that you and your lawyers were handling and deciding that but if you want, I can do that for you. You'll need to go to a site such as go daddy to purchase a domain name.

You can search for domain availability here:

http://www.godaddy.com/ I recommend that you purchase a .org domain name. .com usually implies a commercial business. .org usually implies an organization (community, non profit, etc). The .org is more appropriate for the festival in my opinion, but it is up to you.

I did a quick check and

http://www.thedarlingtonapplefestival.org is available

http://www.thedarlingtonapplefestival.com is available

Please create an account with go daddy (or any other that you prefer) and purchase one of the domain names and then send me the login information for the account so that I can go in and 'point the domain' to the website when it's ready to go live.

Web Site Hosting:

At one point you mentioned that your fraternity brothers were running a server and that they were also going to host the darlington website for you.

Is Karon Mahon the guy who I need to talk to about this? You had mentioned this person was going to 'manage and run' the site. Please verify if he is also hosting it for you. I'll need to copy the site files over to your host server some time soon.

Directions: http://www.tischcreative.com/darlingtonAF/site/directions/

Please check this page, it's from the other site and if anything needs to change, let me know. Just send me the new text in an email.

Schedule: http://www.tischcreative.com/darlingtonAF/site/schedule/

What goes on this page? I just have placeholder text right now.

should I delete the page? Or do you have text for it? You'll probably want to have some kind of a loose agenda of what things are planned for the day. Are you having bands? Contests? What will the hours be? People will want to know what is planned. Maybe you can draft some text here for what people can look forward to.

The Race http://www.tischcreative.com/darlingtonAF/site/the-race/

You'll need to work with Will and Shawn and let me know what you would like to say on the race page.

Vendors versus Sponsors versus Advertisers.

We set up the site so that we can have people pay to advertise their business. Sponsors usually are contributing to the festival either by donating money or goods/services. Vendors are just people who are paying to set up a booth and sell stuff at the festival. The waters are a little muddy on these three things so I don't know what to do about putting their information on the site. You have been sending me emails about people being vendors, or sponsors, etc. Does everyone who is a vendor get their logo on the website as a sponsor? And an advertisement at the top?

That's it for now, Have a great weekend! Jennifer

On 1/22/11 1:08 AM, Stephen Smith wrote:

Hello Jennifer,

I felt we were going to see each other this week @ B4BC meeting, however Bob as you know was under the weather. Any how I will have the 3 contracts completed by Sunday and look forward to sending them to you at that point. By the way what will the public use as address for the website? For the Tri. in addition to the vendors. I still need to provide you with Sponsor information in addition to adds, which will be nothing more than the name of the business and address if I can I will hand off business cards which will give some life to there ad. Is there anything that I am leaving out that I need to provide?

Please respond as you can,

Thanks, Stephen

PS October 1 is the first Saturday it is wrong on the site...

Subject: Website D A F, LLC
From: Stephen Smith <stephenhque@gmail.com>
Date: 1/22/11 1:08 AM
To: Jennifer Tisch <jennifer@tischcreative.com>

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Please respond as you can,

Thanks, Stephen

PS October 1 is the first Saturday it is wrong on the site...

Subject: Meeting w/Harford Cty Sheriff

From: Stephen Smith <stephenhque@gmail.com>

Date: 1/17/11 8:52 PM

To: Jennifer Tisch < jennifer@tischcreative.com>

Dear Jennifer,

We met with the sheriff today, to show what the rte of tto the TRI. felt it went OK and he is forwarding on to his Lt. & Sgt. that handle traffic control. Will was wondering went the sit would be ready, as I told them that we still owe you rewitten contracts and we will then be able to move forward. I felt that 3 weeks was a estimate correct me if I am wrong. This will also provide the time the Sheriff may need to review. We are working on the re-writes what other things do we need to address?

I will see you at the meeting I believe on next Wednesday evening @ Bob's! Correct me if I am wrong as the meeting info not out yet Bob and I talked today.

Stephen

Subject: Re: D A F Site

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 1/10/11 3:47 PM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

I am under the gun trying to wrap up my year end financials and also I have two site launches that I'm trying to get out that I am contractually obligated to wrap up. Attached are the documents that I need you to revise to make them relevant to the Applie Festival. Once they are done, we can convert them to online forms and online collection.

Please send them back to me in Word format as soon as you can!

Thanks! Jennifer

On 1/9/11 8:29 AM, Stephen Smith wrote:

Jennifer,

Great morning,

Happy, Happy New Year this is the year 2011 of Many FIRST as we all know! It is very important that we are pretty much ready to turn it on around the 17th of this month when we meet with The Sheriff's Department for his blessings for our event! Have you pull the contract so I many make changes to them regarding names and cost for different vendors. I had sent you pictures that you might want to place in the gallery as fill. Are we set up with pay pal and the bank? As this had been provided to you. It is my plan to give you a min. of \$ 250.00 dollars this month in advance of us even earning a penny at this time as soon as we go live we do have several sponsors that will be providing funds and hopefully races and vendors! Thanks for believing in us!

I remain,

Stephen

- Attachments:	
CommercialVendor-2011.doc	64.0 KB
FoodVendor-2011.doc	63.5 KB
CraftVendor-2011.doc	64.0 KB



31st Annual Havre de Grace Seafood Festival

c/o Lori H. Maslin

P.O. Box 391, Havre de Grace, MD 21078

(410) 939-1525/ www.HdGSeafoodFestival.org SeafoodFes@aol.com

OTHER VENDOR APPLICATION / COMMERCIAL

/BUY SELL

We appreciate your interest in participating in the 31st Annual Havre de Grace Seafood Festival on August 13 and 14, 2011.

This contract is between ______ and The Havre de Grace Seafood Festival, Inc.

- > We do not allow BUY/SELL, flea market or imported items in the Crafter area. If you do not make the items, you are not a Crafter Please use this Commercial Vendor application. The Festival committee will make the final determination as to which vendor category. The Committee will limit the number of Vendors selling or displaying similar items or services (i.e. Jewelry, Home Improvement, etc.). These are determined on a first-come, first-served basis. The earlier you submit your application, the more likely you are to be accepted as a vendor.
- > The Havre de Grace Seafood Festival must receive the signed contract, payment, and photos before application can be processed.
- > Checks should be payable to Havre de Grace Seafood Festival. Mail contract and payment to P.O. Box 391, Havre de Grace, MD 21078.
- > Commercial vendor spaces are 10' frontage x 10' depth. We reserve the right to limit vendors to 2 spaces, at our discretion.
- > Send 2-4 photos (prints) of your products and one of set up display. You may not offer items or services other than those approved in advance. The Committee will retain photos. These photos are used are used determine acceptance and to assign spaces.
- Access to the park for set-up will be available after 8:00 am until 6:00 pm on Friday August 12th. Set up on Saturday is from 6:00 am until 9:00 am. Commerce Street will be closed for set up on Saturday. No Vendor vehicles will be allowed in the park on Saturday for set up.
- Vendors will have limited access to the park for set up and tear down. Trucks & trailers will not remain in the park or on Commerce Street. Vehicles will be permitted onto Commerce Street a half hour after the Festival closes for the night. If you do not arrive on time, then you will have limited ability to get to your space with large trucks or trailers.
- > Hours for Vendors will be as follows: Saturday August 13th 10:00 am to 8:00 pm; Sunday August 14th 10:00 am to 6:00 pm. The event will open at 10:00 am Saturday and Sunday. All vendors are required to be open during all hours.
- > Equipment teardown may only occur after 6:00 pm on August 14th, everything must be removed by 9:00 pm. No early teardowns. Commerce Street will be closed for tear down allowing parking and access for all vendors. No Commercial vendor vehicles will be permitted in the Park for tear down until 7:30 pm on Sunday. You are responsible for leaving your space clean and removing all trash or other debris.
- > You are responsible for collecting and submitting Maryland State Sales and Use Tax.
- > Commercial vendor fee is \$225.00 per space. There is a \$20.00 discount per space for returning vendors for applications received before January 1st. Application deadline is April 1, 2011. A late fee of \$25.00 will be assessed for any application received between April 1st and July 1st. For applications received after July 1st the fee is \$300.00 per space. Certified checks or money orders are required after July 1st. Full payment must be received with your signed contract.
- > Fees are non-refundable once the Festival accepts a vendor. Vendors will be notified by email when accepted. Any vendor not accepted will be notified by email and your check will be shredded.
- ➤ Limited electricity and potable water are available. Both 110v electrical and limited 220v electrical is available. You must request electrical service in advance. Basic electricity for Commercial vendors is generally \$35.00. The electrician, based on your needs and usage, will determine additional electrical charges. Water hook up is \$10.00. Generators will not be permitted. You are responsible for your own extension cords or hoses.
- > Your entire display must fit within your assigned space. No vendor may extend past the approved designated space as determined by the committee. When requesting space you must include tongues/hitches, trailer/truck, tent ropes, and displays that will be in your space.
- > Any attempt to offer unapproved items or services will not be tolerated. The Festival reserves the right to close down vendors who have serious violations or lack of professionalism. We reserve the right to cancel or eject any disruptive or fraudulent exhibitors.
- > Vendors will park their vehicles in the designated lots, not in the park or on Commerce Street.
- > This contract is NOT assignable or transferable. Only businesses, groups or organizations listed on the application will be permitted to operate or advertise from the location.

GENERAL RELEASE: IN SUBMITTING THIS APPLICATION I AGREE THAT THE HAVRE DE GRACE SEAFOOD FESTIVAL, INC., HAVEN HOUSE, INC., THE CITY OF HAVRE DE GRACE, and HARFORD COUNTY OR THEIR OWNERS, OFFICERS, AGENTS AND/OR EMPLOYEES, WILL NOT BE HELD RESPONSIBLE FOR: LOSS OR DAMAGE TO ANY WORK, PERSONAL INJURIES OR OTHER DAMAGE, NOR WILL I, THE FOOD VENDOR OR MY EMPLOYEES OR AGENTS BE A PARTY TO ANY LEGAL ACTION AGAINST SAME. THE FESTIVAL DIRECTOR RESERVES THE RIGHT TO REMOVE OR REFUSE ANY VENDOR, WITH OR WITHOUT CAUSE. THERE WILL BE NO REFUND OF FESS FOR ANY REASON. I FURTHER AGREE TO ABIDE BY ALL RULES SET BY THE FESTIVAL ORGANIZERS. SPACES WILL BE AWARDED ON A FIRST COME, FIRST SERVE BASIS. DEPOSIT PAYMENT MUST ACCOMPANY THIS SPACE REQUEST. VENDORS ARE ONLY PERMITTED TO SELL MENU ITEMS AUTHORIZED IN ADVANCE BY THE COMMITTEE. PRIOR PARTICIPATION DOES NOT GUARANTEE ACCEPTANCE. THE PAYMENT OF A DEPOSIT DOES NOT CONSTITUTE ACCEPTANCE OF THE VENDOR BY THE COMMITTEE. THE NUMBER OF VENDORS WILL BE LIMITED.

Business Name	Contact Name		
Address			
Number & Street	City	State	Zip Code
Business Phone	Cell Phone	<u>Email</u>	
Your Website Address for Lin		**************************************	THE WARRANCE BANK, THA A-1-A LEWIS CO. THE CO. THE CO.
Items or Services to be Offered	This Wording will be used on Festival Website		
What size (include tongues/hitches) Electric Requirements – please be sp	trailer/truck, tent ropes, and displays that will	be in your space' frontage by Water Hook up	
Electric residenciments - process so sp	Enclose \$35,00 Minimum Fee	- Water Fronk up	Enclose Additional \$10.00
SICNATIDE (DECIMOEN)			



31st Annual Havre de Grace Seafood Festival

P.O. Box 391, Havre de Grace, MD 21078 (410) 939-1525/ www.HdGSeafoodFestival.org SeafoodFes@aol.com



<u>FOOD VENDOR APPLICATION</u>

We appreciate your interest in participating in the 31st Annual Havre de Grace Seafood Festival on August 12, 13 and 14, 2011.

This contract is between ______ and The Havre de Grace Seafood Festival, Inc.

- > The Havre de Grace Seafood Festival must receive the signed contract, deposit, and proposed menus no later than February 1, 2011.
- Checks should be payable to Havre de Grace Seafood Festival. Mail contract and deposit to P.O. Box 391, Havre de Grace, MD 21078.
- Major food vendor spaces are 20' frontage x 20' depth. We reserve the right to limit vendors to 2 spaces, at our discretion.
- Access to the park for set-up will be available after 3:00 pm on Thursday August 11th. Any food vendor operating out of a trailer must arrive to be parked at 3:00 pm on Thursday. All food vendors will be inspected by the Harford County Health Department on Friday August 14th. The time of your inspection will be determined by the Health Department. Should you require special arrangements you must speak directly with the Health Department. Applications for temporary food service permits can be downloaded using the link on our website and are the sole responsibility of the vendor.
- Hours for food service will be as follows: Friday August 12th 4:00 pm to 8:00 pm; Saturday August 13th 10:00 am to 8:00 pm; Sunday August 14th 10:00 am to 6:00 pm. The event will open at 10:00 am Saturday and Sunday. All vendors are required to serve during all hours.
- Equipment teardown may only occur after 6:00 pm on August 14th, & must be removed by 9:00 pm August 14th.
- > Current Harford County Health Department permit and others permits as required by State of Maryland must be on display.
- Major food vendor fee is \$950.00 per space. A space is 20' by 20'. There is a \$25.00 discount per 10' of space for returning vendors. Limited minor food vendor spaces are available. A minor food vendor is one that serves 1 item type with no on site preparation. These spaces are limited to 10' by 10' and cost \$500.00. Limited Pre-Packaged food vendor spaces are available. A Pre-Packaged food vendor is one that serves 1 item type that arrives at the Festival packaged, ready to serve. These spaces are limited to 10' by 10' and cost \$300.00. The Festival committee will make the final determination as to which food vendor category.
- > For major food vendors, a deposit of \$500.00 per 20' of frontage must be received with your signed contract. Upon acceptance as a vendor, final payment of the balance due of your fee is required no later than April 1, 2011. For all other vendors, full payment must be received with your signed contract by the February 1, 2011 deadline. Fees are non-refundable once a vendor is accepted by the Festival.
- Electricity and potable water are available. Both 110v electrical and limited 220v electrical is available. Specify needs on the bottom of contract. You must request electrical service in advance. The electrician, based on your needs and usage, will determine electrical charges. Generators are not permitted.
- > Your entire display must fit within your assigned space. A space is 20' by 20'. Note: spaces are measured, a 26' trailer will not fit in a 20' space. No vendor may extend past the approved designated space as determined by the committee. When requesting space you must include tongues/hitches, trailer/truck, tent ropes, and displays that will be in your space.
- Each vendor will have access to the park for set up and tear down. Trucks & trailers will not remain in the park or on Commerce Street. Trucks will be permitted into the park a half hour after the Festival closes for the night. All trucks must be removed by 9:00 am. If you do not arrive on time, then you will have limited ability to get to your space with large trucks or trailers.
- A menu with pricing must be submitted with this contract and becomes a part of the contract. Menus and pricing may be adjusted up to 3 weeks prior to the event, with approval of the Festival. The Committee must approve each menu item for sale in advance. The suggested selling price for sodas and water is \$2.00 each. No changes in menu items, pricing, or portion size may occur during the event without approval of the Committee. Violations will result in removal of the item from your menu. Any attempt to sell unapproved items will not be tolerated.
- > Ice will be available for purchase.
- > Grease disposal will be available on site. All grease must be disposed of in approved manner; failure to comply will result in the assessment of additional costs and fess at the sole discretion of the Festival Committee.
- > All vendors must have a first aid kit, ABC fire extinguisher (K if cooking with grease) and meet fire marshal standards.
- > Vendors will park their vehicles in the designated lots, not in the park or on Commerce Street.
- > Legible menus with prices must be clearly posted at all times.
- > The Festival reserves the right to close down food vendors who have serious violations or lack of professionalism.
- > This contract is NOT assignable or transferable. Only businesses, groups or organizations listed on the application will be permitted to operate or advertise from the location.

General Release: IN SUBMITTING THIS APPLICATION I AGREE THAT THE HAVRE DE GRACE SEAFOOD FESTIVAL, INC., HAVEN HOUSE, INC., THE CITY OF HAVRE DE GRACE, and HARFORD COUNTY OR THEIR OWNERS, OFFICERS, AGENTS AND/OR EMPLOYEES, WILL NOT BE HELD RESPONSIBLE FOR: LOSS OR DAMAGE TO ANY WORK, PERSONAL INJURIES OR OTHER DAMAGE, NOR WILL I, THE FOOD VENDOR OR MY EMPLOYEES OR AGENTS BE A PARTY TO ANY LEGAL ACTION AGAINST SAME. THE FESTIVAL DIRECTOR RESERVES THE RIGHT TO REMOVE OR REFUSE ANY VENDOR, WITH OR WITHOUT CAUSE. THERE WILL BE NO REFUND OF FEES FOR ANY REASON. I FURTHER AGREE TO ABIDE BY ALL RULES SET BY THE FESTIVAL ORGANIZERS. SPACES WILL BE AWARDED ON A FIRST COME, FIRST SERVE BASIS. DEPOSIT PAYMENT MUST ACCOMPANY THIS SPACE REQUEST. VENDORS ARE ONLY PERMITTED TO SELL MENU ITEMS AUTHORIZED IN ADVANCE BY THE COMMITTEE. THE NUMBER OF VENDORS WILL BE LIMITED.

Business Name	eContact Name			
Address				
Num	iber & Street	City	State	Zip Code
Business Phone	Cell I	Phone	Email	
Check one:	Major Food Vendor gues/hitches) trailer/truck, tent rope	Minor Food Vendor	Pre-Packaged Foo	
Electric Requirements -		s, and displays that will be in your	space' frontage by _	
SIGNATURE (REC	OUIRED)			
		READ, UNDERSTAND, AND AGREE TO FO	LOW ALL RULES OF THE HAVRE DE	GRACE SEAFOOD FESTIV

Subject: 4th
From: Stephen Smith <stephenhque@gmail.com>
Date: 12/30/10 11:40 PM
To: Jennifer Tisch <jennifer@tischcreative.com>

112

le	nn	ıif€	٠

I hope that some of these might work for us you have several of our churches in addition to The Friend	s Meeting House, your decision
--	--------------------------------

Thanks,

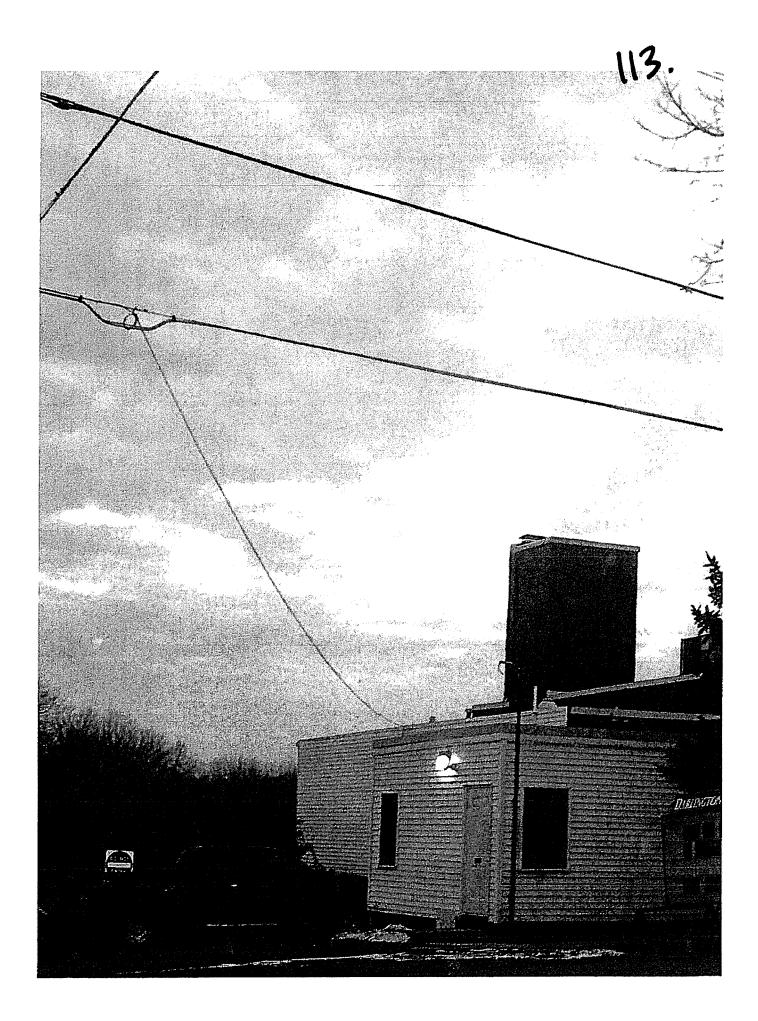
Stephen

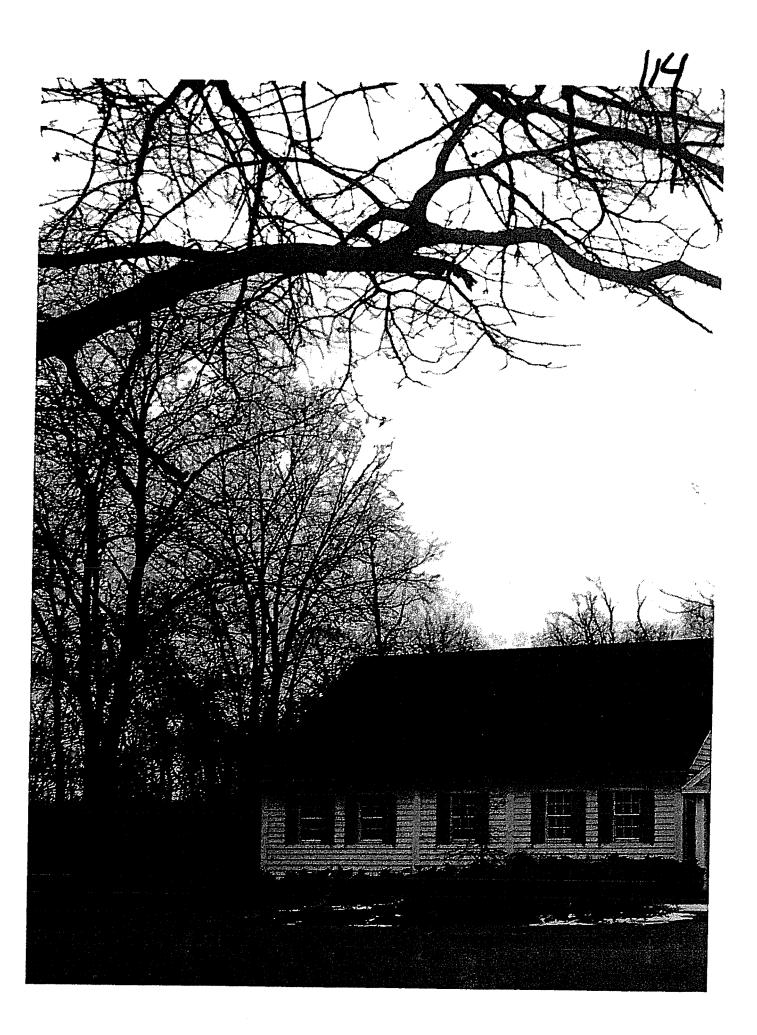
PS; Please give me some directions on how to change either wording as I am sure even some of the pricing, will need to be adjusted.

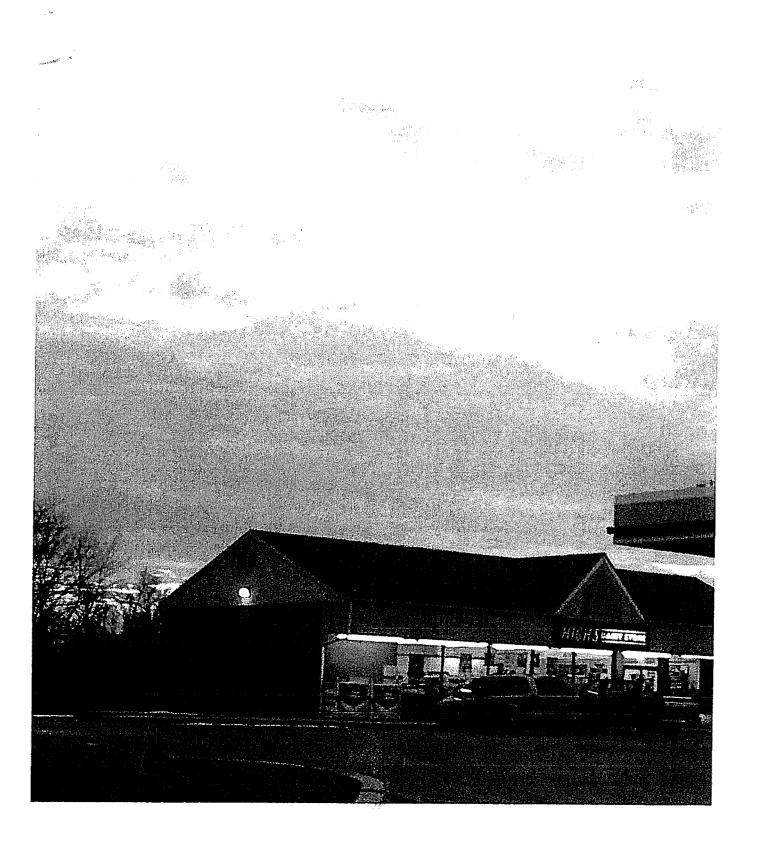
Stephen

Stephen P. Smith

-100_2024.JPG-







·

 Attachments:

 100_2024 JPG
 765 KB

 100_2025 JPG
 1.5 MB

 100_2026 JPG
 581 KB

 100_2027 JPG
 1.6 MB

Subject: Darlington @ rest / Xmas From: Stephen Smith <stephenhque@gmail.com> Date: 12/30/10 10:37 PM To: Jennifer Tisch <jennifer@tischcreative.com>

Jennifer,

Just some quick pictures of Darlington...

Stephen P. Smith

-- 100_1973.JPG--



131.

Subject: The AF LOGO on website

From: Stephen Smith <stephenhque@gmail.com>

Date: 12/22/10 10:10 PM To: jennifer@tischcreative.com

Jennifer,

Please exact the Apple Festival Logo you have on the upper left hand corner with the flags and e-mail to myself and catscornerlibrary@Verizon.net as soon as you can.

Thanks,

Stephen

Subject: Fwd: Your Gmail address, thedarlingtonapplefestival.llc@gmail.com, has been created

From: Stephen Smith <stephenhque@gmail.com>

Date: 12/22/10 5:35 PM
To: jennifer@tischcreative.com

Jennifer,

Here is the gmail address for The <u>DarlingtonAppleFestival.LLC@gmail.com</u> I will be setting up a pay pal account this evening!

Thanks,

Stephen

----- Forwarded message -----

From: Stephen Smith < stephenhque@gmail.com>

Date: Sat, Oct 30, 2010 at 11:21 AM

Subject: Fwd: Your Gmail address, thedarlingtonapplefestival.llc@gmail.com, has been created

To: jennifer@tischcreative.com

Jennifer,

Here is a new account for TheDarlingtonAppleFestival.LLC Password, is 10312010ssss . I also have TheAppleFest password is 10Darlington2010 . A small country berg amidst a growing county which embraces family, friends, unity and captures the past but like all communities attempting to hold onto the past and moving forward! This part of it I feel it can be developed as you and I with other think about it.

Stephen

----- Forwarded message -----

From: **Gmail Team** < mail-noreply@google.com>

Date: Sat, Oct 30, 2010 at 12:14 AM

Subject: Your Gmail address, thedarlingtonapplefestival.llc@gmail.com, has been created

To: Stephen Smith < stephenhque@gmail.com >

Congratulations on creating your brand new Gmail address, thedarlingtonapplefestival.llc@gmail.com.

Please keep this email for your records, as it contains an important verification code that you may need should you ever encounter problems or forget your password.

You can login to your account at http://mail.google.com/

Enjoy!

The Gmail Team

134.

Verification code: b58781bc-ba71b6d0-b27c851641

If you didn't create this Gmail address and don't recognize this email, please visit: http://mail.google.com/support/bin/answer.py?answer=62400

Stephen P. Smith

Subject: Re: Jennifer it's me before BED

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 12/21/10 10:51 PM

To: Will Murdoch <will@eliteracemanagement.com>

omg shoot me now. he is bombarding me with email about wanting me to stealing all of the forms and language from THIS website:

http://www.hdgseafoodfestival.org/

and I know you are jealous and you wish Elite could be as good as that rockin site that I just gave you the pleasure of viewing.

On 12/21/10 10:48 PM, Will Murdoch wrote:

Jennifer,

I am drinking a glass of orange juice. Please call me if you can!!

William

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

On Tue, Dec 21, 2010 at 10:45 PM, Jennifer Tisch < jennifer@tischcreative.com wrote: you've got to be effing kidding me.

----- Original Message ----Subject:Jennifer it's me before BED
Date:Tue, 21 Dec 2010 22:12:19 -0500
From:Stephen Smith <stephenhque@gmail.com>
To:jennifer@tischcreative.com

Jennifer,

I am awake so if you can, give me a quick call now before I go to bed!!!

Stephen

Subject: Re: Things I need

From: Stephen Smith <stephenhque@gmail.com>

Date: 12/21/10 9:58 PM

To: jennifer@tischcreative.com, Stephen Smith <stephenhque@gmail.com>

Jennifer,

Please change a few words so that it can't be said that we just copied there forms...

On Tue, Dec 21, 2010 at 9:55 PM, Stephen Smith < stephenhque@gmail.com wrote: Jennifer,

I agree that that there are several forms however the content is pretty much the same! We will allow Commercial vendors as our event people need sneakers and bikes, etc.. As a mater of fact NIKE will also or is also considering being a vendor. We will need all of these applications as we are seeking to have apx 50 -0 100 vendors and these will cover all of them!..

On Tue, Dec 21, 2010 at 9:11 PM, Stephen Smith < stephenhque@qmail.com wrote: Jennifer,

Please go to The Havre de Grace Seafood Festival .com for the correct wording for our applications and correct legal writing as the person who created there applications and forms is a Lawyer and it should cover us from any liabilities so please read and place on our site!, just name change is required and should be easy to modify!

Thanks,

Stephen

On Mon, Dec 20, 2010 at 8:43 AM, Jennifer Tisch < jennifer@tischcreative.com > wrote: Hi Stephen,

I hope you had a nice weekend.

- 1. Will you please send me a copy of the Vendor Application for the festival? I need this so that I can create a WEB application.
- 2. Please also set up a PayPal account so that we can receive payments on the website for the vendors application. Once you set up the PayPal account, I'll need the email address that is associated with the PayPal account so that the money can be routed.
- 3. Please also send me the final time and date of the festival
- 4. Please also send to me a list of SPONSORS. I need their full name and a link to their website.
- 5. Please also send me a list of ADVERTISERS, full name and contact information (and website link if they have one).

That's it for now. Thank you, Jennifer



Subject: Re: Things I need

From: Stephen Smith <stephenhque@gmail.com>

Date: 12/21/10 9:55 PM

To: jennifer@tischcreative.com, Stephen Smith <stephenhque@gmail.com>

Jennifer.

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- 5. Please also send me a list of ADVERTISERS, full name and contact information (and website link if they have one).

That's it for now. Thank you, Jennifer

138.

Subject: Re: Things I need

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 12/21/10 9:17 PM

To: Stephen Smith <stephenhque@gmail.com>

there are several applications on the page:

http://www.hdqseafoodfestival.org/VendorInformation.htm

Please let me know which one I should use.

On 12/21/10 9:11 PM, Stephen Smith wrote: Havre de Grace Seafood Festival

139

Subject: Re: Things I need

From: Stephen Smith <stephenhque@gmail.com>

Date: 12/21/10 9:11 PM

To: jennifer@tischcreative.com, Stephen Smith <stephenhque@gmail.com>

Jennifer,

Please go to The Havre de Grace Seafood Festival .com for the correct wording for our applications and correct legal writing as the person who created there applications and forms is a Lawyer and it should cover us from any liabilities so please read and place on our site!, just name change is required and should be easy to modify!

Thanks.

Stephen

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- 1. Will you please send me a copy of the Vendor Application for the festival? I need this so that I can create a WEB application.
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- 3. Please also send me the final time and date of the festival
- 4. Please also send to me a list of SPONSORS. I need their full name and a link to their website.
- 5. Please also send me a list of ADVERTISERS, full name and contact information (and website link if they have one).

That's it for now. Thank you, Jennifer

Subject: Re: apple stuff

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 12/20/10 8:47 AM

To: Will Murdoch <will@eliteracemanagement.com>

ok thanks!

On 12/20/10 8:38 AM, Will Murdoch wrote: should be oct 1, first sat in october

Will Murdoch

Elite Race Management P.O. Box 44608 Baltimore, MD 21236 (443) 243-4205 www.eliteracemanagement.com facebook.com/eliteracemanagement

On Mon, Dec 20, 2010 at 8:37 AM, Jennifer Tisch < iennifer@tischcreative.com > wrote: Hey Will. When is the supposed event date?

Thanks!

lenn

Jennifer Tisch | Principal Consultant | Tisch Creative LLC jennifer@tischcreative.com | voice 443.957.1399 | www.tischcreative.com

Subject: Things I need

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 12/20/10 8:43 AM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

I hope you had a nice weekend.

1. Will you please send me a copy of the Vendor Application for the festival? I need this so that I can create a WEB application.

- 2. Please also set up a PayPal account so that we can receive payments on the website for the vendors application. Once you set up the PayPal account, I'll need the email address that is associated with the PayPal account so that the money can be routed.
- 3. Please also send me the final time and date of the festival
- 4. Please also send to me a list of SPONSORS. I need their full name and a link to their website.
- 5. Please also send me a list of ADVERTISERS, full name and contact information (and website link if they have one).

That's it for now. Thank you, Jennifer

Subject: Back Office???
From: Stephen Smith <stephenhque@gmail.com>

Date: 12/15/10 6:01 PM

To: jennifer@tischcreative.com

If you have any questions about the renewal process or your account, click Reply or call the ClubExpress toll-free hotline at 1-866-HLP-CLUB (457-2582).

HERE IS THE TELEPHONE NUMBER YOU MAY WANT TO CALL IN ADDITION IT IS CLUB EXPRESS .COM

Subject: Re: logo

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 12/9/10 2:33 PM

To: Will Murdoch <will@eliteracemanagement.com>

i can chat, sure. always crazy busy, that never changes!

On 12/9/10 1:28 PM, Will Murdoch wrote:

are you crazy busy right now or do you have a second?

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

On Wed, Dec 8, 2010 at 11:39 PM, Will Murdoch < will@eliteracemanagement.com > wrote: haha thank you! yea that was a stretch

i did see that...is there any way he could bump the font size up just a little? it looks a little small next to the rest of the text, and i'd like the headlines to be just a bit bigger than the news brief. That would be awesomeeeeeeeee

I'm working on the contract for the apple festival tri...fun fun haha

Will Murdoch

Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

On Wed, Dec 8, 2010 at 11:37 PM, Jennifer Tisch < <u>jennifer@tischcreative.com</u>> wrote: it's in the dropbox my friend. We'll do the race bibs another time when you're rolling in dough. They would probably be a little on the pricey side..... did you see karim fixed the news page a while back? he was supposed to email you, not sure if he did or not.

On Wed, Dec 8, 2010 at 10:49 PM, Will Murdoch < will@eliteracemanagement.com > wrote:

Jenn,

I'm ordering business cards from VistaPrint and I need a jpeg copy of the logo that you used on the mile marker signs when you get a chance please!. All I have is copies of the "old" logo with the really bright green. Thanks!!

Will

Will Murdoch
Elite Race Management
P.O. Box 44608
Baltimore, MD 21236
(443) 243-4205
www.eliteracemanagement.com
facebook.com/eliteracemanagement

145.

Subject: Re: Fwd: flags/phone numbers,etc. **From:** Stephen Smith <stephenhque@gmail.com>

Date: 12/2/10 2:33 PM

To: jennifer@tischcreative.com

Jennifer,

You do know that I have this already!

Stephen

On Mon, Nov 29, 2010 at 10:51 PM, Jennifer Tisch < jennifer@tischcreative.com > wrote: no problem....i guess you need to copyright it!

On 11/29/10 9:46 PM, Stephen Smith wrote: Jennifer,

So sorry also you need to place a coppy right symbol @ the logo!

Stephen Additionally, we love the logo that you didn't realize you created upper left hand corner of front page! The darlington apple fest is the 2nd largest event of it's kind in the state of Maryland, aattracting over 50,000 people yearly and continues to grow! Stay tuned for upcoming...

----- Forwarded message -----

From: Jennifer Tisch < jennifer@tischcreative.com >

Date: Mon, Nov 29, 2010 at 9:39 PM Subject: Re: flags/phone numbers, etc.

To: Stephen Smith < stephenhque@gmail.com>

ok stephen!

On 11/29/10 9:29 PM, Stephen Smith wrote:

Jennifer,

Please place both American & Maryland flag on banner!

Phone number to contact us @ The Darlington Apple Festival, LLC is a NON Profit Organization 410-457-0101 or fax line is 410-457-5080,

Stephen P. Smith

Subject: Re: one more thing....

From: Stephen Smith <stephenhque@gmail.com>

Date: 11/30/10 5:36 PM
To: jennifer@tischcreative.com

Jennifer,

Please go ahead and place Harley Davidson in my town, you could also place High's store, Cliff's Liquors, Cliff's Auto Parts, Hollywood Casino and DelMarVaPower these will be for them to see! more than being totally committed to sponsorship!

On Tue, Nov 30, 2010 at 2:03 PM, Jennifer Tisch < jennifer@tischcreative.com > wrote:

I won't have anything exciting for you to look at for a few days...it takes a big chunk of time to turn the image into a living website. although you CAN look at the link again and see the FLAGS that I added.

http://tischcreative.com/darlingtonAF/index2.html

Can you please send me a list of:

- 1) all confirmed sponsors so far
- 2) advertisers

Thanks!

Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

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Date: 11/30/10 2:03 PM

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Thanks!

Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>



Subject: phone number...

From: Jennifer Tisch <jennifer@tischcreative.com>

Date: 11/30/10 2:00 PM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

I just checked a backlog of voicemails on our home phone. Rob and I barely use our home phone, it's terrible. The best number to reach me is on my office line (below) or my mobile. 443.995.0191....

Just got your voicemail from today, along with about 20 others!

We'll get everything integrated, I got all your messages. Thanks!

Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

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Subject: Re: Fwd: flags/phone numbers, etc. From: Jennifer Tisch < jennifer@tischcreative.com> Date: 11/30/10 7:06 AM To: Will Murdoch <will@eliteracemanagement.com> "What do you think of the design Stephen, any feedback?" "No pets, or you go to jail!" On 11/29/10 11:53 PM, Will Murdoch wrote: Haha welcome to my world Tisch...I'd feel bad for you but if he's up your butt then chances are he can't be up mine at the same time (4) On Monday, November 29, 2010, Jennifer Tisch<jennifer@tischcreative.com> wrote: omg shoot me now. we are in design phase of website, and THIS is what he is sending me. ----- Original Message -----Subject: Fwd: flags/phone numbers.etc. Date: Mon, 29 Nov 2010 21:59:17 -0500 From: Stephen Smithstephenhque@gmail.com stephenhque@gmail.com To: jennifer@tischcreative.com Jennifer, A statemnt that NO animals allowed other than those that are used for handicap assisedted... They are at your risk and you are liable!!! legal wording which you should have otherwise I will secure from law departnment!!! ----- Forwarded message -----

151.

Subject: Re: Fwd: flags/phone numbers, etc.

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 11/29/10 10:51 PM

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Please place both American & Maryland flag on banner!

Phone number to contact us @ The Darlington Apple Festival, LLC is a NON Profit Organization 410-457-0101 or fax line is 410-457-5080,

Stephen P. Smith

Subject: Fwd: flags/phone numbers, etc.

From: Stephen Smith <stephenhque@gmail.com>

Date: 11/29/10 9:59 PM

To: jennifer@tischcreative.com

Jennifer,

A statemnt that NO animals allowed other than those that are used for handicap assisedted... They are at your risk and you are liable!!! legal wording which you should have otherwise I will secure from law departnment!!!

----- Forwarded message -----

From: Jennifer Tisch < jennifer@tischcreative.com >

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Stephen P. Smith

REVIEW OF MINUTES

160.

GOVERNMENT UPDATES

- 1. Sheriff's representative
- 2. County Executive's representative
- 3. County Council President Billy Boniface
- 4. County Councilman Chad Shrodes, District D
- 5. Senator Barry Glassman
- 6. Delegates Donna Stifler and Wayne Norman

GUEST UPDATE

Director of Public Works Bob Cooper, update on Nobles Mill bridge repair and possible one-way section of Nobles Mill Rd

OLD BUSINESS

- 1. Aberdeen Water Permit
- 2. LNG Pipeline
- 3. New members/reappointments/DDCA
- 4. Future Guests -Dec Historic Preservation

NEW BUSINESS

1. Discussion of Dublin-Darlington Community section of Harford County Master Plan

GOOD OF COUNCIL

NEXT MEETING

December 15, 2010 7:00 p.m. Wilson Center

Stephen P. Smith	
- Attachments:	
DublinDarlington2004.pdf	375 KB

Subject: Re: New Race for Fall 2011

From: Stephen Smith <stephenhque@gmail.com>

Date: 10/25/10 7:10 PM

To: jennifer@tischcreative.com

Hi Shawn and Will,

The date we should be looking at is the 1st Saturday in October which is the 1,st 2011! Yes I would like to talk with the two of you regarding same! It will be interesting to plan this event with you!

165.

Stephen

On Mon, Oct 25, 2010 at 2:41 PM, Jennifer Tisch < <i >iennifer@tischcreative.com
wrote: Hi Shawn and Will.

Copied on this email is Stephen Smith who is interested in meeting with you two to discuss setting up a new annual race (type/distance to be determined) that would happen in tandem with the Darlington Apple Festival. This is all confidential as of now so please keep any information discussed private. I'm starting this email loop to see when would be a good time to meet to discuss strategy. Stephen, will you please email the group and propose some dates/times? Shawn/Will, are there some times of days that work better than others? Stephen: the website for Elite Race Management is here: http://www.eliteracemanagement.com, of which my company handled. They help to promote any races that they are managing and do a great job in doing it.

Looking forward to helping everyone with their festival and race goals, Jennifer

Jennifer Tisch | Principal Consultant | Tisch Creative LLC <u>jennifer@tischcreative.com</u> | voice 443.957.1399 | <u>www.tischcreative.com</u>

Subject: gmail, festival site, and advertising

From: Jennifer Tisch < jennifer@tischcreative.com>

Date: 10/25/10 2:34 PM

To: Stephen Smith <stephenhque@gmail.com>

Hi Stephen,

I hope you had a nice weekend. I tried to login to your gmail with the password below and didn't have any luck getting in. Please double check it to be sure it's typed correctly as I tried it several times and was unsuccessful.

Regarding the festival website, I'd like you to look at these two links of festival sites that I think are very well done in terms of content. Please take a look at these and let me know what you like about them so we can start building a plan for the new one. It's always smart to benchmark to see what others are doing:

http://applefestusa.com/

http://www.balloonfestival.com/ (this one has a race! look at the banner says 'i ran with the balloons!'. Cute.

http://www.nationalcherryblossomfestival.org/cms/index.php?id=390 (not advertising down the far right column)

I'll need you to spend a little time on these sites (or google other festival sites) so that I can get a sense of the labor and requirements that will be involved in the new site. That way, I can get you a more accurate estimate as to what this will cost in development time. Please start a brief outline as to the pages you want on the new site.

Regarding advertising on websites there are many things we need to consider:

We need to first design the festival website so that the site will appeal to advertisers: We need to show them that their banner, text or links will have a prominent place on the site. Preferably we will want to have an idea of what kind of advertising we will sell (e.g., 468×60 banners, 125×125 banners, text links) and designour website according to those objectives. Advertisers want visibility, so we'll need reserve a good spot for them.

We need to install advertiser software to rotate banners and track statistics. Advertisers will want feedback about the success of their ads in order to decide whether to place more ads on the website

We'll need to create a page on the site specifically for potential advertisers with basic information, such as website details, target audience, traffic statistics and other information that might be of interest to potential advertisers.

We'll want to link to that page from the navigation bar ("Advertisers") so people who happen upon the site can read about our advertising guidelines. We'll need to have a letter or info set up for potential advertisers to inquire about advertising with basic information (cost, banner placement, terms, graphics needed, etc)

We'll need some sort of a brief contract between the website owner (you) and the advertiser that spells out all terms of the agreement. Can you set up a PayPal account to accept payments from advertisers? How are you taking the money?

Here are some links of sites that have ads:

http://www.nationalcherryblossomfestival.org/ (ads are on the far right)

http://www.nojazzfest.com/ (note ads in lower right corner)

http://www.bayblues.org/ (sponsors at bottom)

Regarding the race, I'll next send an email to Elite and you and me to set up a time to get together to talk about an awesome race next fall.



Talk soon, Jennifer

On 10/21/10 10:06 PM, Stephen Smith wrote: Jennifer,

As per your request stephenhque@gmail.com here is the e-mail address and the password is 98ssSS2010 Just put Bike 4BreastCancer on for now while you are developing the other site you we want to keep that close to our selves for the next 30-90 days!!

Thanks!

Stephen

On Wed, Oct 20, 2010 at 10:37 PM, Stephen Smith <stephenhque@gmail.com> wrote:

On Wed, Oct 20, 2010 at 12:36 PM, Jennifer Tisch < <i >jennifer@tischcreative.com
wrote: here it is again!

Jennifer.

Attach a section to all of our e-mails directing people to go to TheBkie4BreastCancer site! BOB

AND I DISCUSSED AS ALL WERE LEAVING Please feel free to do as you wish!

Very nice meeting you. When can you and I get together again?

Looking forward to it!!!

Stephen

----- Original Message -----
Subject:Board meeting Wednesday

Date:Sun, 17 Oct 2010 08:18:04 -0400

From:Bob Buchanan sbbbuchanan@bike4breastcancer.org

To:Kathy Betz kathetz@gmail.com "Dr. Rick Walker" < Sl

CC:Adele Snowman <adelesnowman@hotmail.com>, Sue Morris <penbryn@charter.net>, Mary Fadie <mpf80@sbcglobal.net>, Naomi Weaver <naomi.weaver@gmail.com>

I invite the board members to meet at 6 pm for an hour on Wednesday 20th at my house for a little wine and discussion.

I will be taking "formal" photos to update the web site. Men in necktie If you would. Thank you.

Address: 1506 Laurie Drive Bel Air 21014

Bob Buchanan 410 982-7308

169.

Subject: Re: Board meeting Wednesday

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----- Original Message -----

Subject:Board meeting Wednesday

Date:Sun. 17 Oct 2010 08:18:04 -0400

From:Bob Buchanan <bobbuchanan@bike4breastcancer.org>

To:Kathy Betz <a href="mailto:kathytestalor: "Yor. Rick Walker" < SURGEONFWW@aol.com">com,

Stephen Smith <alphaomegavineyd@hotmail.com>, Jennifer Tisch

<jennifer@tischcreative.com>, Bob Buchanan

<bobbuchanan@bike4breastcancer.org>

CC:Adele Snowman <adelesnowman@hotmail.com>, Sue Morris

<penbryn@charter.net>, Mary Fadie <mpf80@sbcglobal.net>, Naomi Weaver

<naomi.weaver@gmail.com>

I invite the board members to meet at 6 pm for an hour on Wednesday 20th at my house for a little wine and discussion.

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170.

Address: 1506 Laurie Drive Bel Air 21014

Bob Buchanan 410 982-7308

EXHIBIT K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DARLINGTON APPLE FESTIVAL INC.		
Petitioner,		
v.	Cancellation No.	92053945
STEPHEN SMITH		
Registrant.		

PETITIONER'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Petitioner Darlington Apple Festival, Inc. ("Petitioner"), by their undersigned counsel, hereby requests that Registrant Stephen Smith ("Registrant"), produce the following documents, materials and things for inspection and copying to the offices of Ballard Spahr, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103, within thirty (30) days after service hereof.

These Requests shall be answered in accordance with the Instructions and Definitions below. The full text of the Instructions and Definitions shall be deemed incorporated by reference into each Request.

INSTRUCTIONS AND DEFINITIONS

INSTRUCTIONS

1. You shall produce all documents in a form that renders the documents susceptible to copying. You shall produce all documents as they are kept in the usual course of business or organized and labeled to correspond to the following requests.

- 2. If You are unable to comply fully with any request herein, You shall comply to the extent possible and provide an explanation as to why full compliance is not possible.
- 3. If any document within the scope of this Request is unavailable because it has been destroyed, identify the document (by date, author, addressee, signatory, subject and length); state when the document was destroyed and why; and identify the person who ordered the document destroyed.
- 4. If any of the information or documents requested below are claimed to be privileged or are otherwise withheld, You are requested to provide a privilege log which identifies:
 - (a) the basis for asserting the claim of privilege, and the precise ground on which the document is withheld;
 - (b) the type of document;
 - (c) the identity of the document's author(s) and its addressee(s), and every person who prepared or received the document or any portion thereof;
 - (d) the relationship of its author(s) and its addressee(s);
 - (e) the title and other identifying data of the document;
 - (f) the date of the document;
 - (g) the subject matter of the document;
 - (h) any attachment(s) to the document;
 - (i) the number of pages comprising the document; and
 - (j) whether the document is typewritten or handwritten.
- 5. All Requests herein are directed to those documents within Your possession, custody or control, or within the possession, custody or control of Your agents, servants,

employees, related companies and Your attorneys. They are also directed to those firms, corporations, partnerships, or trusts that You control, and to documents in the possession, custody or control of employees, agents, next friends, trustees, guardians and representatives of such entities.

- 6. Whenever necessary to bring within the scope of a request any information, document or subject matter which might otherwise be deemed non-responsive, the singular form shall be interpreted as including the plural.
- 7. Each document request should be answered separately and fully, and should include all information known up to the date of verification.
- 8. Theses Requests shall be deemed to be continuing. Your attention is also called to Rule 26(e)(2) of the Federal Rules of Civil Procedure, which provides:

A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

9. You shall mark each document sequentially using a Bates number.

DEFINITIONS

As used herein, the following terms have the following definitions:

- 1. "You" or "Your" or "Registrant" shall mean shall mean Darlington Apple Festival, LLC, Stephen Smith, and any predecessors-in-interest, former or current parents, subsidiaries and divisions, present and former officers, directors, agents, employees, independent contractors, attorneys and advertising agencies and all other persons acting or purporting to act on behalf of Darlington Apple Festival, LLC or Stephen Smith.
- 2. "Petitioner" shall mean Darlington Apple Festival, Inc., and any predecessors-ininterest, former or current parents, subsidiaries and divisions, present and former officers, directors, agents, employees, attorneys, and all other persons acting or purporting to act on behalf of Petitioners.
- 3. "Your Supplemental Registration" shall mean the mark THE DARLINGTON APPLE FESTIVAL, Supplemental Trademark Registration No. 3,949,583.
- 4. "Sample of Use" shall mean the series of three images which You submitted to the U.S. Patent & Trademark Office of "screen shots of [Your] website" allegedly showing the THE DARLINGTON APPLE FESTIVAL mark "as used in commerce", as seen at http://tdr.uspto.gov/jsp/DocumentViewPage.jsp?85154578/SPE20110121151551/Specimen/3/20-jan-2011/.
- 5. "Trademark" shall be defined to be synonymous in meaning and equal in scope to the definition of the term in 15 U.S.C. § 1127.
- 6. "Communication" shall mean the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- 7. "Document" shall be defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is

a separate document within the meaning of this term. For your convenience, Federal Rule of Civil Procedure 34(a) is reproduced below:

Rule 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

- (a) In General. A party may serve on any other party a request within the scope of Rule 26(b):
 - (1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:
 - (A) any designated documents or electronically stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or
 - (B) any designated tangible things; or
 - (2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.
- 8. "Person" shall mean any natural person or any business, legal or governmental entity or association.
- 9. "Concerning" shall mean relating to, referring to, describing, evidencing or constituting.
 - 10. The terms "all" and "each" shall be construed as all and each.
- 11. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

- 12. "Identify," "state the identity of," or any other similar phrase:
 - (a) When used with reference to a natural person, means to state in each instance that person's (i) full name, (ii) present or last known home address, and (iii) present employer and position (occupation or business if self employed).
 - (b) When used with reference to a corporation, partnership,
 association, joint venture, firm or other business enterprise or legal
 entity means to state in each instance the full name and address of
 that entity.
 - (c) When used in connection with a document or writing, means to state in each instance: (i) the date of the document, (ii) the type of document (e.g., letter, memorandum, computer printout, estimate, etc.), (iii) the author and addressee, (iv) any filing or identifying number associated with the document, and (v) the present or last known location or custodian of the document.
 - (d) When used in connection with an oral communication, means to state in each instance: (i) the date, time and place where the communication was made, (ii) the person(s) communicating, (iii) the recipient(s) and intended recipient(s) of the communication, (iv) the identity of any document that embodies, contains, describes, refers to, discusses, or relates in any way to the communication, and (v) the substance of the communication.

13. When an individual, partnership or other non-corporate entity is referred to herein, such reference shall be construed to include that individual, partnership, or other non-corporate entity in any capacity and all and any agents, employees, representatives, attorneys, members, family members, predecessors and successors in interest, affiliates, departments or divisions and all other persons or entities acting on his/her/its behalf or under his/her/its control, whether in the past or the present.

REQUESTS

- 1) All documents showing all of Your uses of the phrase THE DARLINGTON APPLE FESTIVAL in the United States on or before October 1, 2010.
- 2) All documents concerning Your Supplemental Registration, or application in the United States for the registration of the phrase THE DARLINGTON APPLE FESTIVAL as a federal trademark.
- 3) Forensic copies of any computer used to design or create any component of any website operated by You or for You displaying the phrase THE DARLINGTON APPLE FESTIVAL or any variation thereof.
- 4) Forensic copies of every version of every website advertising or promoting Your services using the phrase THE DARLINGTON APPLE FESTIVAL or any variation thereof.
- 5) All documents concerning any invoices or payments made to any person who developed, designed or helped develop or design any website advertising or promoting Your services under the phrase THE DARLINGTON APPLE FESTIVAL.
- 6) All documents concerning Your registration of any domain name containing the phrase DARLINGTON APPLE FESTIVAL, or variations thereof.

- 7) All documents concerning any contracts or agreements between You and any web hosting company.
- 8) All communications between You and any person performing any web hosting services for any website advertising or promoting Your services using the phrase THE DARLINGTON APPLE FESTIVAL.
- 9) All documents concerning any communications received by You that were directed or intended for Petitioner.
- 10) Documents sufficient to identify any litigation or dispute between You and anyone else concerning Your use of the phrase THE DARLINGTON APPLE FESTIVAL in the United States.
- 11) All communications between You and anyone else concerning any alleged infringement in the United States of the phrase THE DARLINGTON APPLE FESTIVAL or any variation thereof.
 - 12) All documents concerning Petitioner.
- 13) All documents concerning any communications between You and any person other than Petitioner or Petitioner's counsel concerning this Cancellation proceeding.
- 14) All documents concerning any and all agreements by or between You and anyone else concerning the phrase THE DARLINGTON APPLE FESTIVAL.
- 15) All documents concerning Your knowledge as to the existence of Petitioner and/or its annual Darlington Apple Festival event prior to October 18, 2010.
- 16) All documents concerning Your term on the committee of Petitioner from approximately 2003 through 2006.
 - 17) All documents concerning the Sample of Use.

- 18) All documents concerning Trademarkia.com and/or Raj Abhyanker, P.C., and any of their respective representatives.
- 19) All communications between You and Trademarkia.com and/or Raj Abhyanker, P.C., and any of their respective representatives.
- 20) All documents concerning Jennifer Tisch and/or Tisch Creative Services, LLC, and any of their respective representatives.
- 21) All communications between You and Jennifer Tisch and/or Tisch Creative Services, LLC, and any of their respective representatives.

CERTIFICATE OF SERVICE

I, Andrew M. Stern, hereby certify that on today's date, I caused a copy of the foregoing Petitioner's First Set of Requests for the Production of Documents and Things, to be served by First Class Mail on the Registrant as set forth below:

STEPHEN SMITH 4539 CONOWINGO ROAD DARLINGTON, MD 21034

Dated: May 14, 2012

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