

EXHIBIT A

From: Gabe Wright
Sent: Tuesday, March 26, 2024 8:08:36 AM
To: David M. Keithly <dkeithly@mortensontaggart.com>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Trevor Locko <TLocko@hahnlaw.com>
Subject: RE: Atlantic Wave, et al. v. Cyberlux, et al. : Meet and Confer on Anti-SLAPP

Thanks, David:

Below is the information for our 9:00 a.m. call:

Dial: 866-321-0174
Guest Code: 72125609

HAHN 
LOESER
attorneys at law



Gabe Wright

Gabe Wright | Partner

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From: David M. Keithly <dkeithly@mortensontaggart.com>
Sent: Monday, March 25, 2024 5:51 PM

To: Gabe Wright <GWright@hahnlaw.com>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Trevor Locko <TLocko@hahnlaw.com>
Subject: Re: Atlantic Wave, et al. v. Cyberlux, et al. : Meet and Confer on Anti-SLAPP



Gabe -

9 am tomorrow works. We can do the Rule 26(f) conference (“the parties must confer as soon as practicable”) and then meet and confer regarding your Motions. I understand you are not interested in further meeting and conferring on the Anti-SLAPP.

Best,



David M. Keithly
Partner
MORTENSON TAGGART ADAMS LLP

 [tel: \(949\) 774-2107](tel:(949)774-2107) | [fax: \(949\) 774-2545](tel:(949)774-2545)
 dkeithly@mortensontaggart.com
 <https://mortensontaggart.com>
 300 Spectrum Center Drive, Suite 1200, Irvine, CA 92618

From: Gabe Wright <GWright@hahnlaw.com>
Date: Monday, March 25, 2024 at 5:35 PM
To: David M. Keithly <dkeithly@mortensontaggart.com>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>, Trevor Locko <TLocko@hahnlaw.com>
Subject: RE: Atlantic Wave, et al. v. Cyberlux, et al. : Meet and Confer on Anti-SLAPP

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David,

With respect to your anti-SLAPP Motion, Judge Montenegro’s Chambers Rules are clear that the meet and confer conference must take place seven days prior to the filing of the motion. Unless you are going to withdraw your motion in order to allow the parties to have a thorough meet and confer as required by Judge Montenegro, having that discussion now is nothing more than closing the barn door after the horse is out.

We do want to have a thorough meet and confer with you in accordance with Section III(A) of Judge Montenegro’s Chambers Rules to discuss our intention to bring a FRCP 12(e) Motion for a More Definitive Statement in response to your Motion to Dismiss Without Prejudice and in response to your Anti-SLAPP Motion. Specifically, we will be seeking a more definitive statement of what is meant by Atlantic Wave alleging as a core issue in its Motions that the filing of its Complaint was an “error” – particularly where you and Mr. Sadigh have represented to us that it was “unauthorized” and not “an error.” We are happy to conduct that meet and confer with you on Tuesday, March 26, 2024 at 9:00 a.m. Please confirm your availability.

As for the parties' Rule 26 Conference, the deadline to complete this Conference is April 24, 2024. We are presently responding to two motions filed on your part. We will be prepared to proceed with a Rule 26 Conference on April 10th or thereafter.



Gabe Wright

Gabe Wright | Partner

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From: David M. Keithly <dkeithly@mortensontaggart.com>
Sent: Monday, March 25, 2024 10:05 AM
To: Gabe Wright <GWright@hahnlaw.com>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Trevor Locko <TLocko@hahnlaw.com>
Subject: Re: Atlantic Wave, et al. v. Cyberlux, et al. : Meet and Confer on Anti-SLAPP

Hi Gabe –

Thank you for getting back to me. Does 9 a.m. PDT tomorrow work? We can discuss the Motion and hold our Rule 26 conference.


Best,




David M. Keithly


Partner

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From: Gabe Wright <GWright@hahnlaw.com>
Date: Wednesday, March 20, 2024 at 4:23 PM
To: David M. Keithly <dkeithly@mortensontaggart.com>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>, Trevor Locko <TLocko@hahnlaw.com>
Subject: Atlantic Wave, et al. v. Cyberlux, et al. : Meet and Confer on Anti-SLAPP

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Dear Mr. Keithly,

This correspondence follows our telephone conversation from March 14, 2024. The genesis of that call was a telephone message you left for me on March 13th generally asking me to give you a call.

On the March 14th call, you stated that you intend to file an Anti-SLAPP Motion in response to Cyberlux Corporation, Inc. and Mark D. Schmidt's Amended Counterclaim and that you were calling to meet and confer on the Motion. Having not been provided advance notice of the purpose of the call or the meet and confer, I advised you that I would need to bring my co-counsel into the conversation and that we would need to set up a time for a full meet and confer. Your response was that "this is the meet and confer call" and that you would be filing your anti-SLAPP Motion on March 21, 2024, unless we convinced you otherwise before then.

Section III(A) of Judge Montenegro's Chambers Rules require a conference of counsel prior to filing of noticed motions. Specifically, it states, "Any party contemplating the filing of any noticed motion before this Court must first contact opposing counsel to discuss thoroughly – preferably in person – the substance of the contemplated motion and any potential resolution. The conference must take place at least seven (7) days prior to the filing of the motion."

The telephone call on March 14th to announce your intent to file an Anti-SLAPP Motion was not a conference of counsel or a thorough discussion of the substance of the contemplated motion and any potential resolution. Further, my co-counsel was out of the country and unable to participate in such a call at that time or any sooner. To satisfy the Court's requirement that a thorough discussion occur, we are requesting that an actual conference of counsel occur on this Anti-SLAPP. We are available for such a discussion on the following dates: March 25 or March 26, beginning at 8:00 a.m. pacific time. If you would like to propose alternative dates, we are happy to work with you on that.

HAHN 
LOESER
attorneys at law



Gabe Wright

Gabe Wright | Partner

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