

## **Exhibit C**

## Jim Finberg

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**From:** Melody Mirbaba [Melody.Mirbaba@state.co.us]  
**Sent:** Wednesday, October 06, 2010 8:25 AM  
**To:** Casey Pitts; PerezM@exchange.law.nyu.edu  
**Cc:** Jim Finberg; Jonathan Weissglass; LeeAnn Morrill; Matt Grove; Maurie Knaizer  
**Subject:** Re: Common Cause v. Buescher- status conference

Counsel,

I do have one more update for you. Unfortunately, we are unable to gather accurate information concerning persons who failed the 20 day statute who also requested a mail-in ballot. My client has spent the last several days working on this request, but after gathering some data and reviewing it, my client has determined the data simply was not accurate. Therefore, any data we can gather would not be accurate, and therefore, would be useless for our purposes.

However, it does not seem this will have any real impact on matters. For instance, if the Court agrees with our interpretation, it will be unnecessary to look into that further as no ballots will be mailed to those persons. If the Court agrees with Plaintiffs, the Secretary would order the counties to register and activate all the failed 20 day records and to mail any ballots that were requested by those persons. The Secretary also has the option of emailing ballots to military overseas voters (and would likely extend that to any oversea voter).

I look forward to receiving your motion for status conference.

Regards,

Melody Mirbaba  
Assistant Attorney General I  
Public Officials Unit  
1525 Sherman Street  
Denver, Colorado 80203  
Direct Phone: (303)866-4224  
Fax: (303)866-5671

>>> "Casey Pitts" <cpitts@altshulerberzon.com> 10/6/2010 9:15 AM >>>  
Great. I will send a draft status conference request soon.

Casey

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

**From:** Melody Mirbaba <Melody.Mirbaba@state.co.us>  
**To:** Casey Pitts; Myrna Perez <PerezM@exchange.law.nyu.edu>  
**CC:** Jim Finberg; Jonathan Weissglass; LeeAnn Morrill <LeeAnn.Morrill@state.co.us>; Matt Grove <Matt.Grove@state.co.us>; Maurie Knaizer <Maurie.Knaizer@state.co.us>  
**Sent:** Wed Oct 06 08:08:56 2010  
**Subject:** Common Cause v. Buescher- status conference

Counsel,

I received your message regarding setting up a status conference in front of Judge Kane. I think this is a good idea. We are on board -- shoot over your motion before filing.

Regards,

10/6/2010