

EXHIBIT E

From: Byman, Robert L
Sent: Friday, May 29, 2009 7:10 AM
To: 'JAMIE.WINE@lw.com'
Cc: MILES.RUTHBERG@lw.com
Subject: RE: Lehman Examiner; Ernst & Young

Jamie --

I regret that we have to take this course, but we will serve our subpoena later today; we can continue the dialogue in the context of your attempt to seek a protective order. Will you accept service of the subpoena or should we serve it directly upon E&Y?

Bob

From: JAMIE.WINE@lw.com [mailto:JAMIE.WINE@lw.com]
Sent: Thursday, May 28, 2009 10:12 PM
To: Byman, Robert L
Cc: MILES.RUTHBERG@lw.com
Subject: RE: Lehman Examiner; Ernst & Young

Bob,

We appreciated the opportunity to meet with you on May 12th to discuss the Examiner's request for certain Ernst & Young LLP ("EY") documents. As you know, we were surprised to learn in that meeting that the SEC had provided to you documents marked "FOIA Confidential Treatment Requested" that EY produced to the SEC pursuant to a subpoena. We have looked into the issue and do not believe the SEC was authorized to provide those documents to you, without EY's consent. We thus have notified the Staff of our objection and requested that they refrain from providing any additional EY documents to you. We ask that you make any future requests for EY documents to us directly.

In addition, we request that you confirm which EY documents you have received from the SEC. We further request that the Examiner and EY enter into a confidentiality agreement regarding the EY documents you have received from the SEC (or any other source) as well as any additional documents that EY may produce directly to you in the future. Attached is a proposed draft confidentiality agreement for your review. Please let us know if you have any questions or comments regarding this agreement.

With respect to your request for EY's workpapers supporting its audit of the year-end 2007 financial statements of Lehman Brothers Holdings Inc., we respectfully continue to believe that a request for production of *all* of EY's 2007 working papers imposes an immense cost on EY without any showing that those documents are relevant to the Examiner's investigation. We are prepared to continue to discuss that issue, but believe that it is the Examiner's burden to demonstrate reasonably that these documents bear directly on the issues that the Examiner is charged with investigating under the Bankruptcy Court's order.

We look forward to an opportunity to continue to discuss these matters and appreciate your ongoing courtesies.

Jamie

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

From: Byman, Robert L [<mailto:RByman@jenner.com>]

Sent: Wednesday, May 27, 2009 8:44 AM

To: Ruthberg, Miles (LA/NY); Wine, Jamie (NY)

Subject: Lehman Examiner; Ernst & Young

Miles, Jamie --

It has been two weeks since we met. Please understand that we have no desire to litigate with E&Y, but absent some affirmative word from you that E&Y will voluntarily provide the work papers Duff & Phelps needs to do its work for us, we see no choice but to continue the discussion in the context of a subpoena, which we intend to issue by the end of the week if we have not heard from you.

Bob

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