

Tab 5

n: Conklin, Kelly
Sent: Wednesday, November 20, 2002 11:11 AM
To: 'Murphy John J.'
Subject: RE: FW: Contract

Just start getting as ripped as possible and I will let you know as soon as I know if we will be using you for it or doing it at all.

My emails to you kept getting bounced back yesterday. I will send the studies now.
K

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

From: Murphy John J. [SMTP:johnjmurph1@yahoo.com]
Sent: Wednesday, November 20, 2002 10:59 AM
To: KellyC@prosourceonline.com
Subject: Re: FW: Contract

Kelly-

Sorry. There was a problem with my e-mail yesterday so I couldn't get back to you. I am very interested in the possibility of the video. I definitely could be in the condition I was in in LA in 2 weeks. If you want better than that, it may take a little longer. Scheduling probably could be worked around as well; how many days would it take? I have to go back to the OR now; I'll try to write more later today.

John-

KellyC@prosourceonline.com wrote:

> -----Original Message-----

> From: Conklin, Kelly
> Sent: Tuesday, November 19, 2002 5:38 PM
> To: Conklin, Kelly
> Subject: RE: Contract

>

> Are you getting this?

>

> -----Original Message-----

> From: Conklin, Kelly
> Sent: Tuesday, November 19, 2002 10:15 AM
> To: 'Murphy John J.'
> Cc: 'kellyc@prosourceonline.com'
> Subject: RE: Contract

>

> John,

> Thanks for the kind words. I left there with a good impression of you
> also. I have a training video that we may be doing in the near future and
> may want to include you. Can you get ripped in case this thing goes
> through in a couple weeks? If it doesn't, no harm done. If it does and I

> can fit you in the script, it can go down in a matter of 2 weeks.
 > The Michale thing, no problem.
 >
 > I will follow this email with study abstracts, manuscripts and press
 > releases for your viewing pleasure.
 >
 > Please send me an email with the exact name, phone number, and address
 > you want supps to go to and what protein flavors you like (ch., van.,
 > straw) and I will forward it to the warehouse and get it right out.
 > Thanks!
 > K
 >
 > ----Original Message-----
 > From: Murphy John J. [SMTP:johnjmurph1@yahoo.com]
 > Sent: Monday, November 18, 2002 9:36 PM
 > To: kellyc@prosourceonline.com
 > Subject: Contract
 >
 > Kelly-
 >
 > Hope all is well with you and yours. It has been a busy 1+
 > weeks since the shoot in LA, as I was hoping to touch basis with you
 > earlier. I wanted to tell you that it was overall an enjoyable experience
 > for me and I was left with a very positive impression of Cytodyne. Please
 > keep me posted of times/channels/print media that I need to look for.
 >
 > I spoke with Michael Snell today and I feel as if a
 > misunderstanding may have been communicated to you. In an earlier
 > correspondence with Michael I brought up the issue of the wording of the
 > contract where Cytodyne is not obligated to pay me until the commercial is
 > "published." Michael apparently brought that to your attention as a
 > courtesy to me. I want you to know that I went to the shoot in LA with a
 > full understanding of the contract; no revelation was made by me
 > after-the-fact. The reason I brought this up to Michael was not out of
 > concern over the contract but rather as an explanation to him over the
 > timing of my payment to him. A percentage of my earnings go to him and I
 > didn't want him to be alarmed if his percentage didn't arrive immediately
 > upon my return. Hope that clears things up.
 >
 > Please send me the reseach articles on Xenadrine if you haven't
 > done so already. I believe in your product and would be open to a full
 > endorsement as a physician, provided of course that the research holds up
 > and my professional image is not compromised.
 >
 > I hope you and others at Cytodyne are happy with the end
 > product of our shoot and if so, I would be very interested in working with
 > you in the future. FYI, there are times in my yearly schedule where my
 > weight can vary somewhat due to my hospital responsibilities and time at
 > the gym. It would not be much of a stretch for me to loose the weight
 > (after gaining a few pounds) if a better pictoral history would be helpful
 > (every week or 2 as opposed to just before and after). Just a thought.

- > am also interested in taking you up on your offer to try other Cytodyne
- > products. I can always use more protein shakes/bars.
- >
- > Sorry to 'talk' your ear off. Take care, Kelly.
- >
- > John-
- >
- >
- >
- > _____
- >
- > Do you Yahoo!?
- > Yahoo! Web Hosting
- > - Let
- > the expert host your site

Do you Yahoo!?
Yahoo! Web Hosting <http://rd.yahoo.com/hosting/maillsig/*http://webhosting.yahoo.com> - Let
the expert host your site