

NR_key_name: C7D3F107683427F18525635C0044B844**SendTo:** CN=David Marwell/O=ARRB @ ARRB**CopyTo:****DisplayBlindCopyTo:****BlindCopyTo:** CN=R ecord/O=ARRB**From:** CN=Jeremy Gunn/O=ARRB**DisplayFromDomain:****DisplayDate:** 07/03/1996**DisplayDate_Time:** 9:09:41 AM**ComposedDate:** 07/03/1996**ComposedDate_Time:** 8:30:36 AM**Subject:** Re: Work at home

I apologize for not having raised this issue with you. Since the time that you decided that the two days I worked for the Board during my vacation must be counted as annual leave, I have been accutely aware of your feelings on the matter. Although I acknowledge that I should have raised this issue with you and should have obtained your consent, the events as they unfolded were such that the issue did not occur to me. To explain, it was not until Friday afternoon that Groden requested that we postpone the deposition from Monday to Tuesday. It had been my plan, up to that point, to travel to Wilmington early on Sunday and spend all day Sunday in the hotel working and preparing for the deposition which, because of the complex and convulted factual issues, is one of the most difficult depositions for which I have ever had to prepare. Because I was planning to work in Wilmington on a Sunday, it really had not been a part of my thinking about asking permission to work outside of the office. When the decision was made late on Friday to change the date of the deposition, it was then my plan to work on the weekend and to come into the office on Monday. I took home with me all of the materials that I needed to prepare. I left two books in the office that I was planning to pick up on Monday, as well as my travel orders. As I prepared over the weekend, I became progressively more concerned about the complexity of the issues and the need to spend more time preparing. I woke up at 4:00 on Monday morning and immediately continued my preparation. During the day on Monday I did not stop to eat breakfast, lunch, or dinner. I ate while I was working. (Although it may not seem like much, I did not go to the gym on Monday morning, as I had planned. The only times I do not go to the gym on scheduled days is when I am too sick or there is an emergency where I feel that I would be irresponsible to go. This is one of those cases where I though it would be irresponsible for me to go rather than to spend every minute I could preparing for the deposition.) At the time I woke up on Monday, it was still my plan to go into the office. But along with my decisions not to stop for breakfast or go to the gym, I came to believe that I needed to maximize every minute that I could. It was at that point that I decided I would go directly to Wilimington in the morning (as I had planned to do on Sunday before the change of dates.) As soon as the office opened, I called Christina and asked her to post on Where in the World that I would be in Wilmington for the deposition. I obviously should have discussed this change with you, and again I apologize for not having told you of my plans and of obtaining your permission. I decided to leave as soon as the morning rush hour was over -- which was about 10:00 a.m. Although I do not remember the timing exactly, I received a call from Laura at about 9:30 saying that she had discovered more Groden material that I should read before the deposition. This put me in a bind. Should I drive into Washington and pick it up and lose the valuable time? Should I ask someone

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