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August 14, 2009

Melanie Damian, Esq.  
Damian & Valori LLP  
1000 Brickell Avenue, Suite 1020  
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Re: Karen Goelz Subpoena

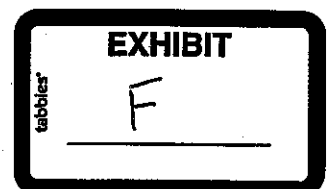
Dear Ms. Damian:

I am writing as a follow-up to the somewhat lengthy voice message that I left for you earlier today to recap the events of this morning.

My client, Karen Goelz, and I appeared at the Reception Desk in the lobby of 1345 Avenue of the Americas, New York City, at 10:00 a.m. and advised Security that we were there for depositions on the 19<sup>th</sup> Floor at the Linklater firm. Simultaneously, the court reporter also announced his presence and sought leave to proceed to the 19<sup>th</sup> Floor. After approximately 10 minutes of telephone conversations between Security and the receptionist at the Linklater firm, we were told that they had no information on any depositions scheduled at their firm. Ultimately, the Security Officer put me on the telephone with the Linklater receptionist, who identified himself as "Matt." Matt asked if we had a contact name; I provided him with the name of Kenneth Dante Murena. Matt advised that he had no record of any such name. Finally, he told me that "[w]ithout a Linklater contact, you cannot expect me to allow you to come up", at which point I told him that we would be leaving. I directed my client to leave with me.

I do not know what the court reporter's plans were, but I took his business card so that I could confirm that we were actually there. His card identified him as Jack Finz of Merrill Legal Solutions in New York City. In addition, I gave him my card.

In any event, upon my advice, my client would have invoked her Fifth Amendment privilege against self-incrimination and will do so if we reschedule. If you wish to reschedule, we will certainly be amenable to appearing any place in the metropolitan area designated by



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you. Again, there is no need to serve my client. I shall accept service of any papers on her behalf. In this regard, I wish to remind you that we had offered you the facilities of our offices for this deposition. Had you accepted, we obviously would not have had this morning's problem. In any event, I am repeating the offer if it is your desire to reschedule.

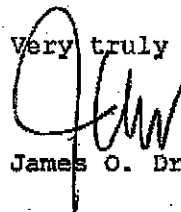
On a separate note, following our telephone conversation today, I agreed to provide you with banking records and documentation to support Ms. Goelz's representations that she loaned \$125,000 to her son and daughter-in-law in 2006. The loan was in two parts, one of which is enclosed herewith, evidenced by a November 1, 2006 check in the amount of \$75,000. As to the other, for \$50,000, Ms. Goelz was unable to locate it and has requested her bank to provide us with a copy of that check. From January 1, 2008 to the present, Sean and Shalese Healy have repaid approximately \$90,000, as is evidenced by the copies of several checks that are enclosed herewith, as well as the enclosed printout of my client's account activity at Citibank.

I am providing this documentation based upon your agreement that this would not in any way be construed as a waiver of the Fifth Amendment privilege with regard to any other matters about which you might choose to question my client. I am providing these documents in order to spare you the time and trouble of subpoenaing my client's bank accounts, as well to spare her the attendant embarrassment of having her bank accounts subpoenaed.

Hopefully, this will satisfy your inquiry. If you need any additional information, please contact me and I shall attempt to provide you with answers as long as same is not deemed to be a waiver of Ms. Goelz's constitutional rights.

I am glad that we were able to resolve this amicably.

Very truly yours,



James O. Druker

JOD:md  
encs.