

Jill E. Clark

From: Jill E. Clark
Sent: Monday, August 11, 2008 10:13 AM
To: 'neposer@cbs.com'
Subject: WCCO Package: Settlement negotiations
Attachments: DRAFT COMPLAINT FOR CBS LEGAL.pdf; PDF of motion petition memorandum and Clark affidavit.pdf; Supplemental Clark Aff and 2 other Affs.pdf; PDF of Robinson Aff.pdf; May 30 2008 Transcript.pdf; Jue 2 2008 Transcript.pdf

Rule 408 settlement negotiations: privileged and confidential

Mr. Poser:

I was waiting to meet with the city prosecutor before I sent you these materials. I was hoping that that portion of it could be put to bed. But she has not had time to make a decision yet, and likely won't until mid September. Although I would not presume to speak for her and she has not made any decision, it is still my opinion that no criminal case will ever be charged out.

I have also talked to the civil side of the Minneapolis City Attorney's Office and although I did not mention that CBS is a potential defendant, I did float the idea of an early mediation (even prior to filing the case), with a retired federal judge (Jonathan Lebedoff). He is going to consider it, but already has stated that Lebedoff would be a good choice to mediate this. I told him I would email him a copy of the draft complaint — but redact out what relates to CBS (to maintain your corporation's confidentiality at this time).

I am attaching a draft complaint for the Minnesota US District Court. I thought it would be the best way to explain the incident and the problems. I am also attaching scans of the transcripts of the state district court hearings, as well as papers that my client filed with the state district court.

I hope that these materials are helpful in assessing this case.

It is possible that the parties can resolve this early, thereby reducing the cost to all. In that regard, I thought it better to way to fashion a "retraction" in that context.

Mr. Stepnes had to shut down his Contest #2, due to the Murphy Package airing in mid July. That means that the total damages for the harm is about 5 Million. He is willing to resolve the case for much less, if we do it quickly — meaning *before* the deadline to redeem the Irving House from foreclosure. To pay off all debts associated with the house, the cost is about 2.2 Million (this is not a precise number). Mr. Stepnes would be willing to resolve this matter for about 2.5 Million as long as it occurs quickly.

Is CBS interested in mediating this dispute? I do believe that retired Judge Lebedoff would have some spots available soon.

Of course, any amounts paid could come from all defendants: when you read the draft complaint you will realize that the City has some major liability in this matter.

I am open to discussing this matter. Let me know what you think.

Thanks,

Jill Clark

Telephone: 763/417-9102 Fax: 763/417-9112

jill@jillclarkpa.com

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