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COPY FOR YOUR  
INFORMATION

November 7, 2005

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RE: Ed Falk

Dear Gentlemen:

This confirms my earlier voicemails left for each of you advising that this firm has been retained by Ed Falk. I recently received from my client a stack of documents with respect to the different litigations you have initiated against Mr. Falk. In reviewing those documents, it appears that a complaint entitled John Doe v. Ed Falk, dated February 16, 2005, was personally served upon Mr. Falk August 16, 2005. It also appears that you filed a Motion for Protective Order in Default Judgment with the court in this litigation, to be heard on November 9. This letter acts as an appearance in that litigation. We intend to proceed with the Motion to Dismiss based on lack of personal jurisdiction, as supported by Atkinson v. McLaughlin, 343 F. Supp. 2d 868 (ND 2004).

Accordingly, we respectfully request that you stipulate and withdraw your Motion for Protective Order in Default Judgment, so that I can have the opportunity to prepare and file the Motion to Dismiss for lack of personal jurisdiction. Your prompt attention is greatly appreciated.

On another note, it appears that the First Amended Complaint entitled Sierra Corporate Design, Inc. v. David Ritz was also served upon my client on August 16, 2005. We also intend to prepare and file a Motion for Dismissal based on lack of personal jurisdiction in the Sierra Corp. litigation and will request that the court consolidate these two cases for that purpose.

Very truly yours,

Michelle M. Donarski

MMD/art  
cc: Ed Falk  
f/5440/harristhal\_okeefe ltr 11-7-05