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**Subject:** Re: Robertson v. Cartinhour, et al.; 10 Civ. 8442 (LTS) (HBP)

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**From:** Yuzek, Dean G. (DYuzek@ingramllp.com)

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**To:** tyclevenger@yahoo.com;

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**Cc:** codonnell@ingramllp.com;

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**Date:** Tuesday, December 28, 2010 3:43 PM

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Ty, if you are unwilling to wait until 1/3 to talk, then I will try to get to the office either tomorrow afternoon or Thursday afternoon to speak with you because I want to participate in the discussion. I cannot be more precise yet about the timing because the logistics are difficult. If you do not wish to accommodate me in this regard, I'll do my best to reach you this week, but worst case it will have to wait until Monday. If you have a settlement proposal, then I suggest you outline it for us in writing. Your purported issue regarding my firm's authority to represent Dr. Cartinhour is without merit, and the Court has already signaled you regarding its negative view of this line of inquiry. Although the nature and extent of my firm's communication with Dr. Cartinhour is none of your business, we have spoken with him directly and have been duly retained by him. We do not intend further to discuss this non-issue with you. Dean.

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**From:** Ty Clevenger  
**To:** O'Donnell, Cherish A.  
**Cc:** Yuzek, Dean G.  
**Sent:** Tue Dec 28 15:02:05 2010  
**Subject:** Re: Robertson v. Cartinhour, et al.; 10 Civ. 8442 (LTS) (HBP)

Cherish,

Thank you for your letter. I must respectfully disagree with your arguments, and my client does not consent to dismissal or transfer. I was somewhat surprised to receive your letter this week, as I thought you were unable to participate in a Rule 26 conference until 1/3/11. As you know, the court has ordered us to confer not later than 21 days before the 1/21/11 hearing, which means we must confer not later than 12/31/10.

Per my earlier e-mail, we must discuss settlement as part of the Rule 26 conference, and I think it is very likely that we can settle the claims against Dr. Cartinhour. Please let me know whether you or Dean have spoken with Dr. Cartinhour. As of my last conversation with Dean, he had only spoken through intermediaries. I am concerned that those intermediaries might be Patrick Kearney and/or his colleagues, i.e., Dr. Cartinhour's co-defendants. If so, I believe Mr. Kearney and his colleagues have a serious conflict of interest with Dr. Cartinhour.

During one of our conversations, Dean mentioned getting documentation of Dr. Cartinhour's medical condition. If Dr. Cartinhour is truly incapacitated by his condition, then I certainly want to be accommodating. I am concerned, however, that Mr. Kearney might be "pulling the strings" on behalf of Dr. Cartinhour. If you can provide documentation of Dr. Cartinhour's medical condition, e.g., the reason he was unable to attend the trial in D.C., that would certainly help alleviate my concerns.

If we do not receive some proof of Dr. Cartinhour's medical condition, I plan to propound discovery on that subject. I also plan to propound discovery regarding your firm's authority to represent Dr.

Cartinhour. In any event, please let me know your availability this week for a Rule 26 conference. Thank you.

/s/ Ty Clevenger

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**From:** "O'Donnell, Cherish A." <codonnell@ingramllp.com>  
**To:** Ty Clevenger <tyclevenger@yahoo.com>  
**Cc:** Peter Contino <Peter.Contino@rivkin.com>; Peter Chatzinoff <Peter.Chatzinoff@rivkin.com>; "Yuzek, Dean G." <DYuzek@ingramllp.com>  
**Sent:** Tue, December 28, 2010 9:47:37 AM  
**Subject:** Robertson v. Cartinhour, et al.; 10 Civ. 8442 (LTS) (HBP)

Mr. Clevenger:

Please see attached letter.

Thanks,

Cherish A. O'Donnell  
Ingram Yuzek Gainen Carroll & Bertolotti, LLP  
250 Park Avenue, 6th Floor  
New York, NY 10177  
(212) 907-9687

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