

COMMONWEALTH OF MASSACHUSETTS  
THE SUPERIOR COURT  
BOSTON, MA 02109

EMORY B. MURPHY  
ASSOCIATE JUSTICE

2/20/05

Dear Pat,

I trust you continue (as do I) to honor the privacy of our personal communications in the nature of what is generically referred to as "settlement discussions" in my business.

As you no doubt clearly recollect, de Mike Ditka here warned you against playing "the Team from Chicago" in this particular Super Bowl.

Well, you know, I don't walk around telling that story. I just think it's sad I had to prove it to you. Took a lot out of me.

The reason I write now is that I think you a smart and honorable guy. And since every single thing I told you about what was going to happen in this case thus far, has happened, maybe, just maybe, I have some credibility with you at this point.

So, here's the deal. I'm heading off to St. Maarten, and I'll be back in town, for business purposes, on Monday, March 7. I will be checking my e-mail [Email address eliminated] while I'm down there.

I'd like to meet you at the Union Club on Monday, March 7. (No magic to the date.) (But it needs to be early in that week.)

Here's what will be the price of that meeting. You will have one person with you at the meeting. I suggest, but do not insist, that such a person be a highly honorable and sophisticated lawyer from your insurer.

Under NO circumstances should you involve Brown, Rudnick

in this meeting. Or notify that firm that such a meeting is to take place.

I will have my attorney (either Owen Todd or Harold Cooper) at the meeting. The meeting will be AB-SO-UTRE-LY confidential and "off the records" between four honorable men.

You will bring to that meeting a cashier's check, payable to me, in the sum of \$3,260,000. No check, no meeting.

You will give me that check and I shall put it in my pocket.

I will say to you, if, at the end of this meeting, you can stand before the God of your understanding, and as a man of honor, ask for the return of that check, I'll flip it back to you.

And then, I shall explain to you why it is in your distinct business interest to rise from the table, shake my hand, and let me walk away with that check.

Because it is, Mr. Russell, in your distinct business interests to do so, in my considered opinion; and I have not the slightest apprehension of failure of my ability to make you (and your manner) concur in that assessment.

Sincerely,  
Linn M. Rusty

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ERNEST B. MURPHY  
ASSOCIATE JUSTICE

2/19/05

P.S. If you conclude you have no interest in the meeting I propose, I ask that you throw the letter away and pretend it never was received. I am NOT copying this letter to anyone.

I consider it private settlement discussion between principals to a transaction, and I assure you it provides you with no tactical or strategic advantage in the case.

Else, Mr. Russell, you probably recognize by now, it would never have been written.

I am simply trying to exit this matter NOW, to my maximum advantage, and what I believe, Pat, is yours as well.

It would be a mistake, Pat, to show this letter to anyone other than the gentleman whose authorized signature will be affixed to the check in question.

In fact, a BIG mistake. Please do not make that mistake.

3/18/05

Dear Pat,

Read the article in the Globe today. Believe me, I take no joy from your troubles.

I'm going to, once again, principal to principal, as "settlement negotiations" - off the record - just between you and me - tell you something which may help you in your decision-making. Something for nothing.

And that is .... you have a ZERO chance of reversing my jury verdict on appeal.

Anyone who is counselling you to the contrary ... is WRONG. Not 5% .... ZERO.

AND .... I will NEVER, that is as in NEVER, share a dime from what you owe me.

You and/or your insurer want to pay me \$331,056/yr for the next two or three years while you spend another 500 large tilting at windmills in the appellate courts .... to my great.

You are lucky, Mr. Purcell that that jury came back at 2 million. I was betting on 5.

Ernie