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P.O. Box 1733
3000 Browns Lane
Jonesboro, AR 72403

WILCOX PARKER HURST
LANCASTER & LACY
ATTORNEYS AT LAW
JONESBORO & LITTLE ROCK

TOLL FREE 877-931-3101
870-931-3101
FAX 870-931-3102

March 6, 2009

Dan Stripling
Assistant U.S. Attorney
425 W. Capitol Ave.
Suite 500
P.O. Box 1229
Little Rock, AR 72203-1229

Via Fax @ 501-340-2730

Re: *Joyce Garner, as Personal Administratrix of the Estate of James Larry Garner vs. The United States of America*, U.S. District Court, Eastern District of Arkansas, Eastern Division; 2:07CV001 WRW

Dear Dan:

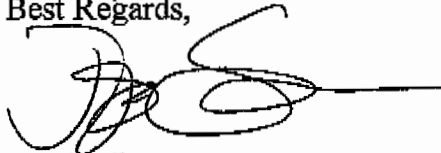
As we agreed, I have calculated our expenses and submit the following itemized list as our proposal for reimbursement of the expenses in this case:

1.	Filing Fee-	\$350.00
2.	Photocopying-	\$1,593.30
3.	Depositions Transcripts -	\$935.24
4.	Dr. Wood's Expert Fee-	\$1,900.00
5.	Exhibits/Binders -	\$93.34
TOTAL		\$4,871.88

As we discussed, we find it reasonable for the United States to incur Dr. Wood's expert fee in light of the fact that the cost could have been avoided had the VA admitted liability a month or so sooner. You had requested that we provide some authority indicating that, under certain circumstances, such expert witness fees are recoverable. We point you to the case of *Wilmington v. JI Case Company*, 793 F.2.d 909 (1986). In Wilmington, the Court allowed the prevailing party to recover in excess of \$5,000.00 for expert witness fees. The Court opined that such fees were recoverable because the expert testimony was "valuable to Plaintiff's case." Even though Dr. Wood did not testify live at trial, his opinions were essential to the VA's admission of liability in this case. Therefore, we feel it appropriate that the VA reimburse the Garner family for this expense.

Please review the above itemized list of expenses and the Wilmington case and let us know if you are agreeable to our proposal. If we can be of any further assistance, please contact our office.

Best Regards,

A handwritten signature in black ink, appearing to be 'JOS', with a long horizontal line extending to the right.

Jeff Scriber
JOS/sh