

FRIDAY, MARCH 16, 2007

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Dustin Devaughn

From: John V. Wachtel [jvwachtel@kmazlaw.com]
Sent: Friday, March 16, 2007 2:50 PM
To: Dustin Devaughn
Cc: Alexander B. Mitchell
Subject: Monsours v. Menu Maker

Dustin:

This e-mail will confirm our discussions regarding settlement. I was authorized by Mr. Graves to offer \$250,000.00 in settlement. I indicated that this was all the authority that I had. You told me that you could not recommend that to your client; however, you would discuss it with him. I got the impression from our discussions, that the PACA lien was a stumbling block for Mark Monsour.

We talked later in the day. You told me that you had spoken with Mark and Sheila, that their offer of settlement was \$400,000.00, a \$20,000.00 reduction from your offer of earlier this week. I also understood that it might well be that PACA lien which played a part in the \$400,000.00 offer. I told you that it was my opinion that Mr. Graves would never pay a settlement in that amount. Quite frankly I do not believe that Mr. Graves will not even approach that amount. I did tell you that I would communicate your offer to Mr. Graves, but that it was very unlikely that I would hear from him before Monday afternoon or some time Tuesday. We then agreed to meet at 3:30 today to work on the pretrial order. We look forward to seeing you.

Val

