

Richard James

From: Richard James
Sent: Wednesday, October 18, 2006 1:34 PM
To: 'John V. Wachtel'
Cc: Dustin Devaughn
Subject: RE: Menumaker Foods

Val –

I understand you have been out of town and busy. Those things happen.

We believe Marshall's bill is reasonable and Judge Bostwick will rule that way. Thus, we are unwilling to settle for less. We also believe that Judge Bostwick may award fees related to our motion since we have produced case law and arguments establishing its reasonableness. Even if Judge Bostwick does not award fees now, we believe Dick will pay our fees at the end of the case anyhow, which by the way are constantly rising. Then again that is the risk that Dick took when he let his wife talk him out of settling this case for a reasonable amount in June.

Thus, let me know if Dick is willing to pay Marshall Hull's statement of \$1,650 by this Friday, if not I will prepare my motion.

I look forward to hearing from you.

Richard W. James
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(316) 263-5851
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-----Original Message-----

From: John V. Wachtel [mailto:jvwachtel@kmazlaw.com]
Sent: Wednesday, October 18, 2006 11:28 AM
To: Richard James
Subject: RE: Menumaker Foods

Have been out of town and in court. Have not been able to call you. Is there a compromise number between what you want and what I offered.

Val

From: Richard James [mailto:RJJames@mtsqh.com]
Sent: Wednesday, October 18, 2006 9:31 AM
To: John V. Wachtel
Cc: Dustin Devaughn
Subject: Menumaker Foods

Val –

I left a message for you earlier in the week and have not heard back from you. Please advise what your client's position is on the payment of Marshall Hull. I just need to hear from you so I can file my motion to compel payment of the expert. I am happy to prepare the motion as I am confident in the case law and the track record of Judge Bostwick. I think there is also an average chance that Bostwick will grant me fees for my motion now. Even if he doesn't Dick will pay them in the end because of the attorney fee provision, either way just let me know.

11/6/2006



Maybe one of these days we will hear from Belot and can get this trial scheduled. This will be a fun to try especially when we are both on the Menumaker payroll to try the case.

Let me know Val, I hope all is well with you.

Richard W. James
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