

From: Christine Karol Roberts 7144790025 To: Robert L. Raskopf

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: Feb. 15, 2005

LAW
OFFICES
OF
CHRISTINE
KAROL
ROBERTS

CHRISTINE KAROL ROBERTS

Licensed in California
and Texas

Specializing in Intellectual Property Law

In Association with Morland C. Fischer

1109 WEST TWENTY-FIRST STREET
FLORAL PARK, CA 92706
TELEPHONE 714.479.0024
FACSIMILE 714.479.0025
INTERNET WEB SITE: www.ckrobertslaw.com
INTERNET E MAIL: ckroberts@aol.com

February 10, 2005 -VIA FACSIMILE

The Honorable Denny Chin
United States District Judge
United States District Court
500 Pearl Street - Room 1020
New York, NY 10007

Re: Hawaii-Pacific Apparel Group, Inc. vs. Cleveland Browns Football Company, LLC and
National Football League Properties
04cv7863

Dear Judge Chin:

The request for plaintiff
and plaintiff's counsel
to participate by telephone
is DENIED. The Court is
willing, however, to adjourn
the conference for a week
or two if that would be
more
convenient for the parties.
so ORDERED.

As the Court is aware, a settlement conference has been scheduled in chambers for Wednesday, February 16, 2005, at 5 P.M. I respectfully request that my client and I be permitted to appear telephonically. While we understand that the venue was our choice, in order to avoid a lengthy and costly jurisdiction and venue battle similar to the almost four year battle between the parties in the United States District Court for the Northern District of Ohio and the Sixth Circuit, having to travel from California to New York on short notice will be both burdensome and costly for my client.

USDJ
2/15/05

Because the purpose of the conference is to explore the possibility of settlement, the Court should be aware that Plaintiff has submitted to Defendants in writing a comprehensive settlement proposal that would, if accepted by Defendants, resolve all outstanding issues between the parties in this matter. In a telephone conference last Friday, February 4, 2005, scheduled at the request of Defendants' counsel, Mr. Raskopf advised me that Defendants were not prepared to respond to the offer, either by accepting it, rejecting it, or offering a counter-proposal, indicating that he would not make an oral counteroffer. To date, Plaintiff has not received a written counteroffer from the Plaintiffs. Under the circumstances,

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a settlement conference is unlikely to be productive, unless it is understood that Plaintiff's written offer will provide the basis for discussion.

The Court set a discovery schedule substantially more accelerated than the schedule proposed by the parties. Accordingly, Plaintiff is persuaded that our time would be more productively applied to preparing the case for trial, as the Court has ordered. If Mr. Raskopf is unwilling to respond to an offer that is already outstanding, it seems unlikely that our conference in chambers will be productive. It is respectfully submitted that what can reasonably be expected to be accomplished can be accomplished as readily if my client and I are available to the Court by telephone.

Cordially yours,



Christine Karol Roberts

cc: Hawaii-Pacific Apparel Group, Inc.

Robert L. Raskopf, Esq.