

BOND **SCHOENECK**
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April 24, 2017

VIA FACSIMILE AND
FIRST CLASS MAILHon. Michael A. Telesca
United States District Court
Western District of New York
100 State Street
Rochester, NY 14614Re: *Genworth Life Insurance Company of New York v. Gary S. Dwaileebe, et al.*;
Civil Action No. 12-cv-6330

Dear Judge Telesca:

As you are aware, this office represents defendant David J. Dwaileebe ("David") in the above referenced action. On March 20, 2017, this Court issued its Decision and Order granting David's Motion for Summary Judgment awarding him the entire value of the Genworth annuities, in the sum of \$531,030.97. It was my pleasure defending David's interest in the annuities consistent with his late mother's wishes.

Last week, we discussed the outstanding fees owed to my firm related to our representation of David in this matter as well as in the Surrogate's Court guardianship proceedings. As I explained, to date there is in excess of \$150,000 of unpaid fees owed to my firm in these matters. Our representation of David in this case is the subject of a contingency retainer agreement whereby my firm agreed to represent David on a one-third (1/3) contingency calculated on 69.75% percent of the total value of the annuities which is the amount that was claimed by the co-defendants. This retainer agreement was signed by Catholic Family Center as David's guardian (a copy is enclosed) and by its terms, the fee earned by my firm is \$123,464.69 plus disbursements. That said, at Your Honor's recommendation, my firm is willing to reduce the fees that will be paid in this matter to \$75,000 to further benefit David. Our acceptance of a fee of \$75,000 is in full satisfaction of all fees incurred in this matter and in the underlying Surrogate's Court proceedings, including disbursements. It will also cover any future fees incurred relating to guiding Catholic Family Center in establishing a special needs trust and any required estate planning documents for David. I have discussed this compromise of our fees

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with David's guardian, Catholic Family Center, and it is in agreement with the proposed reduction in our fees. Towards that end, Catholic Family Center has confirmed its agreement by signing below.

I would like to thank Your Honor for your assistance in this matter. It was truly a pleasure representing David and achieving a successful outcome on his behalf.

Thank you for your consideration.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

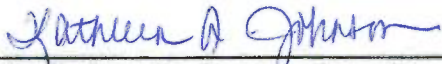


Brian Laudadio

BL/cf
Enclosures

cc: Danen Danielak, BSW

Catholic Family Center hereby consent to the above referenced attorney's fees as being fair and reasonable.



Catholic Family Center, Guardian of the Property of David J.
Dwaileebe

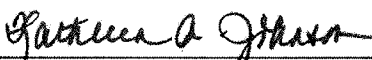
RETAINER AGREEMENT

CATHOLIC FAMILY CENTER, as Guardian of the Property of DAVID J. DWAILEEBE (hereinafter "DAVID"), employs Bond, Schoeneck & King, PLLC, to adjust, settle and, if necessary in its judgment, to sue any claim or cause of action that DAVID may have for damages sustained in relation to the pending U.S. District Court matter entitled Genworth Life Insurance Company of New York v. Dwaileebe, et. al.; Civil Action No. 6:12-cv-06330. CATHOLIC FAMILY CENTER agrees to pay Bond, Schoeneck & King, PLLC, as compensation for its services 33% of any amount recovered by settlement, judgment, or otherwise, on DAVID'S behalf to be measured from the 69.75% of the total value of the annuities purportedly disclaimed by David by the Disclaimer and Release dated March 2, 2012.

CATHOLIC FAMILY CENTER authorizes Bond, Schoeneck & King, PLLC, to incur any expenses which, in its sole discretion and judgment, it believes to be prudent and necessary for the adjustment, settlement, or litigation of DAVID'S claims and CATHOLIC FAMILY CENTER agrees to pay to Bond, Schoeneck & King, PLLC, all expenses so incurred, on demand, without regard to whether any amounts are recovered in connection with DAVID'S claim or cause of action.

Signed this 23rd day of January, 2017, at Rochester, New York.

CATHOLIC FAMILY CENTER
87 N. Clinton
Rochester, New York 14604



By: Kathleen A. Johnson
Title: CFO