



**EXHIBIT B**



**U.S. Customs and  
Border Protection**

EP- 2010-00458/PPA  
November 30, 2010

***Via Certified U.S. Mail  
Return Receipt Requested***

Cristobal Galindo, Esq.  
C/o Cristobal Galindo, PC  
4151 Southwest Freeway  
Suite 602  
Houston, TX 77027

**Re: SF-95 Claim for Damage, Injury, or Death  
Sergio Adrian Hernandez Guereca (Decedent)**

Dear Mr. Galindo:


U.S. Customs and Border Protection ("CBP" or the "Agency") has received a Standard Form-95 CLAIM FOR DAMAGE, INJURY, OR DEATH ("SF-95") dated June 23, 2010, with attachments, identifying you as the attorney representing Sergio Adrian Hernandez Guereca (the "Decedent"), Maria Guadalupe Guereca Betancour and Jesus Hernandez, in which your clients claim damages in the total amount of \$25,000,000.00.

The Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, grants to the head of each Federal Government agency the authority to consider and settle administratively claims for personal injury and property damage caused by a negligent or wrongful act or omission of an employee of the Federal Government while acting within the scope of his employment. As the Agency authority, I have fully considered the facts and circumstances as presented in support of your claim.

On July 6, 2010 and August 12, 2010, the Agency formally requested information from the Claimants in accordance with, *inter alia*, 28 C.F.R. Part 14. Since you failed to provide any documentation substantiating your client's claims, such claims are hereby denied. Further, your client's claims are denied because any damage incurred is not attributable to a negligent or wrongful act or omission of a U.S. Customs and Border Protection, U.S. Border Patrol employee while the employee was acting within the scope of his or her employment.

Under governing regulations, we are required to advise you that if you are dissatisfied with this decision, you may file suit in an appropriate United States District Court not later than six (6) months after the date of this notification.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Lewandowski". The signature is written in a cursive style with a large initial "R" and "L".

Robert M. Lewandowski  
Chief of Staff  
Office of U.S. Border Patrol