

COURT OF COMMON PLEAS

GENERAL TRIAL DIVISION

Tuscarawas County, Ohio

EDWARD EMMETT O'FARRELL
JUDGE

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October 5, 2006

Jeffrey S. Wilkof
Attorneys Mediation Services, L.L.C.,
124 - 15th Street, N.W.
Canton, Ohio 44703

Re: Kathleen Martin, et al., v. Gary P. McLellan, et al.,
Case No. 2004 CT 10 0645

Dear Mr. Wilkof:

Jeff, you definitely are "the man!" In my twenty-six (26) years of judging, I have become somewhat confident in my "judicial instincts" as they relate to a multiplicity of scenarios, events and personalities. I would have "bet the ranch" that this case was going to Trial, given the lead-up to Trial and all of the important issues implicated by this tragic event, e.g. non-use of a helmet and its admissibility or not relative to the issue of **comparative negligence, vicarious liability** of the Defendant Gary P. McLellan's employer, etc. Of course, I assume that you were fully informed on all of these issues and the rulings that I made.

When I received a telephone message from David Butz that the case had settled in private mediation I was, quite frankly, stunned because given the high quality of lawyering in this case, I assumed that settlement efforts had been broached and were simply unsuccessful. Obviously, you worked your particular mediation "magic" and brought the parties to a settlement that appears to be a significant compromise on the part of all involved but, in the final analysis, a fair resolution of the issues stemming from that fateful day in July, 2004.

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In closing, I hope this letter finds you and your family in good health, living life as it is supposed to be lived and enjoying it to the maximum. I actually think of you quite often and look back on our professional association and personal friendship with great pride and affection. Thanks again for your letter of 9/26/2006 relative to the **Martin v. McLellan** matter.

Very truly yours,

A handwritten signature in cursive script that reads "Edward Emmett O'Farrell". The signature is written in black ink and is positioned below the typed name.

Edward Emmett O'Farrell
Judge

EEO'F/lrb