

December 1, 2003

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RE: Marcia Rhodes, Harold Rhodes, et al. v. Carlo Zalewski, et al.
Norfolk Superior Court, Civil Action No.: 02-01159

Dear Counsel:

As you are aware, this firm represents Marcia Rhodes and her family in their claims against Carlo Zalewski, Driver Logistics Service, Inc., Penske Truck Leasing Corporation and Building Materials Corporation of America d/b/a GAF Building Materials Corporation. As you are also aware, we sent a demand letter on August 13, 2003, and more than three months later, we have received no response.

We and our clients are more than a little surprised and disappointed that you have not responded to our demand, considering the fact that liability is irrefutable combined with the seriousness of the injuries suffered by Mrs. Rhodes, all of which is laid out very clearly in the August 13, 2003 demand letter.

Refusing to respond with any offer borders on irresponsible litigating. Beyond the clarity of liability and the extent of Mrs. Rhodes' initial injuries as described in the August 13, 2003 demand letter, it has been almost a year-and-a-half since this case was filed. During this time the results of Mrs. Rhodes' injuries continued to multiply, and in fact, the results of her injuries suffered in the accident on January 9, 2002 continue to compound to this day.



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In addition to all of the injuries suffered by Mrs. Rhodes described in the August 13, 2003 demand, she continues to suffer from such things as pressure sores because of her injuries, and recently another broken bone was discovered. Mrs. Rhodes would not have suffered this broken bone had it not been for her paraplegia, and even if she had, it would have been discovered more quickly because she would have felt pain. This would have made any required treatment much simpler. These types of continuing complications are directly related to the injuries caused by the accident, and the exacerbation of these injuries is caused by Mrs. Rhodes' paraplegia.

Because of your failure to respond for more than three and a half months after being served with our demand, that settlement demand is now withdrawn. Plaintiffs now demand **\$19,500,000.00** in full settlement of all claims against all Defendants. This settlement demand is intended to include the August 13, 2003 demand plus the interest that has accumulated since the filing of the complaint, pursuant to G.L. c. 231, § 6B.

In light of what the Rhodes family has had to endure since January 9, 2002, their strong likelihood of success on the merits against each of the Defendants as described in the August 13, 2003 demand letter, and the fact that none of the Defendants have responded to the previous demand in the three and a half months since it was served, Plaintiffs believe that this demand is fair. This demand will automatically expire in 30 days.

I look forward to hearing from you soon.

Very truly yours,

BROWN RUDNICK BERLACK ISRAELS LLP

By: 

M. Frederick Pritzker