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April 20, 2000

Via U.S. Mail and Facsimile - Fax No.: 760-931-9800

Richard Lee Sax
Audrey Powers Thornton
2192 Palomar Airport Road, 2nd Floor
Carlsbad, CA 92008

Re: Hollifield v. Braun, et al.,
San Diego Superior Court Case No.: GIN003700
Our File No.: CAP-0213

Dear Mr. Sax:

Please be advised that our firm has been retained to represent Dr. Richard M. Braun in the above-entitled matter. We have had the opportunity to review the complaint that you filed on behalf of Mr. Hollifield and note that it contains a prayer for punitive damages in violation of Code of Civil Procedure Section 425.13. The purpose of this correspondence is to request that you amend your complaint to delete any reference to the punitive damages claim. We will otherwise be required to file a demurrer challenging the complaint based upon the principles enunciated in the recent cases of Central Pathology Service Medical Clinic, Inc. v. Superior court (1992) 3 Cal. 4th 181 and Community Care and Rehabilitation Center v. Superior Court, (2000), 94 Cal.Rptr.2d 343.

We would also like to discuss the necessity of ultimately providing a verified answer to your complaint after the necessary amendments are made or appropriate orders are obtained. We would appreciate having a response from you no later than Monday morning in that we are scheduled to meet with Dr. Braun at noon on April 24, 2000 at which time we will also review the facts relating to service of the summons and complaint.

of counsel:
John R. Wingert * (retired)
Hon. William L. Todd, Jr.
(retired)

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April 20, 2000
Page 2

Finally, please advise whether you have been provided with the original x-rays that your client obtained from Dr. Braun's office. We would like to arrange for the return of these films as soon as practicable. Your courtesy and cooperation in this regard will be greatly appreciated.

Very truly yours,

WINGERT GREBING BRUBAKER & RYAN LLP



Dan H. Deuprey

DHD:ssd
Enclosure