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Subject: Draft Email Re: Conditions for Arbitration

Dear Counsellors,

The following email is proposed as a jointly-agreed communication to Judge Duffy regarding arbitration:

Dear Judge Duffy:

The Parties hereby agree to the following conditions for Arbitration of the Attorney's Fees in this matter:

1. For fees and expenses up through the date of final approval by the Court of this Agreement, the parties agree to submit the issue of fees to final and binding arbitration by the Mediator, Senior U.S. District Judge P. Michael Duffy, as the sole Arbitrator. Under a confidential arbitration process, the parties agree to submit, on or before Wednesday, June 8, 2016, the Plaintiffs' last demand and the Defendants' last offer, along with any supplemental briefing on the issue of fees and expenses, to the Arbitrator, who will award either Plaintiffs' last demand or the Defendants' last offer to the Plaintiffs as reasonable fees and expenses up through the date of final approval of this Agreement.
2. The parties agree that the payment of the amount of fees and expenses ordered by the Arbitrator and the Court shall be as follows:

One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2016
One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2017
One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2018
3. The amount of reasonable fees and expenses awarded by the Arbitrator will be issued in a public Arbitration Award, which may be entered by the Court as a judgment if necessary and will be incorporated into the final Settlement Agreement.

With kind regards,

Tony

Anthony S. H. Catone
General Counsel

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