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October 21, 2009

Daniel M. Berman, Esquire
Berman & Tsombanakis, LLC
600 SW 4th Avenue
Fort Lauderdale, FL 33315

RE: James S. Devine

Dear Mr. Berman:

Please allow this letter to confirm our telephone conversation of October 13, 2009. I have been engaged to represent the interests of James S. Devine. He has received a letter directed to him by your law firm concerning Mina Mar, Inc. As I have explained to you, I have not gone through the exercise of forming a professional opinion as to the merits of your client's position called out in your letter. In addition, I have not been made aware that James S. Devine is the actual individual to whom you ascribe certain conduct with respect to postings called out in your letter.

In any event, you have indicated to me that your client's interest is to obtain a confidence level that no further postings with respect to Mina Mar, Inc. will be made by the recipient of the letter. I can assure you that the James S. Devine that received your letter is wholly uninterested and will not make any postings with respect to Mina Mar, Inc. I therefore presume this issue is now closed.

Please understand that this letter should not be interpreted as an admission. Please understand further that this undertaking on behalf of the James S. Devine that received your letter to not make any such postings is simply made so as to preclude any possibility of further time being allocated to this matter. In accordance with the applicable Rules of Civil Procedure and Evidence, this letter shall constitute an offer so as to achieve an amicable resolution between our respective clients and shall not be considered evidential in any subsequent proceeding.

In keeping with the direction set forth in your letter of September 24, 2009, you, Mina Mar, Inc., its principals and those identified in your correspondence do not have permission to publish this letter online or in any medium.

Thank you.

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Allentown, PA • Berwyn, PA • Boston, MA • Cherry Hill, NJ • Conshohocken, PA
New York, NY • Paramus, NJ • Philadelphia, PA • Pittsburgh, PA • Wilmington, DE

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Very truly yours,

WHITE AND WILLIAMS LLP

By:


Robert G. Devine

RGD:dms