

# **EXHIBIT D**

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March 17, 2011

**Via E-Mail and U.S. Mail**

Charles Edward Lincoln, III  
603 Elmwood Place, Suite #6  
Austin, Texas 78705

**Re: Charles Lincoln v. Daylight Chemical**  
**Our Clients: Daylight Chemical Information Systems, Inc. and Yosef Taitz**  
**Our File No.: 276-02322**

Dear Mr. Lincoln:

This correspondence is to inform you that I have not received a Second Amended Complaint from you, nor does the Court website indicate that you have filed one in direct contradiction to the Court's order. Pursuant to Local Rule 7-3 of the Central District of California, I am writing to meet and confer with you before filing a Motion to Dismiss and/or a Motion for an Involuntary Dismissal of your First Amended Complaint under *Federal Rule of Civil Procedure* 12(b), and 41(b).

It is apparent to me that your failure to amend your Complaint is an admission that you do not have a factual or legal basis to maintain a lawsuit as to my clients. The Court's granting of my clients' 12(B)(6) Motion on February 14, 2011 affirmed our position of your lack of any basis for maintaining a claim as to my clients. I refer you to the Court's order, my client's 12(B)(6) motion and my meet and confer letter of December 6, 2010. In that regard, I request that you immediately dismiss your lawsuit as to my clients.

Charles Edward Lincoln, III

Re: Charles Lincoln v. Daylight Chemical

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**BRADLEY & GMELICH**

I anticipate that you will contend that you were unable to amend your complaint due to the Court's denial of Mr. Phillip Berg's *pro hac vice* application. Such contention is a red herring. You drafted the original Complaint. You drafted the First Amended Complaint. If you so choose, you could have retained Mr. Berg, or any other willing attorney, to assist you in drafting the Second Amended Complaint. As a former attorney, you are quite capable of drafting a Complaint, or retaining assistance to draft a Complaint.

Accordingly, I request that you dismiss my clients from your lawsuit no later than close of business on Monday, March 22, 2011. If you do not dismiss my clients, I will have no choice but to bring a Motion to Dismiss under 12(B)(6) and/or a Motion for an Involuntary Dismissal under 41(b).

Your cooperation in this matter is appreciated. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

BRADLEY & GMELICH



Jonathan A. Ross

JAR/jar

cc: William C. Haggerty  
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