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**URGENT**

**FACSIMILE TRANSMITTAL**

**TO:** Reginald Yee, Esq. Fax No. 586-1369  
Client  
**FROM:** Carl M. Varady, Esq.  
**DATE:** February 21, 2006  
**RE:** Jane Mother et al., v. State, et al., Civil No. CV00-00446 DAE/LEK

Original:  will be mailed  will not be mailed.

**REMARKS:**

Letter withdrawing offer of settlement

Number of pages transmitted: 2 page(s) including this page.

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"LEGAL SERVICES FOR THE FAMILIES AND PEOPLE OF HAWAII"

**EXHIBIT "D"**

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February 21, 2006

Via Facsimile & Mail  
Reginald Yee, Esq.  
Deputy Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813

Re: "Jane Mother" et al., v. State, et al., Civil No. CV00-00446  
DAE/LEK

Dear Mr. Yee:

I have spoken to my client regarding the State's failure to respond to her offer of settlement and refusal of my request to extend the response time for the her opposition to the State's bill of costs for a week from today. **Plaintiff's previous offer of settlement is hereby and immediately withdrawn.** My client has instructed me to file an opposition to the State's request for costs.

Additionally, my client has instructed me to file a notice of appeal, which is being done contemporaneously with this letter. Please call me if you have any questions or concerns.

Very truly yours,

  
Carl M. Varady

c: Client

CMV.cec