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October 17, 2005

VIA HAND DELIVERY

Clerk of Courts
U.S. District Court for
the Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Dear Clerk:

RE: *Patterson v. WWE, et al.*
Case No. 03-C-0374

I am writing this letter in an attempt to prevent, or promptly rectify, some potential confusion caused by plaintiff's filings dated today (10/17/05). On this date, plaintiff filed three documents: 1) Plaintiff's Reply to Defendants' Response to Plaintiff's Motion for Sanctions; 2) Plaintiff's Motion for Leave to File Sur-Reply and Sur-Reply Memorandum to Defendants' Reply in Support of Defendants' Petition for Fees and Costs; and 3) **Plaintiff's Reply to Defendants' Motion to Reconsider the Court's Order of August 29, 2005; To Reopen Discovery for the Limited Purpose of Taking the Depositions of Linda McMahon and Edward Kaufman; and to Bifurcate the Trial.** It is the last of these that causes concern, both because it suggests that defendants filed a motion for reconsideration (which they have not), and because it purports to reply to motions to which defendants have not yet responded, or yet been obligated to respond under the local rules.

A quick procedural history may be helpful. On September 9, 2005, pursuant to the Court's August 29, 2005 Decision and Order, the defendants' filed their Petition for Attorneys' Fees and Costs. On or about September 20, 2005, plaintiff filed his Response to said petition, and at the same time, filed a Motion for Sanctions and Motion to Reconsider the Court's August 29, 2005 Order. On October 4, 2005, defendants timely filed their Reply to the Petition, and, simultaneously, their Response to the plaintiff's Motions for Sanctions and for Reconsideration.

However, on October 3, 2005, plaintiff filed two additional motions, which seek to 1) reopen discovery and 2) bifurcate the trial. Pursuant to court rules (specifically Civil L.R.

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7.1(b)), defendants have until October 24, 2005 to respond to those motions, and fully intend to so respond.

Thank you for your attention to these matters.

By my signature hereupon, I hereby certify that a true and correct copy of this letter is being served on plaintiff's counsel by mail, postage pre-paid, on the same date as the date reflected hereupon.

Sincerely,

Burton & Davis, LLP

A handwritten signature in black ink, appearing to read 'Shepard A. Davis', with a large, stylized flourish extending to the right.

Shepard A. Davis

cc Atty. Charles Drake Boutwell (via mail)
Atty. Curtis B. Krasik (via mail)