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December 15, 2004

VIA FAX AND HAND DELIVERY

The Honorable Rick A. DeFuria
Sarasota County Judicial Center
2000 Ringling Boulevard
Sarasota, Florida 34237

Re: Estate of Murray B. Cohen
Case No. 2003 CP 001071 NC

Dear Judge DeFuria:

Unfortunately, I find it necessary to express my continued objection with regard to direct communications from Steven Esdale to the Court. Although Mr. Esdale has been admonished on several occasions to refrain from said communications, he continues to engage in improper conduct. It is my considered opinion that this Court has been more than fair and accommodating to Mr. Esdale and has tolerated behavior that would be deemed unacceptable by any attorney or pro se litigant.

I am continually offended by Mr. Esdale's accusations that I or any member of my Firm has, or will, intimidate witnesses. If Mr. Esdale believes that he has discovered relevant new evidence, he should be required to comply with applicable Florida Rules of Civil Procedure in presenting same by way of a formal Motion to the Court. I oppose any pending request for an emergency hearing. As I advised your judicial assistant, I do not oppose the entry of an Order requiring the Sheriff's office to retain any hard drive relative to the 911 call, pending further Order of the Court. Under no circumstances will I agree to an Order allowing Mr. Esdale or any of his consultants access to the hard drive.

This situation has become intolerable. I respectfully request that the Court admonish Mr. Esdale, once again, and require him to comply with applicable procedural requirements.

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