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August 29, 2008

Date

SEP - 2 2008

Cpl. Dennis K. Roberts, Jr.
Florida Highway Patrol
Troop K - Post 5
P.O. Box 7458
Port St. Lucie, FL 34985

Office of the Director

RE: Raposa

v.

Florida Department of Transportation

Highlands County Circuit Court Case No.: GC06-291

and

Albin

v.

Florida Department of Transportation

Highlands County Circuit Court Case No.: GC06-183

Dear Cpl. Roberts:

This will confirm the telephone conference of August 28, 2008 with my office advising the above captioned civil actions have been dismissed with prejudice by the Plaintiffs. Accordingly, the trial scheduled for November 3, 2008 is canceled.

I would like to take this opportunity to thank you very much on behalf of my client, the State of Florida and the Florida Department of Transportation, for your time and assistance. You took time out of what I am sure is a very busy duty schedule to meet with me on two separate occasions to review the facts and circumstances surrounding this tragic accident and to give me the benefit of the information you obtained as one of the traffic homicide investigators in this case. In particular, you spent considerable time with me on June 27, 2008 to review the more than 130 photographs you took in connection with the investigation of this accident to explain to me in detail what each photograph depicted and the significance of same. This was invaluable and essential information that enabled me to gain a full understanding of what transpired in this unfortunate accident and to provide my clients with the best legal defense possible. This

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resulted in an excellent result for the State of Florida and the Florida Department of Transportation. We believe the result was just and appropriate. Without your assistance and cooperation this would not have been possible.

Accordingly, please accept the heartfelt thanks and deep appreciation of myself, the State of Florida and the Florida Department of Transportation for making yourself available and for giving me the benefit of your time at both conferences. On both occasions you displayed the highest level of law enforcement professionalism and your efforts were certainly above and beyond the call of your law enforcement duties. For that you should be highly commended.

Very truly yours,

/s/ LEE E. MUSCHOTT

Lee E. "Pete" Muschott

LEM/slc

cc: Col. John T. Czernis
Florida Highway Patrol