

-----Original Message-----

From: LovettM@gtlaw.com

To: trip888@aol.com; rkuehm@williamskherkher.com; wendy@brfamilylaw.com;

rkuehmjr@williamskherkher.com

Sent: Sat, Jul 17, 2010 7:50 am

Subject: Re: Your client is at it again

I copied Robert on your emails and mine. You still have his address incorrect; it's kherker not kerker.

And I just saw that I am also available the afternoon of July 21, after 3.

From: Lovett, Mary-Olga (Shld-Hou-LT-IP)

To: 'trip888@aol.com' <trip888@aol.com>; 'rkuehm@williamskerker.com' <rkuehm@williamskerker.com>; 'wendy@brfamilylaw.com' <wendy@brfamilylaw.com>; 'rkuehmjr@williamskherkher.com' <rkuehmjr@williamskherkher.com>

Sent: Sat Jul 17 07:37:27 2010

Subject: Re: Your client is at it again

I am available any time July 22, 23, or 26 to talk to Dr Gordon. Set it up. If you heard the laugh in your client's voice. when he said that Wendy hadn't been killed "yet," you know EXACTLY what I am talking about. (By the way, does Dr Gordon know he was being recorded? And have you told Dan yet that the recordings are inadmissible hearsay? Probably a good thing for him since it sounds like he forgot to turn the recorder off while going to the bathroom at one point on the tape--disgusting.) You can ignore the warning signs all you want. You won't be the first lawyer to have done so and wished he hadn't, I fear.

Wow. Do you really think that the only issue about that grievance is that it WASN'T hand-delivered? Do you know that he filed one on Rob yesterday? (Yes, the same Rob you praise in your email.) Do you acknowledge that he hand-delivered multiple grievances to both me and Wendy? Are you acknowledging that he was menacing in those instances? If not, why are you making such a big deal out of delivery? Robert left me a voicemail that said, "I had a grievance delivered today." I made a reasonable assumption. What a tremendous sin in light of your client's transgressions! Frankly, menacing and threatening conduct is in the eye of the beholder. Your client knows exactly what he is doing, and frankly, his instability makes me fear for my client and her family, myself and my family, and for the other lawyers. Self-preservation is MY right, sir. Do not dare presume to tell me whom I have the right to feel threatened by, or how to protect myself and my family.

I didn't ask you what Dan had a "right" to do. (I don't think that he has the right to abuse the state bar process, and that is exactly what he is doing.) I asked you if you agree with the filing of the grievances. It's clear to me that you do, that you have collaborated with him, and he has put your name on every one of them as the lawyer who represents him, despite the fact that you say you don't represent him on grievances. So I'll ask you again, do you agree with these grievances? I'm sure I'll be waiting for that answer for an eternity.

I signed with permission for Robert because we had been editing the document back and forth and I was the last one to have it before we filed it ON OCTOBER 2nd. We don't office together and were trying to get it filed. You can see the date it was printed in the footer--October 1. You and Wendy didn't sign it at all, because it wasn't your version. (At least you acknowledge that I signed it and not Wendy. Care to correct your client's error to the Bar?) If you would have the intellectual integrity to explain the normal process, it might not erase your client's delusions, but it would be the right thing to do. Just last week in another case, my opponent and I submitted competing judgments. The judge signed his and not mine. There was no misconduct on his part. We both submitted; the judge chose. He sent his to the court and faxed it to me, so I definitely received it after the court did, and vice versa. Happens every single day. Only in "Dan-World" does this become a conspiracy. Every single pleading Gawlikowski has filed has been sent to us with the notation "here is the pleading that was FILED today" -- in other words, we receive

it after he files it. Happens every day. No violation of rules or disciplinary rules -- at least as to timing of service. I would think you would know that.

A lawyer doesn't have a right to interfere with the grievance process when his client is trying to file a grievance against HIM. You have an obligation to counsel Dan about his frivolous filings. Do you really think that Bobby Stevens deserved a grievance? And again, may I take it by your silence with the grievances filed against all of us? Telling the truth to your client is not interference, Wally; it's our job.

Your client is not litigating the only issue in this case, which is "What is in the best interest of Brisa Nicole Gawlikowski?" He is hell-bent on destroying anyone who has the temerity to expose his lies and disagree with him. Read his deposition again, if you can stomach it. He admits therein everything the jury will ever need to know. Without, I might add, a single objection from you.

I don't care if you think my statements or opinions are valid. You have thrown in your lot with a person who has no grasp of the truth, and it has apparently colored your behavior. You are on record admitting that you made misrepresentations to the court. You made them because you chose to believe your client, who deliberately lied to you. That was your choice, and I guess you haven't learned from it. You have no answer for why you only sign certain pleadings. That's because there is none.

Please get control of your case and let's try the issue in the court. Not in the State Bar. Not in the lobby of my office. Not over email. There is a seven year-old girl who needs all of us to do our jobs fully and responsibly. When will you start?

Mary-Olga

PS. I'm still waiting for the order where Judge Hellums recused herself. When may I expect it?

From: trip888@aol.com <trip888@aol.com>

To: Lovett, Mary-Olga (Shld-Hou-LT-IP); rkuehm@williamskerker.com <rkuehm@williamskerker.com>; wendy@brfamilylaw.com <wendy@brfamilylaw.com>

Sent: Sat Jul 17 06:39:34 2010

Subject: Re: Your client is at it again

Mary Olga,

It is clear that the statements about my client being "threatening" and "menacing" are not accurate. I want to thank Rob for clearing that up. It is interesting that when you make a statement that is not accurate you want to fix it by saying "my bad" and yet when I said something that was inaccurate you file a request for sanctions and act like you are so offended by my mistake. What I find equally distressing is that you are so hell-bent on trying to make everyone believe that your statements are the absolute gospel and that my client is "menacing" and "threatening" based on information that was incorrect. If you can so easily make such inflammatory statements like the ones below about my client, what does that say about the validity of all of the other highly inflammatory statements you have made about my client in the past?

Again, I am not and have never been involved in any of the grievances that Dan has filed. I do not have any control over what Dan does with the grievance process. It is Dan's right, when he believes that one of you, or me, has committed wrong doing that was in violation of the DR rules, to file a grievance with the State Bar. It is a violation of the DRs to interfere with a client's choice to report what they believe is improper

conduct and I would assume that you know that. Your statement about me being behind Dan's filing is every bit as incorrect as your statement about how the papers were delivered.

I am fully aware that attorneys give their permission to other attorneys to sign their name to an order when they are not able to be present when the order is submitted. I do it all the time when I am not able to be present at the entry hearing or when an Order is going to be submitted. Did Robert give you permission to sign his name to the order because he wasn't able to be present to sign his own name to the order?

Is your only basis for saying that my client is deteriorating and escalating his attacks based on his filing of the grievance against Robert? What attacks are you referring to - the grievances? I am not sure that is a proper way to refer to the legal process the State Bar has established to allow lay persons to address what they perceive is the wrong doing of a lawyer.

You are blowing what Dan said on the recording in his meeting with Dr Gordon way out of proportion and I'm tired of hearing you distort what was actually been said between Dan and Dr Gordon on the recording. It was Dr Gordon that made references about killing. It was in reference to an adage and Dr Gordon even states that his reference was based on an old adage with regards to the Motion to Recuse the Judge and the Motion to Recuse Wendy. It was Dr Gordon that stated if you're going to shoot the Judge, you better make sure you kill them. Meaning that if you file a Motion to Recuse, you better make sure that the Judge is Recused because a wounded judge is not a good Judge to have over you case. Dr Gordon goes on to clarify that this was based on an old adage in the legal community. Dr Gordon then says that it the same adage holds true for Wendy and the Motion to Recuse Wendy and tells Dan that he wounded her, but hadn't killed her yet, meaning that Dan hadn't **Recused** Wendy yet, and Dan said, not yet. Dan never mentioned the word killing, only Dr Gordon did. Have you sent emails to Dr Gordon saying that you fear for Wendy's and the Judge's life because of the statements that he made to Dan? You know as well as I do that Dan's and Dr. Gordon's comments were related to the Motion to Recuse the Judge and the Motion to Recuse Wendy as the Amicus.

To make sure everyone has a clear understanding, let us have Dr Gordon, the Court Appointed Psychologist, render an opinion on what was actually said and the context of the conversation during Dan's meeting with Dr Gordon. Is everyone in agreement with scheduling a time to speak with Dr Gordon about the recording and about his statements about the Judge and Wendy and in what context they were being communicated? This way, the Court Appointed Psychologist can give his professional opinion on any concerns he may over the statements. Can everyone please let me know when you are available for scheduling a call with Dr Gordon to discuss the matter?

Regards,
Wally

-----Original Message-----

From: LovettM@gtlaw.com
To: rkuehmjr@williamskherkher.com; Trip888@aol.com
Cc: rkuehm@williamskherkher.com; wendy@brfamilylaw.com
Sent: Thu, Jul 15, 2010 8:51 am
Subject: RE: Your client is at it again

Sorry for the misunderstanding -- when you said delivered, I figured it was a typical Gawlikowski delivery - the type my staff is now specifically trained to handle. My bad, Robert. Apologies to all.

From: Robert Kuehm Jr. [<mailto:rkuehmjr@williamskherkher.com>]
Sent: Thursday, July 15, 2010 8:26 AM
To: Lovett, Mary-Olga (Shld-Hou-LT-IP); Trip888@aol.com
Cc: Robert C. Kuehm; wendy@brfamilylaw.com
Subject: RE: Your client is at it again

Counsel,

Just to clarify one point, it was received by our office by certified mail yesterday.

Robert Ian Kuehm
Attorney at Law
Robert C. Kuehm, P.C.
8441 Gulf Freeway, Ste. 600
Houston, Texas 77017
Telephone: (713) 861-6166
Facsimile: (713) 230-2221
email: rkuehmjr@williamskherkher.com

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone. Please send us by fax any message containing deadlines as incoming e-mails are not screened for response deadlines. The integrity and security of this message cannot be guaranteed on the Internet.

From: LovettM@gtlaw.com [<mailto:LovettM@gtlaw.com>]
Sent: Thursday, July 15, 2010 8:08 AM
To: Trip888@aol.com
Cc: Robert C. Kuehm; Robert Kuehm Jr.; wendy@brfamilylaw.com
Subject: Your client is at it again

In his typically threatening way, Dan has filed a grievance against Robert, which he proudly hand-delivered to Robert's office yesterday, in an attempt to be menacing.

The grievance alleges that Robert gave Wendy permission to sign the Order that the court signed on October 22. This is incorrect. If you look at the order, it is clear that he gave ME permission to sign the order back on October 1, 2009 (the date in the document's footer.). It clearly says, "Robert C. Kuehm, signed with permission by MOL" -- not by Wendy Burgower. As you know, co-counsel and even opposing counsel sign documents with permission all the time. I think that you have even signed some for us. Furthermore, it is the proposed order created (as the footer from Mr. Kuehm's office proves) on October 1, before we submitted it to the court. I put my electronic signature on it then, and Robert told me that I

could sign his name when we submitted it, which was October 2. Furthermore, we each maintained a copy in our files of the October 1 proposed order, and that is exactly how it looks, sans Judge Hellums' signature. And I can electronically prove the date that my signature was affixed as it is part of the document's metadata in my file. As the transcript that Gawlikowski submitted to the Bar proves, Judge Hellums had the document file stamped once she signed it, which is where the 10/22 date comes from. NO ONE submitted a "new order" to Judge Hellums on October 22. Wendy did not sign anything. As far as I know, that document sat in the court's file from October 2 until Judge Hellums signed it. Your client is abusing the process, with your assistance. The Bar has not even accepted the grievance, and I doubt it will, but it is obviously done with your blessing.

It is clear to me that you are behind these grievances and that you are encouraging Dan to file them to protect yourself. It is clear that you are participating the presentation of bar grievances to gain an advantage in a civil matter. I am very sorry that it has come to this.

I have told you before and will continue to tell you that I believe that your client is deteriorating and escalating his attacks. Doesn't it mean anything to you that he proudly sent us all a recording where he speaks of not "killing" Wendy "yet?" I fear for my client's safety, my own, and that of Mr. Kuehm and Ms. Burgower. Tragedies like those involving Darren Mack often start out as disputes like this and it is up to the lawyers to be the voice of reason. I am begging you to either get control or withdraw. Until then, I am holding you responsible for everything that remains to come.

Mary-Olga Lovett

Mary-Olga Lovett

Co-Managing Shareholder

Greenberg Traurig LLP | 1000 Louisiana Street | Suite 1700 | Houston, TX 77002

Tel 713.374.3541 | Fax 713.754.7541 | Cell 713.553.1882

LovettM@gtlaw.com | www.gtlaw.com



USA LAW FIRM OF THE YEAR, CHAMBERS GLOBAL AWARDS 2007

ALBANY · AMSTERDAM · ATLANTA · AUSTIN · BOSTON · CHICAGO · DALLAS · DELAWARE · DENVER · FORT LAUDERDALE · HOUSTON · LAS VEGAS · LONDON* · LOS ANGELES · MIAMI · NEW JERSEY · NEW YORK · ORANGE COUNTY · ORLANDO · PALM BEACH COUNTY · PHILADELPHIA · PHOENIX · SACRAMENTO · SAN FRANCISCO · SHANGHAI · SILICON VALLEY · TALLAHASSEE · TAMPA · TYSONS CORNER · WASHINGTON, D.C. · WHITE PLAINS

*OPERATES AS GREENBERG TRAUIG MAHER LLP

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.