

# LOWE

# LAW GROUP

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September 16, 2016

Via Email

Oliver Demille  
Shanon Brooks

Re: Demille et al. v. George Wythe University et al.

Dear Clients:

I am very sorry regarding the failure of the proposed mediation set for September 15, 2016. In my opinion, it is completely bad faith on the part of the Defendants to agree to mediate, hire a mediator, schedule a date weeks in advance and then cancel less than 24 hours before. However, as you well know, we cannot control the irresponsible action of these Defendants.

The purpose of this letter is to define what course of action is to be taken from here. It is my opinion that the insurance company representing George Wythe wanted to settle this case with you. It is my understanding that they were prepared to pay money at the mediation to accomplish this. Obviously, the reason they were prepared to do so is because the insurance company recognized the significant probability that you would prove your case of defamation before a jury.

However, the insurance was never allowed to negotiate the settlement based upon the individual Defendants, (the George Wythe Board, Dan Earley, Julie Earley, and Diann Jeppson) total refusal to participate in the mediation. Their recalcitrant actions have far reaching implications in my mind.

As you recall, Defendant's attorney, Jonathan Hawkins, has already stated to me that the insurance has only agreed to tender a defense and does not believe it will be required to pay any adverse judgement award. By Defendants' refusal to participate in good faith settlement negotiations, it is my legal opinion, that they have closed the door on any possibility that insurance will be obligated to pay any judgment on their behalf that we obtain at trial.

As such, you now face the unfortunate position of spending significant sums of money paying my legal bill that would merely result in obtaining a judgment against a closed school, and three individuals who apparently lack significant assets. The only way to collect on such an award would be to garnish the individuals' wages for what could be the rest of their lives. I understand from the beginning that your purpose in pursuing this lawsuit was not punitive in nature, so, this option is obviously not an attractive one.

Accordingly, you are left with two options. The first is to continue prosecuting the case. I strongly believe in the merits of your case and believe that a jury will find that Defendants maliciously defamed both of you. However, this will be little more than a token victory in that even if the jury awards you a significant judgment, in an effort to make you whole from the horrific and unjustifiable damage to your reputation, the Defendants would most likely just file for bankruptcy. This functionally means you will have paid me tens of thousands of dollars to get a worthless piece of paper. I cannot in good conscience recommend this course.

Your second option is to dismiss the lawsuit. While I hate to recommend this option, it is what I now find myself doing. In the beginning, I was sure that we could put enough pressure on the defense that the insurance company would settle the case. I know that you also were hopeful that if you could just sit down in a room together with the Defendants you could help them see the pernicious fruits of this dispute and reach an amenable conclusion. The Defendants have proven us both wrong. It appears we have both underestimated their unwillingness to listen to, or even recognize, reason.

Please consider these options. I realize that neither are attractive. Please know, I am willing to take whatever action that you wish. I just want to make sure that whatever course you choose it is with full knowledge of the potential ramifications. I will await your response.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

**LOWE LAW GROUP**

Zachary Peter Lowe, Esq.

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