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September 1, 2004

Atty. Robert A Gingras
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131 West Wilson Street
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Re: Steven Avery
Your file 5781

Dear Mr. Bob:

Consistent with our discussion Monday, I am enclosing a copy of the *Tonn v. Reuter* decision. My position is that you get nothing here because the Averys were granted a right to rescind of which they timely availed themselves. Failing that, you still get nothing because there was no meeting of the minds with respect to your retention under circumstances where achieving same was clearly your responsibility. Failing both, you still fail to establish entitlement to *Tonn* treatment because you neither rendered the substantial services provided by the Bogue & Sanderson firm in *Tonn*, nor was your discharge without cause.

Even if you were to secure *Tonn* treatment, "fair allowance" for the services rendered by Attys. Kelly & Glynn will be the entire fee or very nearly the entire fee, if any, which will be garnered entirely by means of their work. If you receive anything, it will be for your efforts and the value conferred by the work you performed before discharge. I previously invited you to share, for the benefit of the party you claim is your client, any material you generated before discharge which might be of assistance in moving the Avery matter to a successful conclusion. Having heard nothing from you, I assume that either no such material exists or that you refuse to share it for the benefit of this client.

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I again invite you to identify the time you spent, the tasks performed and the results of same. Upon doing so, I will have a proposal for resolution of this matter which I think you may find acceptable.

Very truly yours,

HALLING & CAYO, S.C.

Richard J. Cayo

Enclosures

cc: Atty. Walter F Kelly
Atty. Stephen M. Glynn

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