

**HICKS
BRAMS
&
SCHER**
ATTORNEYS AT LAW

February 28, 1997

**CERTIFIED MAIL
RETURN RECEIPT P 433 065 124**

Harry D. Rankin, Esq.
Greenbaum, Doll & McDonald
Post Office Box 2673
Covington, Kentucky 41001

*Daniel J. Brams
Steven G. Calamusa
James H. Hicks
Thomas T. Scher*

RE: Our Client : ██████████
Your Client : Richard Von Alvensleben
Date of Assault : March 3, 1996/March 4, 1996

*PARALEGALS
Robin B. Modlin
Gene E. Osborne*

Dear Mr. Rankin:

As you are aware, Hicks, Brams & Scher represents Tareea Kelker in her claim for damages as a result of the mental and physical injuries which she sustained as a result of Richard Von Alvensleben's acts on both March 3, 1996 and March 4, 1996. According to ██████████ doctors, we are now in position to set forth the facts, circumstances, and resulting injuries that were sustained by ██████████. Please note that all representations contained herein are inadmissible in court, as this is an offer of settlement.

BACKGROUND

Both you and Richard Von Alvensleben are well aware of the criminal case number 96-F221 titled "The Commonwealth of Kentucky vs. Richard Von Alvensleben, Defendant." Your client plead guilty to the charges contained therein under a criminal standard burden of proof. The case law is clear in Florida that this is conclusive evidence of civil negligence. Moreover, our independent investigation determined that Richard Von Alvensleben is completely responsible for ██████████ damages. To recapitulate, on the weekend of March 2, 1996, ██████████ attended a Basic Building Blocks seminar in which Mr. Ray Pearson and Mr. Richard Von Alvensleben were trainers. The theme of the seminar was to place trust in the company and in your upstream line. Perhaps this theme needs to be modified in light of this

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terrible occurrence. Our investigation reveals that Richard Von Alvensleben is married and has two children. Clearly, a married trainer should not be using the lure of discussing the company as a guise to sexual conquest. Our investigation has also revealed that Richard Von Alvensleben was one of the founding fathers of Equinox. The fact that he sodomized [REDACTED] and called his friend Ray Pearson to also have sex with [REDACTED] takes the case beyond gross negligence. In Florida, if a party either intentionally or negligently destroys evidence, then all inferences are construed against that party. As such, it should be noted that Carolyn Viccaro, at Richard Von Alvensleben's request, broke through the police "DO NOT CROSS" line and destroyed all of the evidence left in the hotel room.

NEGLIGENCE

As stated before, Richard Von Alvensleben has plead guilty to sexual misconduct. After you have taken the opportunity to thoroughly review this matter, Hicks Brams & Scher is confident that you will concur with our conclusions regarding liability in relation to [REDACTED] pending claim against your client. Naturally, there may be claims against other individuals and corporate entities as a result of these events.

INJURIES

At the scene of the accident and every day since the accident, [REDACTED] has suffered from severe depression and hysteria. On the morning of March 4, 1996, [REDACTED] was taken to St. Elizabeth Medical Center in Covington, Kentucky, and forced to undergo difficult and embarrassing treatment by Dr. Hailan. [REDACTED] was forced to undergo a blood test for syphilis, a smear culture for gonorrhea, and a smear culture for chlamydia. She was given an injection of rocqushin and was given a prescription for Rocosphin and Doxycycline. Ms. [REDACTED] was also given the phone number for the Women's Crisis Center.

Following the initial exam, [REDACTED] spoke with the Women's Rape Crisis Center and was told to get individual counseling in Florida. Following that advice, Ms. [REDACTED] began treating with Dr. Perry on March 13, 1996. At that time she reported to him that a week ago Sunday she went to a seminar for the weekend, and that her hopes and dreams were torn away because of the events which took place there. At that time she was having moderate to severe depression with suicidal thoughts. She had increased irritability particularly with her daughter, a suppressed appetite, increased anxiety and fatigue, and decreases in all around happiness, pleasure and energy.

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Unfortunately, on April 18, 1996, [REDACTED] was admitted to St. Mary's Hospital pursuant to the Baker Act under the care of Dr. Janet Scholle. [REDACTED] was brought to the hospital by her mother due to [REDACTED] suicidal ideation. Dr. Scholle noted that [REDACTED] asked the police officer in the emergency room if she could use his gun to shoot herself. [REDACTED]'s mother reported that [REDACTED] was raped and had been suicidal since. Her condition deteriorated in the past two days prior to admission. According to the doctor's notes, [REDACTED] reported frequent nightmares related to the rape. She admits to being preoccupied with the rape incident and her mood was depressed. On April 20, 1996, Ms. [REDACTED] was discharged to the care of her mother. She was told to follow up with Dr. Perry and with Dr. Buckman. Dr. Scholle confirmed Dr. Buckman's use of medications and rendered her final diagnosis: post traumatic stress disorder and acute depressive disorder. All histrionic personality traits were ruled out.

In addition to all of the above mentioned treatment, [REDACTED] also treated with Dr. Sandy McVane at the Rape Crisis Center in West Palm Beach.

[REDACTED] is still following up with care and her most recent visit was on Wednesday, February 19, 1997. I am enclosing copies of all of the bills and records for your review. Unfortunately, Ms. [REDACTED] is going to need counseling for the rest of her life. Please be advised that Ms. [REDACTED] life expectancy, according to the Life Tables published by the United States Department of Health and Human Services is 55 years based upon her present age of 25.

Moreover, [REDACTED] has not been able to work to her full potential since March 3/4, 1996.

CLAIMANT

Prior to the unfortunate occurrence, [REDACTED] enjoyed an active lifestyle usually associated with a pleasant female of 25 years of age. She was gainfully employed and was looking forward to utilizing her talents within the Equinox structure. As a direct result of the injuries which she sustained, [REDACTED] has been unable to actively participate in normal day to day activities without recalling the unfortunate and unnecessary events that took place on March 3/4, 1996.

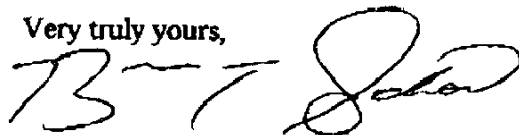
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CONCLUSION

In conclusion, it becomes abundantly clear that this is a case of substantial value. Hicks, Brams & Scher feels that an amount of Eight Hundred Fifty Thousand Dollars (\$850,000.00) is both fair and reasonable. I anticipate a favorable response to our reasonable demand for settlement within ten days from the date of this when you receive this correspondence. In the event that you are not able to comply with our settlement demand, then I will set your Motion for Indefinite Extension of Time, asking the judge to give you ten days to answer the complaint. Should you have any questions, please do not hesitate to contact me prior to this deadline.

I look forward to working with you to resolve this matter to the satisfaction of our respective clients.

Very truly yours,



Brian T. Scher, Esq.

BTS/clf
enclosures

cc: [REDACTED]