

EXHIBIT H

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From: Leslie, J. David [mailto:JDL@Rackemann.com]
Sent: Friday, July 15, 2005 10:32 AM
To: Lee, Gary
Subject: Evidentiary Hearing -- Your E-Mail of July 14, 2005

Gary,

(1) There was no "agreement" as you describe, and we do not agree to limit testimony at the Evidentiary Hearing to the period prior to February 11, 2003 (or February 11, 2004). Essentially, the point you raise goes to the relevance of proposed testimony to the questions before the Court. Those are issues, should they actually arise, that we feel are best addressed by the Court during the Hearing within the context of the testimony being offered.

(2) We do not believe that any of the testimony of the Liquidator's witnesses will be expert testimony.

Dave

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