

# WHATLEY DRAKE<sup>LLC</sup>

complex litigation.

2323 2nd Avenue North  
Birmingham, Alabama 35203  
P.O. Box 10647  
Birmingham, Alabama 35202-0647  
Tel. 205-328-9576  
Fax. 205-328-9669  
www.whatleydrake.com

RECEIVED  
DEC 29 2003  
CHAMBERS OF  
JUDGE BRADEN  
Peter H. Burke  
Direct Line: 205.488.1242  
Email: pburke@whatleydrake.com

December 23, 2003

United States Court of Federal Claims  
The Honorable Susan G. Braden  
717 Madison Place, N.W.  
Washington, D.C. 20005

Dear Judge Braden:

Over the past two months Richard Rouco and myself have been in contact with Daniel Bernard regarding representing him in a disability claim in the lawsuit currently pending before your honor. During the time that we have been in contact with Mr. Bernard, he has filed a Notice of Appeal from that portion of your honor's order dismissing his claims except for the disability claim. In addition, Mr. Bernard has informed us that he has appeared *pro se* in a filing in the District Court of the District of Columbia. Given these events, we have informed Mr. Bernard that we will no longer be evaluating whether or not to represent him regarding the disability claim that is still part of the action pending before your honor. We have also reminded Mr. Bernard that he has until January 9, 2004, to amend his complaint to cure its deficiencies and if he fails to do so that the Court will enter an order dismissing paragraphs 4-5, 11-18, 21 and 23 on that date.

Thank you for keeping this firm in mind regarding this matter.

Very truly yours,



Peter H. Burke

PHB/trm  
Cc: Daniel Bernard