

**BERKAN/MENDEZ**

LAW OFFICE  
Calle O'Neill G-11  
San Juan, P.R. 00918-2301

**Judith Berkan**  
**Mary Jo Mendez Vilella**

Tel (787) 764-0814  
Fax (787) 250-0986

February 14, 2011

Andrés W. López  
Andrés W. López Law Office  
*via email andreswlopez@yahoo.com*  
*and fax 787-641-4544*

David C. Indiano  
Ada Sofia Esteves  
Seth Erbe  
Indiano & Williams  
*via email david.indiano@indianowilliams.com;*  
*sofia.esteves@indianowilliams.com;*  
*seth.erbe@indianowilliams.com*  
*and fax, 787-641-4544*

*Re: Herbert Brown III v. Colegio de Abogados de Puerto Rico*  
*Civil No. 06-01645*

Dear attorneys López, Indiano, Esteves and Erbe:

I write to you as a colleague and because you represent the plaintiffs in the afore-mentioned action, and therefore, in theory, represent me as a member of the class.

I am frankly astounded at the lack of information to class members, who are just *now* beginning to become aware of this case, and who are being prohibited from obtaining information from the Colegio itself. Like many of the other members of the Colegio, I am *not interested in being a member of the class*. I want to make it perfectly clear that I wish to *opt-out* of the class.

From what I have been able to gather from published reports and a brief review of the docket, it appears that there is currently *no way* for a class member to know if his or her “opt-out” is effective. This is deeply troubling to me. Although I have explicitly stated my intention to not be a part of this class action, I still do not know if I have effectively opted out.

On October 28, 2010, I filled out a form indicated under penalty of perjury that I did “not wish to be included amongst nor counted as, part of an alleged class, for purposes of a class action suit formulated by the plaintiffs in the present litigation.” Evidently, this form had no effect, although my intentions were clear.

**Andrés López, David Indiano, Seth Erbe  
and Ada Sofía Esteves  
February 14, 2011**

Thereafter, I received a form entitled "ELECTION TO OPT-OUT" from the "Brown v. Colegio de Abogados Administrator," PO Box 2439, Faribault, MN. 55021-9139. I filled it out and sent it in to the aforementioned address, stating that "I do not want to part of the damages class in Brown v. Colegio de Abogados de Puerto Rico, CV 06-1645 (JP)." I have now heard that this opting out is not effective.

Today, I received yet another form, entitled "Request for Exclusion." I am sending it again to the Minnesota address noted above. Again, I am stating "I do not want to be part of the Damages Class in **Brown v. Colegio de Abogados de Puerto Rico**, CV 06-1645.

I am enclosing copies of the three forms I have received, and I am formally requesting the following:

1. That as my "representative" in this action, you *immediately inform me if any one, or more of these forms has had the effect of allowing me to opt out of this class;*
2. That if these forms are *not* effective, you *immediately inform me of exactly what steps I must take to opt out of this class*, providing me with a copy of any form which must be employed to make my opting out effective; and
3. That you include this letter in an *Informative Motion* to the court.

It seems to me that my intentions have been more than clear, and I find it unfathomable that I apparently have not yet effectively "opted out." I do *not* wish to be a part of this class.

It is no less clear that as the attorneys for the class representatives, you are in a position to make this position known to the court. I understand that the actions on your part which I am requesting herein are essential to the protection of my rights and to fundamental due process.

It is also important for me to have a clear picture with respect to the foregoing, since many class members have sent me communications expressing many of the same concerns.

I trust that I will hear from you shortly concerning your compliance with the aforementioned requests.

Sincerely,



Judith Berkan

cc: Harold Vicente and Nelson Córdova  
Vía email