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October 17, 2011

Via Hand-Delivery

The Honorable Judge Peyton
Probate Court No. 3
Dallas County Records Bldg.
501 Main Street, 4th Floor
Dallas, Texas 75202

Re: *In re: Estate of Max D. Hopper, Deceased; Jo N. Hopper v. JPMorgan Chase, N.A.; Stephen B. Hopper and Laura Wassmer*, No. PR-11-3238-3; In the Probate Court No. 3, Dallas County, Texas/**No Need for Hearing on October 18, 2011**

Dear Judge Peyton:

On October 7, 2011 when we were last before you in the referenced matter, we understood you were acting as an Associate Judge to hear only that matter(s) set before Judge Miller that day, because he was otherwise occupied - as he told us directly when he came into the Courtroom before the hearing began. At the onset of that hearing--which was not concluded and was later reset and scheduled for tomorrow, October 18, 2011, you indicated that if any of the parties intended to exercise their right to appeal your ruling *de novo* in regard to such matters¹ as were set that day, you would not conduct the hearing at all.

As you may know from reviewing the docket, the matter of the Independent Administrator's Complaint (as later amended on October 7th) was non-suited last Friday, October 14th and will now not be taken up tomorrow. The only other remaining matter before you left over from October 7th, is the issue of the terms and conditions of any possible mediation you might order in this matter. We assert no hearing need be held on that at all, as it was already

¹ Under V.T.C.A., Gov. Code §54.510.

‡ BOARD CERTIFIED LABOR AND EMPLOYMENT LAW
TEXAS BOARD OF LEGAL SPECIALIZATION