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October 17, 2011

Via Hand Delivery

The Honorable John Peyton
Probate Court No. 3
501 Main Street, 4th Floor
Dallas, Texas 75202

Re: Cause No. PR-10-1517-3; *In re Estate of Max D. Hopper, Deceased*; In the
Probate Court No. 3, Dallas County, Texas

Cause No. PR-11-3238-3; *In re Estate of Max D. Hopper, Deceased/Jo N. Hopper
v. JPMorgan Chase, N.A., Stephen B. Hopper and Laura Wassmer*; In the Probate
Court No. 3, Dallas County, Texas

Dear Judge Peyton:

This letter is to inform you and the parties of Dr. Stephen Hopper's and Laura Wassmer's position on mediation, in light of Jim Jennings' letter to you of today's date, and in the event that no hearing is held tomorrow.

As expressed during the hearing on September 7th, the parties need time to complete formal and informal discovery in this matter. Jo Hopper's Original Petition in Cause Number PR-11-3238-3 was just filed on September 21st. Cross-claims and counterclaims have only recently been filed thereafter. November and December are historically shorter months for discovery and the availability of parties and counsel due to the holidays, and Mr. Jim Jennings has already provided the Court with the dates of an overseas trip that he is taking.

You may also recall that Mr. Jennings suggested that mediation take place by approximately January 15. While we think that is a bit too soon given the constraints above described, we will do our best to be ready by late January for mediation. We and our clients are available any time after January 15, except for January 19, 20, 23, and 24, 2012.

