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August 4, 2006

## VIA FACSIMILE AND MAIL

Honorable John Kline  
1429 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Kline:

You may be aware that earlier this week on behalf of our client SSgt Frank D. Wuterich my colleague Neal A. Puckett, Esq., and I filed a libel lawsuit against Congressman John Murtha. The impetus for the lawsuit were statements Congressman Murtha made based on tragic events that occurred in Haditha, Iraq on November 19, 2005, which we believe legally defamed SSgt Wuterich, who led the primary squad of Marines who were under fire that day.

I write to you today as a professional courtesy so that you may avoid being named as an additional defendant in the lawsuit. We respectfully extend to you the opportunity to negotiate with us a mutually acceptable statement of apology for public issuance regarding the specific statements (and any others) you made below that we believe equally defamed our client.

The *Los Angeles Times* reported on May 27, 2006, the following statement from you:

Rep. John Kline (R-Minn.), a retired Marine colonel, said there was clearly an attempt to cover up the incident by those involved. But he said he did not think the Marine command was slow in investigating.

"There is no question that the Marines involved, those doing the shooting, they were busy in lying about it and covering it up -- there is no question about it," Kline said. "But I am confident, as soon as the command learned there might be some truth to this, they started to pursue it vigorously. I don't have any reason now to think there was any foot dragging."

Then NBC Channel 9 in Denver, Colorado, also on May 27, 2006, attributed to you the following:

Representative John Kline is a Republican from Minnesota. He said, "When you have Marines who have behaved so abominably as to allegedly shoot Iraqi civilians I'm not surprised that they would lie about it and cover it up."

We would require that any negotiated statement would contain an apology for implicitly accusing the involved Marines of criminal conduct in shooting Iraqi civilians and explicitly asserting that they lied and sought to cover-up what transpired that day. Moreover, the statement must contain language that regrets you publicly prejudged conduct regarding which no official investigation into the actual facts had been completed and recognizing that as a former Marine officer this is something you should not have done. Finally, you must state that you will obviously await the conclusions and decisions of the Marine leadership to determine whether or not criminal charges should be brought and that if brought these Marines are to be considered innocent until proven guilty.

With the public issuance of a mutually agreed-upon apology statement, SSgt Wuterich will agree in writing to refrain from adding you as a defendant to his lawsuit.

Neither this letter nor your response, if any, is to be shielded from the public. However, should you agree to consider negotiating a proposed statement for settlement purposes we would, of course, maintain those discussions as privileged settlement talks.

This offer will expire on Friday, August 11, 2006. We hope that you will seriously consider this outreach and look forward to hearing from you.

Sincerely,

/s/

Mark S. Zaid

cc: SSgt Frank D. Wuterich  
Neal A. Puckett, Esq.