

# Haligman and Lottner

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April 8, 1994

Mr. Trevor R. Ellis  
Ellis International Services, Inc.  
600 Gaylord St.  
Denver, Colorado 80206-3717

Re: Colorado Silica Sand Inc. v. The Briargate Joint Venture, et al.

Dear Trevor:

By now you have probably surmised that we have been successful in settling the litigation with CSSI and that your trial testimony will not be needed.

Enclosed is a copy of the Memorandum of Agreement that we have executed to outline the settlement terms. I thought that you may enjoy reading the epilogue to the story in which you were cast in a supporting role.

As you can imagine, my clients and I are extremely pleased at the result as we achieved a result that could not have been surpassed had we concluded this matter in court. As you see from the enclosed Memorandum of Agreement, this is a "no cash" settlement with CSSI only gaining the right to mine sand for a 3 year period at a location sufficiently distant from the current development and in an area in which the sand needed to be removed in any event. In return, CSSI will be paying close to market rate royalties.

Your work in this case and deposition testimony certainly aided our ability to achieve such a favorable outcome. As you know, we had attempted to settle on a similar basis several months ago prior to your deposition yet were unsuccessful in those efforts. I am sure that your testimony was instrumental in our efforts to convince CSSI to settle on our original terms.

I hope that I will have the opportunity to work with you again in the future.

Very truly yours,

HALIGMAN AND LOTTNER,  
a Professional Corporation



Richard I. Brown

HL File No.

RIB/jls  
Encl.

cc: Mr. Douglas Davidson  
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