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Monday, July 23, 2012

VIA U.S. MAIL, CERTIFIED, RETURN RECEIPT REQUESTED

Mr. Victor Kubli, Esq.
7637 Leesburg Pike, First Floor
Falls Church, VA 22043

RE: Demand Letter - Legal Malpractice, Other

Dear Mr. Kubli:

I am representing Mr. Thomas M. Ubl with regards to this demand. The demand is based on your past representation of Mr. Ubl as lead counsel during a Qui Tam, False Claims Act complaint. The complaint was filed against IIF Data Solutions, Inc., in the U.S. Eastern District Court, Alexandria, VA.

Legal Malpractice is Mr. Ubl's main claim. However, there are other potential violations that Mr. Ubl is considering as additional counts if this matter cannot be resolved. During the course of your representation, and prior representation by your partner, Mr. Alan Grayson, there were numerous "but for" instances that have been reviewed by other Qui Tam attorneys who have concluded negligence and malpractice. Other issues related to legal fees, costs and first position insistence all have the markings of counsel in question and are in violation of the Code of Professional Conduct.

Your representation of Mr. Ubl during the settlement proceedings was reprehensible. Failure to enforce settlement terms and conditions, before and after government consent deadlines, contributed to impasse. It is beyond the pale of conceivable to enter into a signed written agreement that required escrow, where the Defendant had deposited \$1.5 million in initial payments, which was never enforced by you. You allowed the defendant to self-manage the non-escrowed account with no

counter signatures or oversight required. This conveniently avoided all origination costs and checks and balances as if nullity expressed in defense counsels notification dated March 24, 2009 was prearranged and conspired. Trial related errors and omissions are too numerous to account for in this demand, but are certain.

Mr. Ubl has been ruled disabled by a Federal Judge. The Federal judge ruled that Mr. Ubl's disability is retroactive to February 2008, months before the settlement. The issue of the Statue of Limitations running is challenged. While I am not a Virginia attorney it appears that the Code of Virginia has a provision to toll the Statute of Limitations subject to disability considerations. The tolling allowance does not take into consideration a constant and never ceasing representation, which during Alan Grayson's congressional term is held in question due to your ongoing involvement with a firm that you maintained for Grayson while in office. It certainly raises House ethics questions concerning conflicts of interest.

Damage calculations per this demand are based on the anticipated damages and penalties calculated during summary judgment when Mr. Ubl entrusted you to engage the settlement with honest diligence and on his behalf. You committed a series of acts of commission and omission that has yielded a sequence of "but for's" that can only be concluded as malpractice.

Taken into consideration is the summary judgment amount, trebled, plus penalties, multiplied by the Government's agreed upon 27% Relators share, multiplied by 60% which represents the agreed upon contingency as Mr. Ubl's share.

TOTAL AMOUNT DEMANDED: \$12,684,600.00 [TWELVE MILLION SIX HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED DOLLARS AND NO CENTS].

Please identify the Custodian of Records for Grayson & Kubli, Kubli & Associates and The Grayson Law Center with their contact information. Additionally please provide the contact information for the insurance company that is maintaining your malpractice policy.

Mr. Ubl is prepared to resolve this matter and the other potential claims if this demand is processed with expedience and settled in a polite manner. The malpractice and perpetuated deficiencies may be brought front and center to the public's attention if Mr. Ubl is not treated fairly in resolving this matter. I look forward to your prompt response.

Sincerely,
The Slonim Law Firm, P.A.

David H. Slonim, Esq.

Cc: Client