

March 17, 2009

The Honorable Marcia S. Krieger
Alfred A. Arraj United States Courthouse, A941
Courtroom A901
901 19th Street
Denver, Colorado 80294-3589

Dear Judge Krieger:

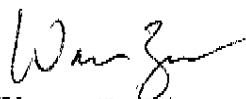
I am Mr. Nacchio's dermatologist, and I have been treating him for a suspicious growth on his leg for several months. After his last appointment in February 2009, I scheduled Mr. Nacchio for a follow-up visit on March 25, 2009 for further examination, and if necessary, treatment of the growth. While I was out of town attending a conference, Mr. Nacchio rescheduled his appointment for March 16.

I saw Mr. Nacchio on the afternoon of March 16, and I examined the growth on his leg. Although the mass had responded slightly to the treatment I had administered during his February appointment, I remained concerned about the growth, and therefore decided to take a biopsy to test it for skin cancer. I performed the biopsy procedure in my office at approximately 6 p.m. on March 16. As is standard for such a biopsy procedure, I closed Mr. Nacchio's post-biopsy wound with several stitches.

I sent Mr. Nacchio's tissue out for analysis in the morning on March 17, with a request that the analysis be returned as soon as possible. I expect to have the results no later than Friday morning, March 20. If the results of Mr. Nacchio's biopsy are benign, appropriate medical protocol would be for me to see Mr. Nacchio about ten days after the biopsy procedure, around March 26th, to remove the stitches and confirm that the wound was not infected. However, if the results of Mr. Nacchio's biopsy are malignant, appropriate medical protocol would be for me to schedule follow-up surgery as soon as possible so that I could remove the entire growth and stitch up the wound. I would then schedule Mr. Nacchio for an additional follow-up appointment ten days to two weeks after surgery at which time I would remove the stitches and inspect Mr. Nacchio's wound and surrounding tissue.

I am happy to provide any additional information that would be of help to the Court in understanding Mr. Nacchio's medical condition and my proposed treatment.

Sincerely,



Dr. Warren Zwickler