

March 9, 2009

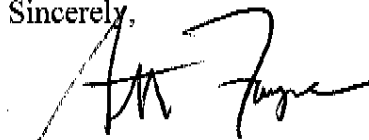
The Honorable Marcia S. Krieger
Alfred A. Arraj United States Courthouse, A941
Courtroom A901
901 19th Street
Denver, Colorado 80294-3589

Dear Judge Krieger:

Joseph P. Nacchio has been receiving treatment for a suspicious growth on his leg for several months. On February 25, 2009, Mr. Nacchio consulted my colleague, Dr. Warren Zwecker, about the growth. Dr. Zwecker advised Mr. Nacchio to monitor the mass for one month, but that if it did not improve, he would have to biopsy it to test for skin cancer. That day, Mr. Nacchio scheduled a follow-up visit with Dr. Zwecker for March 25.

Because Dr. Zwecker is attending a conference out of town until March 16, I am the covering physician for his patients. I have reviewed Mr. Nacchio's chart and based on this review, and Mr. Nacchio's desire to have the mass examined by Dr. Zwecker as soon as practicable, I have rescheduled Mr. Nacchio's follow-up consultation with Dr. Zwecker for March 16. At that time, Dr. Zwecker will determine whether it is necessary to biopsy the mass. If a biopsy is necessary, we should receive the results of the biopsy within a matter of days. If the mass is benign, no further action will be taken. However, if it is malignant and the worst-case scenario, the treatment protocol may take between two and three weeks, beyond the March 16 biopsy procedure.

Sincerely,



Dr. Scott Payne