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| JOHNSON & ROCHE  ATTORNEYS AT LAW  TYSONS CORNER  8355-A GREENSBORO DRIVE  McLEAN, VIRGINIA 22102 |
| Date |

To

*Re:*

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

I look forward to working with you in regards to this matter. If in fact we are able to resolve this matter down the road I simply want to state that any settlement discussions that may occur in the future as far as I am concerned will be premised on the following:

1. Any release will be limited to matters related to the incident, and release the defendant, the insured, the insurance company and the lawyers only.
2. Our client will agree to be responsible for, and will agree to negotiate and pay, all legitimate and lawful liens, but will not indemnify or “hold harmless” the defendant, the insurer or anyone for anything.
3. Medicare/Medicaid:  If true, our client will agree that he or she is not on Medicare or Medicaid and that they have no interest in the matter and that he or she does not plan to be on Medicare for 30 months, but will, again, not provide indemnity.  If our client is receiving Medicare or Medicaid benefits, he or she will agree to negotiate and satisfy any such liens.
4. Confidentiality:  If confidentiality is important to the defendant, we will agree to keep confidential the names of the defendants, insurers and lawyers and we will agree to keep confidential the consideration paid by each individual defendant but not the total amount of the settlement.  The consideration for this agreement will be $100. We reserve the right to publish a case summary of all cases we resolve in the Virginia Lawyer’s Weekly and similar publications.
5. Structured settlement:  we reserve the right to have a portion of any settlement paid through the purchase of an annuity, consistent with the Internal Revenue Code and any settle-ment will include the insurer’s agreement to cooperate in establishing a structured payment.  If

we exercise this right, we will employ an agent to handle the structured portion on our behalf and reserve the right to accept or reject particular annuity companies to handle the structured payments.

Sincerely yours,

Brien A. Roche

BAR/kkb