



Nega Mezlekia v The National Post

Friday, January 11, 2008 4:32 PM

From: "Foulds, David" <dfoulds@davis.ca>
To: "negrmezlekia@rogers.com" <negrmezlekia@rogers.com>
Cc: "Foulds, David" <dfoulds@davis.ca>
Scan001.PDF (55KB), -- aaaaaa -- .htm (4KB)

ON BEHALF OF DAVID FOULDS:

I am forwarding a copy of a letter which was sent to you today by registered mail. The attachment to the letter is an email, which I am forwarding to you by way of this email.

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This e-mail and any attachment(s) are confidential and may be privileged. If you are not the intended recipient please notify me immediately by return e-mail, delete this e-mail and do not copy, use or disclose it. Please advise us if you do not want to receive unencrypted e-mails.

FROM THE OFFICE OF David W. Foulds
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DIRECT FAX 416.777.7414
E-MAIL dfoulds@davis.ca

FILE NUMBER 51038-00001

January 11, 2008

PRIVATE AND CONFIDENTIAL

BY REGISTERED MAIL

Mr. Nega Mezlekia
Suite 1111
99 Howard Street
Toronto, ON M4X 1K1

Dear Mr. Mezlekia:

Re: *The National Post, et al.*

I write in reply to your e-mail of January 8, 2008, a copy of which is attached for your reference.

I have considered your e-mail carefully. Having done so, I regret to advise you that I have concluded that our firm can no longer continue to represent you in this matter.

I do not intend to respond in detail to the statements that you have made in your e-mail. However, I must make it clear that I disagree with a number of those statements, not the least of which being your characterization of my conduct and motivations. You have also incorrectly described our discussion at the outset of the retainer. In this regard, I attach a copy of my original retainer letter which summarized my response to the questions you posed to me at that time, including my response to your question regarding likely damages and settlement.

My initial retainer letter also described, among other things, the circumstances in which we would be required to withdraw our services as your counsel. As I indicated in my letter, these include circumstances in which there has been a serious loss of confidence between us. It is clear from your letter that such a loss of confidence has occurred. It would not be professionally responsible to continue to represent you when you have expressed doubts about my willingness to pursue your case wholeheartedly, suggested that I have preferred my own interests over yours, and maintained that you have "suffered under the firm".

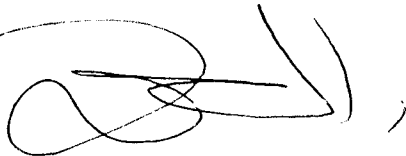
In the circumstances, we will prepare materials for a motion to remove our firm as your solicitors of record. We have been advised by the court that it has availability to hear our motion in the first week of February. We will provide you with a copy of our materials and confirm the date of our motion as soon as we are able. Should you wish to do so, you may deliver a Notice of Intention to Act in Person or a Notice of Change of Solicitors before the motion date, in which case the motion will be unnecessary.

Again, I regret that we are unable to continue to assist you with this matter and express my sincere wish that it is ultimately resolved to your satisfaction.

Yours very truly,

DAVIS LLP

Per:

A handwritten signature in black ink, appearing to read 'David W. Foulds', written over a horizontal line.

David W. Foulds

DWF/bjn
Encls.