

Mark R. Isaf  
Terry A. Ekl  
August 19, 2010  
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10/06/10 SCANNED SS

also said that it will no longer provide a defense. I have reviewed the White Mountain and Scottsdale letters denying any further defense to Mr. McFatrige. Further, I have reviewed the District Court declaratory judgment orders denying coverage, as well as the Seventh Circuit opinion affirming the denial of coverage. None of these materials found that the acts of which Steidl and Whitlock complain do not represent intentional, willful or wanton misconduct.

Further, in neither of the Steidl or Whitlock lawsuits has a court or jury found that Mr. McFatrige did not engage in intentional, willful or wanton misconduct. In fact, in a September 6, 2007 court order awarding Whitlock post conviction relief, a unanimous Illinois Appellate Court concluded as follows: "We further hold that the State violated Brady by suppressing the following evidence: (1) a statement by one of the State's alleged eyewitnesses, Darrell Herrington, that 'Jim and Ed' committed the murders; (2) the State's provision of liquor to Herrington, an alcoholic, on two occasions, including the day prior to his testimony before a grand jury; and (3) the notes of a forensic scientist, Debra Helton, that Herrington had sustained a cut at the crime scene." People v. Whitlock, No. 4-05-0958 (Sept. 6, 2007)(Rule 23 Order) Slip Op at 2.

For these reasons, your latest requests for representation for Mr. McFatrige are denied. Should you have any questions, please feel free to contact me at 312-814-4499.

Sincerely,



ALAN ROSEN  
Chief Deputy Attorney General

AR/es

No. 10-MR-530

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