

From: [REDACTED]

To: "Jay Lefkowitz" [REDACTED]

Subject: RE:

Date: Mon, 24 Sep 2007 00:37:00 +0000

Importance: Normal

A trustee means there is a trust that has been approved by a court and that the court has appointed a trustee. That doesn't apply here. I cannot bind the girls to a trust. If a guardian is appointed, the girls elect to use him as their attorney and they all agree that a trust is in their best interests, that is their decision, not mine. I would not be making the motion for appointment of the guardian under 17(c) anyway.

-----Original Message-----

From: Jay Lefkowitz [mailto:[REDACTED]]

Sent: Sunday, September 23, 2007 8:35 PM

To: [REDACTED]

Subject:

See below - a trustee might be more appropriate.

Federal rule of civil procedure 17(c):

(c) Infants or Incompetent Persons.

Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and

destroy this communication and all copies thereof,
including all attachments.
