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April 30, 2009

SUPREME COURT OF VIRGINIA
RECEIVED
MAY - 4 2009
RICHMOND, VIRGINIA

Patricia Harrington, Clerk
Supreme Court of Virginia
100 N. Ninth Street, Fifth Floor
Richmond, VA 23219

Re: City of Suffolk vs. Lummis Gin Company, et al
Record No. 082345

Dear Ms. Harrington:

This is to confirm that I will not be filing a Brief of Appellee in the above-referenced case. The decision not to file is based solely on economic feasibility and not at all on the merits of the City's appeal.

Sincerely,

T. Kirk Pretlow

TKP:mcg
Cc: William E. Hutchings, Jr.
Clarence H. Brooks
William C. Johnson
Mills Staylor