



suggestion that each party hold and be allowed to use 50% of the proceeds until such time as an agreement was reached, or the court ordered a settlement. Thus the proceeds were placed into an escrow account.

6. The Complainant has continued to make false allegations and have her attorney consume time of the Defendants attorney discussing them, thus increasing the Defendants legal fees.

7. The Complainant has refused to discuss many issues directly with the Defendant even remotely via e-mail and has insisted communication on most issues be via attorneys instead, thus increasing the Defendants legal fees.

8. The Complainant has also refused to cooperate via attorneys in concluding the matter in a timely and cost efficient manner.

9. On or about December 12, 2003 the Complainant responded to the Interrogatories but refused to answer many of the questions on 5<sup>th</sup> amendment grounds, even to questions that were not about her potentially criminal sexual misconduct or other criminal activity.

10. When the Complainant responded to the Defendants first request for documents, the Complainant refused to provide many of the documents.. Some were refused on the basis of privacy instead of a valid legal objection.

11. The Complainants refusal to answer questions and provide documents requires the Defendant to take additional steps to gather evidence. These might include filing a motion to compel, obtaining rulings on how broadly or narrowly she may assert her 5<sup>th</sup> amendment rights, and to seek to obtain the required evidence from other parties, including several outside Virginia.

12. The actions required by the Complainants refusals add significant additional cost for the Defendant.

13. The Defendant has already expended over \$50,000 in attorney fees, not including other

