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June 9, 2009

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Robert H. Norman
Assistant United States Attorney
United States Attorney's Office
Northern District of Mississippi
900 Jefferson Avenue
Oxford, MS 38655

Re: United States v. Bobby B. DeLaughter
No. 3:09-cr-00002 (N.D. Miss.)

Dear Mr. Norman:

I write at your suggestion on behalf of my clients Triumph Group, Inc., Frisby Aerospace and Jeffrey Frisby. As you know, my clients are defendants in the matter of Eaton Corporation, et al. v. Jeffrey D. Frisby, et al., Civil No. 251-04-642-Civ (1st Jud. Dist., Hinds County) ("Eaton v. Frisby"). You are familiar with the circumstances of our case so I will not detail them here. Suffice it to say that my clients are victims of what we believe is serious criminal misconduct by Ed Peters' actions on behalf of Eaton to exercise illegal influence on Judge Bobby DeLaughter through improper ex parte contacts. I understand that the United States Attorney's Office shares these concerns in that it intends to offer the events that occurred in Eaton v. Frisby as "other crimes" evidence under Fed.R.Evid. 404(b) in DeLaughter's upcoming trial.¹

When my co-counsel, Chase Bryan, and I first met with you on November 18, 2008, we shared our significant concerns regarding Ed Peters' conduct with Judge DeLaughter on behalf of Eaton in Eaton v. Frisby. At that time, both Mr. Bryan and I understood you to commit to us that any plea or other agreement reached between your office and DeLaughter

¹ This was disclosed in an April 1, 2009 motion that counsel for DeLaughter filed in Eaton v. Frisby.



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would require as a condition DeLaughter's full, complete and truthful cooperation with respect to Eaton v. Frisby.

It is my understanding from our recent telephone conversation, however, that you are leaving open the possibility that a plea agreement with Judge DeLaughter may not require this cooperation. As victims, this is a serious concern for our client for a number of reasons. First, it is difficult to understand how the Department of Justice could support a resolution that does not require DeLaughter to disclose the full scope of his misconduct and to cooperate with other victims. If he is allowed to keep his misdeeds in uncharged cases under wraps, the wrongs he has committed will never fully be redressed. Indeed, Judge Davidson's analysis of whether to accept a plea deal with DeLaughter will undoubtedly take into account whether it adequately addresses the interests of other victims.

Second, absent such a plea agreement provision, my clients' ability to secure Judge DeLaughter's truthful cooperation is doubtful at best. Ed Peters is evidence enough. As I understand it, in adhering to the commitment your office made to him early on, Peters was granted immunity but not required to cooperate in our matter. In the absence of that requirement, Peters has fought every effort to cooperate with us, refusing to meet, attempting to duck service of process and, when served, asserting his right against self-incrimination. Further, as your indictment reveals, DeLaughter has shown the willingness in the past to falsely deny his misconduct. Absent a plea agreement requiring cooperation, there is no reason to believe we will be any more successful in securing DeLaughter's open and forthright cooperation than we have been with Peters.

Finally, while you have dealt with us with the utmost professionalism throughout these proceedings, my clients took at face value your commitment to require Judge DeLaughter's cooperation in our matter. It was certainly reasonable for them to do so. They have a right to rely on your Office to take into account and seek to protect the interests of victims such as themselves.

We continue to believe that Judge DeLaughter should be prosecuted criminally for his misconduct in Eaton v. Frisby. Short of that, a plea agreement that does not even require his cooperation would fall far short of accomplishing substantial justice in this case.

Morgan Lewis
COUNSELORS AT LAW

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Thank you for considering our concerns. We request a meeting with the United States Attorney to discuss this matter further.

Very truly yours,



Eric W. Sitarchuk

EWS/jj

cc: The Honorable Jim M. Greenlee, United States Attorney
J. Chase Bryan, Esquire