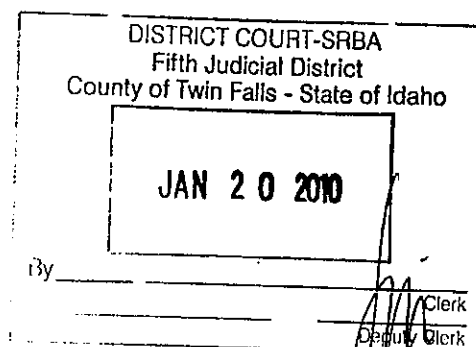


John E. Burns
Ruth C. Burns
Box 264
Carmen, Idaho 83462

January 17, 2010

Mr. Ray Rigby
Mr. Jerry Rigby
Rigby, Andrus & Moeller
25 North Second East
P.O. Box 250
Rexburg, Idaho 83449



Rear Ray & Jerry:

I appreciate our discussion of last Thursday concerning the Rule 706 Report. The scrambling of the recommended rights by the Department obviously creates an untenable situation in regard to your future ability to represent the sixteen families. Even should all wish to continue with you as our counsel I don't see how I could effectively coordinate with the group as I have endeavored to do in the past. The conflicts created by the Department are simply too great for it to be practical.

Rather than prolonging the uncertainty and confusion I am requesting that our legal relationship with your office be terminated at this time. I trust that you will notify the court that you no longer represent Ruth and I in Subcases 75-00069A, 75-00070A, 75-10061A, and 75-10062A. I assume you will still need to contact the others and obtain their requests for their subcases as I obviously can not speak for them..

I appreciate your work on our behalf over the several years this litigation has been ongoing, and regret that the State has seen fit to render our legal relationship untenable at this late date. I will need to pick up some of the exhibit material left with you earlier, and will contact your office when I will be in Rexburg. I assume you will make the proper notifications to the other agencies, etc.

Thanks again

John Burns
Ruth Burns

Copy:

Hon. Terrence A. Dolan, Special Master
District Court - SRBA
Fifth Judicial District
P.O. Box 2707
Twin Falls, Idaho 83303.