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May 10, 2011

Karl C. Wetherholt
City Engineer
City of Gahanna
200 South Hamilton Road
Gahanna, OH 43230

Re: *City of Gahanna v. Englefield Oil*
Franklin County Common Pleas Court.
Case No. 10CVH-3-4180

Dear Karl:

You have asked us to provide you with a rough estimate of fees which will be incurred in the prosecution of the Englefield Oil Company/BP Oil condemnation action through trial. I believe the estimate is necessary for your budgeting purposes. Please consider the following detail, which is our best rough estimate as to what the City could expect in terms of legal fees, absent negotiated resolution in the interim. Of course, should the case be resolved, we would not bill to the extent of this estimate.

We anticipate about 20 hours will be consumed in the actual discovery phase of this case, not including mediation which has been requested. There will be depositions of the opposing appraiser and transportation experts, the depositions of our appraiser and transportation experts, and possibly a couple of abbreviated depositions of City personnel. In addition, we anticipate a three-day trial at approximately 30 hours of billable time and usually preparation for the trial, including jury instruction preparation and jury interrogatories, consumes about twice as much time as the anticipated trial, or 60 hours. We calculate a miscellaneous time commitment of about 5 hours for 110 hours for one lawyer.

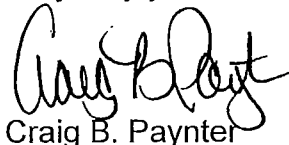
As you know we feel certain witnesses are crucial to the prosecution of the case and we have decided, therefore, to have two attorneys present during those depositions, primarily the appraiser and transportation experts. In addition, the second attorney will also be in attendance at trial, so we anticipate an additional 40 hours for attorney overlap. We can anticipate expert fees of approximately \$10,000 yet for

Englefield (as you know we have been billing those through our office so that the City does not have to incur the administrative burden of securing new purchase order numbers for those experts), and anticipate that transcripts will cost about \$5,000 in the case.

Based upon the foregoing, we anticipate that attorneys' fees could accumulate in the \$60,000-75,000 range, and for budgeting purposes we would suggest you secure approval for \$75,000 in additional attorneys' fees on this matter.

Please call with any questions, comments or concerns. Thank you very much for your consideration and the opportunity to be of service to the City of Gahanna.

Very truly yours,

A handwritten signature in black ink, appearing to read "Craig B. Paynter", written in a cursive style.

Craig B. Paynter

CBP/cdf
(13661-06)

cc: Sarah D. Morrison