

# **EXHIBIT 1**

**From:** Krotoski, Mark [Mark.Krotoski@usdoj.gov]  
**Sent:** Tuesday, April 17, 2012 12:13 PM  
**To:** Behre, Kirby D.; McMillen, Nancy; Reichel, Carsten  
**Cc:** Evans, Jeremy P.; Briggerman, Lauren E.; Emelina Kondla  
**Subject:** RE: Florida West Trial

Yes we do. A jury should hear any trial evidence.

Mark

**From:** Behre, Kirby D. [mailto:kirbybehre@paulhastings.com]  
**Sent:** Tuesday, April 17, 2012 11:52 AM  
**To:** Krotoski, Mark; McMillen, Nancy; Reichel, Carsten  
**Cc:** Evans, Jeremy P.; Briggerman, Lauren E.; Emelina Kondla  
**Subject:** RE: Florida West Trial

So does that mean you oppose a bench trial? Thanks

SENT FROM MY IPAD

Kirby Behre  
202 294.8406 (c)

-----Original Message-----

**From:** Krotoski, Mark [Mark.Krotoski@usdoj.gov]  
**Sent:** Tuesday, April 17, 2012 11:49 AM Eastern Standard Time  
**To:** Behre, Kirby D.; McMillen, Nancy; Reichel, Carsten  
**Cc:** Evans, Jeremy P.; Briggerman, Lauren E.; Emelina Kondla  
**Subject:** RE: Florida West Trial

Kirby,

Thanks for your message.

Our position is that this case should have resolved last year but all offers were rejected by Florida West. No reasonable offer to resolve the case is pending from you. Given that there seems to be no pending interest in resolving the case, we will prepare for a jury trial.

Thanks,

Mark

-----Original Message-----

**From:** Behre, Kirby D. [mailto:kirbybehre@paulhastings.com]  
**Sent:** Tuesday, April 17, 2012 11:20 AM  
**To:** McMillen, Nancy; Reichel, Carsten; Krotoski, Mark  
**Cc:** Evans, Jeremy P.; Briggerman, Lauren E.; Emelina Kondla  
**Subject:** Florida West Trial

Florida West is considering waiving its right to a jury trial, and proceeding with a bench trial. Before making that decision, we wanted to understand what position, if any, the Government would take regarding such a request. Can you let us know your position on a bench trial? Thanks

SENT FROM MY IPAD

Kirby Behre  
202.294.8406 (c)

\*\*\*\*\*  
IRS Circular 230 Disclosure: As required by U.S.Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.  
\*\*\*\*\*

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

For additional information, please visit our website at [www.paulhastings.com](http://www.paulhastings.com)

\*\*\*\*\*  
IRS Circular 230 Disclosure: As required by U.S.Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.  
\*\*\*\*\*

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.  
For additional information, please visit our website at [www.paulhastings.com](http://www.paulhastings.com)