

EXHIBIT A

DECLARATION OF MARSHALL FLETCHER

Marshall Fletcher states as follows:

1. I am the President of Marmax Construction, LLC, an Indiana limited liability company located in Anderson, Indiana engaged in the construction industry.
2. In July, 2005, I received an unsolicited letter from Gregory Hansel of the law firm of Pretí Flaherty Beliveau Pachios & Haley, LLP, a copy of which is attached hereto as Exhibit "A", in which Mr. Hansel offered to represent me in a class action against Irving Materials, Inc. and others. I have no prior relationship with Mr. Hansel or his firm.
3. The letter was enclosed in a plain envelope with Mr. Hansel's return address. The letter did not indicate in any way that it was advertising material.

I affirm under penalties for perjury that the foregoing statements are true.

Marshall Fletcher
Marshall Fletcher

EXHIBIT 1

GREGORY P. HANSEL
207-791-3232
ghansel@preti.com

July 1, 2005

Marmax Construction
Attn: Marshall Fletcher
2442 Fairview St
Anderson IN 46016-5050

RE: CLAIM FOR PRICE FIXING OF READY MIXED CONCRETE

Dear Mr. Fletcher:

Your company may have a claim for price fixing in ready mixed concrete. I am a private attorney representing businesses injured by price fixing nationally. I am writing to offer to include you in a class action we plan to file if retained on behalf of purchasers of ready mixed concrete. If you agree, we will represent you on a purely contingent fee.

On June 29, 2005, Irving Materials Inc. (IMI) pled guilty in Indianapolis Federal Court to criminal price fixing and was sentenced to pay a criminal fine of \$29.2 million. See Enclosed Press Release of the U.S. Department of Justice Antitrust Division. This is the largest fine in U.S. history in a domestic price fixing case. Four executives of Irving also agreed to plead guilty, pay criminal fines, serve prison time and assist the government in the ongoing investigation of all participants in the conspiracy.

If you purchased ready mixed concrete directly from IMI or its co-conspirators between July 2000 and May 2004, you have a potential claim for price fixing. If you know any individuals or companies who bought ready mixed concrete from IMI during that period, including companies no longer in business, they may also have a claim. Under federal law, direct purchasers of price-fixed products have a claim for three times the overcharge plus attorney's fees. If the case is successful, you will stand to recover your share of the recovery of the class. The Court may also grant incentive awards to class representatives for standing up for the class. There is no guarantee the Court will make such an award, but historically such awards have often been approved in the \$20,000 range. I would be happy to discuss the potential benefits of pursuing such an action.

We are willing to represent you in making your claim on a *purely contingent fee, advancing all expenses*. We will investigate and, if appropriate, make a claim on your behalf and for the class of direct purchasers. Our attorneys' fees and expenses will only be paid out of any recovery from the defendants, by settlement or judgment. If there is no recovery, you are not responsible for any attorneys' fees or expenses. We agree that the cap on attorneys' fees will be one-third of the recovery plus expenses. We may associate other attorneys, such as local

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Preti Flaherty Bellevue Pachios & Haley LLP
One City Center P.O. Box 9546 Portland, Maine 04112-9546

Augusta - Bath - Boston - Concord - Portland
207.791.3000 207.791.3111 FAX www.preti.com

counsel, without changing the fee. During the case, you will need to produce copies of your sales records and possibly give a deposition.

My law firm is a 70-lawyer firm with a national litigation practice representing businesses that are victims of price fixing. In courts throughout the U.S., we represent businesses injured by price fixing in a number of products, including carbon fiber, foundry resins, sulfuric acid, plastics additives, eye lasers and computer chips. With co-counsel, we have achieved recoveries worth over \$270 million in national price fixing cases including the *Compact Disc Minimum Advertised Price Antitrust Litigation*. Our website is www.preti.com.

If you wish to join the class action we plan to file on behalf of purchasers of ready mixed concrete as a named plaintiff, please sign below and return a copy to me by fax to our fax no. (207) 791-3111. Please also fax me a sample invoice of your purchases from IMI. I hope to work with you and achieve a recovery to add to your bottom line at no up-front cost to you. If you have any questions, please feel free to contact me anytime by email, telephone or letter.

Very truly yours,



Gregory P. Hansel

Seen and Agreed To:

By: _____ Date: _____

Telephone: _____