

Dear Mr. Kummer:

Prior to reading the transcript of your statements to the Court on May 20, 1998, it had been my understanding that the settlement discussions between the parties were to be confidential. I note that you said to the Court that: "We're talking about a seven-inch stack of paper, your Honor, and having somebody look at it and see if there is anything that really does belong in this archive that is being assembled." Tr. May 20, 1998 at 11-12. (I note that you did not inform the Court that: (a) it was the Review Board that had suggested such an approach be taken, (b) that NBC had sought to place many restrictions on what the reviewer would and would not be able to say about the documents, or (c) that it was NBC that had rejected the Board's proposal to have the review conducted with fewer restrictions.) In my opinion, your statement to the Court that partially described the settlement discussions put our attorney, Carlie Wells, in a very difficult and disadvantageous position. I think that my concern is amply reflected in the Court's response to your statement.

As you know, I have favored a settlement from the beginning. We also have agreed, for your convenience, to bring our Chairman, a Federal Judge sitting in Minnesota, to your offices in New York on June 16 to pursue further discussions.

I think it is now only fair to ask that, before we proceed further, you provide us with a clear representation that either you will not, in any future hearing, disclose portions of settlement discussions -- or -- that NBC does not object to the Review Board describing publicly portions of the discussions that it wishes to make known to the Court or to other interested parties.

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