

SEAN R. SMITH  
DIRECT DIAL: 404.253.6955  
E-MAIL: SRSmith@duanemorris.com

www.duanemorris.com

November 1, 2006

**VIA HAND DELIVERY**

The Honorable Thelma Wyatt Cummings Moore  
Justice Center Tower  
185 Central Avenue SW  
Atlanta, GA 30303

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LAKE TAHOE

Re: McKesson Information Solutions LLC v. Duane Morris LLP  
Civil Case No. 2006-CV-121110

Dear Judge Moore:

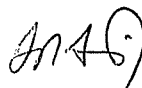
Two issues arose in yesterday's hearing regarding prospective waivers of conflicts that we feel require further comment. First, as I pointed out in my argument, we did cite ABA Model Rule 1.7(b) in our papers instead of Georgia Rule 1.7(b), and again we apologize. As I also stated yesterday, there is no substantial difference between the two as to prospective waivers.

Second, Professor Cunningham testified at some length about ABA Formal Opinion 93-372 (April 16, 1993) addressing waivers of future conflicts of interest. Through an oversight, perhaps owing to his schedule, he did not testify that the 1993 Formal Opinion was withdrawn by ABA Formal Opinion 05-436 (May 11, 2005), titled "Informed Consent to Future Conflicts of Interest; Withdrawal of Formal Opinion 93-372."

As to both of these oversights, we do not believe they affect the position urged by Duane Morris, because the prospective waiver issue is secondary to the basic issue of whether a conflict exists at all, to which neither Rule 1.7(b) nor Professor Cunningham speak. Furthermore, under any governing and persuasive authority, including Georgia and Pennsylvania Rules and ABA Formal Opinions, the waiver agreed to by MMM and MAI is effective.

We appreciate the Court's close attention to this matter and the Court's permitting the parties to present their positions fully at yesterday's hearing.

Respectfully submitted,



Sean R. Smith

cc: Mr. Joseph Manning (by Electronic Mail and U.S. Mail)  
SRS/ser