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Attorneys are licensed in Montana unless otherwise noted; \* also licensed in North Dakota; # also licensed in Wyoming; + not licensed in Montana

November 1, 2004

Richard Zickefoose  
P.O. Box 2841  
Cody, WY 82414

Dear Mr. Zickefoose:

TLC-Billings' Executive Director contacted me about your phone call to her. She informed me that you plan to have an interview with FOX News in Chicago about your criticisms of TLC, and plan to turn over your recording of a telephone call with a TLC employee (made without her consent), unless TLC pays you more money. TLC declines your offer. The telephone recording is illegal. We believe that requesting money in lieu of turning the tape over to a reporter is also illegal. In addition, the tape recording(s) you made of one or more doctors in Montana without their consent was illegal. By copy of this letter to the District Attorney's office, we are requesting that you be prosecuted and informing that office that TLC is filing a police report. We have your deposition testimony to provide the factual basis necessary for prosecuting the illegal recording, and notes from your recent phone call to prove that you are trying to extort money from TLC with the threat of disclosing the illegal recording.

It is a crime in Montana to record a conversation without the consent of all parties. Even though you were in Wyoming when you secretly recorded a conversation with a TLC employee in Montana, our research, plus a discussion with the District Attorney's office, indicate that you violated the law. The threat to make the illegal recording public unless TLC pays you more money is also a crime according to our discussion with the DA's office and our research of state law. We previously saw no reason to pursue prosecution, but now that you have received a settlement from TLC and continue trying to intimidate it into paying you more money, we need to take steps to try to stop this conduct.

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TLC has no objection to you sharing your experience with LASIK with people who are considering it. LASIK has real risks, which is why there is such an extensive informed consent form. Although most patients have good results, it is beneficial for people to understand that not everyone is happy with his or her surgical outcome and that patients must have realistic expectations and must understand that there are risks. However, your conduct clearly is not directed to patient advocacy. You seem to simply be trying to make money through illegal means.

Larry Grubbs and Joe Darrah have informed me that they are no longer representing you and that we should respond to you directly. However, because I am not sure if I have your current address, I am copying them on this letter and requesting that they make sure you receive it.

Sincerely,

CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH, P.L.L.P.



Paul C. Collins

cc: Yellowstone County Attorney's Office  
Joe Darrah, Sr.  
Larry Grubbs  
Nancy Cory