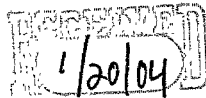


03-AP-143



PROVINCE
GROUP

January 14, 2004

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Proposed FRAP 32.1

Dear Mr. McCabe:

I am writing in opposition to proposed Federal Rule of Appellate Procedure 32.1. I am a principal in a real estate development company with projects in California and Florida. In my role as a real estate developer I have had the unfortunate opportunity to be involved in several lawsuits, most recently as a plaintiff. In my experience, regardless of the final outcome of a lawsuit, the litigation process is generally an enormous waste of resources: namely time, money and energy. Proposed Rule 32.1 would add to the wasteful nature of litigation by requiring parties to spend additional time and money researching unpublished opinions with little or no resulting benefit to the final disposition of a lawsuit.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Kerslake".

Mark Kerslake