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November 21, 2013

Via Facsimile: (713) 739-8403

Carlton D. Wilde, Jr.  
Matthew R. Begley  
CRADY, JEWETT & MCCULLEY, LLP  
2727 Allen Parkway, Suite 1700  
Houston, Texas 77019-2125

Re: Cause No. 2013-59098; *XS Capital Investments, LP, et al vs. Orca ICI Development JV, et al*; In the 234<sup>th</sup> Judicial District Court of Harris County, Texas

Mr. Wilde:

I am in receipt of your November 20, 2013 correspondence and First Amended Petition.

I will advise the Court that we are passing on our November 25, 2013 hearing on the Special Exceptions.

With respect to pleading a maximum amount claimed, I trust you will not delay in so doing.

Lastly, upon reviewing the Amended Petition I am not sure I understand the basis for the conspiracy claim now that the fraud claims have been dropped. Please let me know if this is an oversight or if you intend on maintaining the conspiracy claim notwithstanding your jettisoning of the fraud claims.

Respectfully,

Jared I. Levinthal

JIL/nas

