

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ST. LAWRENCE

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**FREDERICK E. BIGGS AND PATRICIA M. BIGGS,**

Plaintiffs,

-against-

**AFFIDAVIT**

Index No. 104598

**JAMES A. O'NEILL, Individually and  
d/b/a CONSTRUCTION MANAGEMENT SERVICES,**

Defendants.

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STATE OF NEW YORK            )  
  ):ss:  
COUNTY OF ST. LAWRENCE    )

**Henry J. Leader, Esq.,** being duly sworn deposes and says:

1. I am an attorney at law duly admitted to practice before the Courts of the State of New York and make this Affidavit at the request of Frederick E. and Patricia M. Biggs.

2. Our firm represented Mr. and Mrs. Biggs in a case entitled Frederick E. Biggs and Patricia M. Biggs against James A. O'Neill, Individually and d/b/a Construction Management Services, having Index Number 104598.

3. Pursuant to a Stipulation in open Court on February 27, 2006, that case ended by settlement.

4. The settlement did not incorporate a second case which was pending and which case was brought by Mr. and Mrs. Biggs, pro se. Upon information and belief, the caption of said matter was Frederick E. Biggs against James A. O'Neill, having Index Number 119962 and IAS Number 44-1-2005-0770.

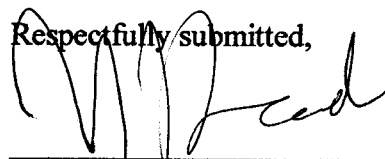
5. I did not represent Mr. and Mrs. Biggs in that case and during the settlement negotiations that fact was made clear to the Supreme Court of St. Lawrence County. In fact I was not aware of the substance of that case other than information from Mr. and Mrs. Biggs that fraud was perpetrated against them by James A. O'Neill.

6. Mr. O'Neill was represented by David Antonucci, Esq. During the above settlement negotiations in the first mentioned case, I made it very clear to Mr. Antonucci and the Court, who understood that the settlement of case 104598 did not in any manner include any settlement for the separate action brought pro se by Mr. and Mrs. Biggs against James A. O'Neill.

7. Upon information and belief, Mr. Antonucci also represented James A. O'Neill in that matter which was brought by Mr. and Mrs. Biggs on their own behalf.

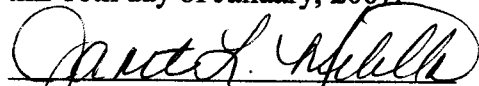
8. This was again made clear on the Record as stated in open Court that the settlement was for only the lawsuit for which we represented the Biggs and nothing else.

Respectfully submitted,



Henry J. Leader

Subscribed and sworn to before me  
this 16th day of January, 2007.

  
Notary Public – State of New York

JANET L MELILLO  
Notary Public, State of New York  
No. 01ME6077217  
Qualified in St. Lawrence County  
Commission Expires July 8, 20 10