



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

September 20, 2002

Jonathan Marmor, M.D.
Mt. Sinai Medical Center
Division of Cardiology (1030)
One Gustave Levy Place
New York, New York 10029

Re: **Gattuso v. State of New York**

Dear Dr. Marmor:

This is to confirm your retainer as an expert in the field of Cardiology by the Office of the Attorney General of the State of New York in regard to the above case.

The terms of your retainer are as follows:

Preparatory Work: \$400.00 per Hour

Court Work: \$5,000.00 per ½ Day

Expenses (at State rates) Included in the Above Rates: Yes No

Cost Summary

Preparation Work	\$6,000.00
Court Work	\$5,000.00
Estimated Expenses	N/A
Total Maximum amount of Retainer	\$11,000.00

The rates and costs outlined will be the maximum amount paid for your services on this case. If your rates are quoted as per diem and less than a full day of preparatory work is performed, payment will be pro-rated for the time worked.

All the reports, information, data, and other papers and materials in whatever form prepared or assembled by you under this Agreement are confidential, and you shall not discuss them with or make them available to any individual or organization, other than in connection with the performance of those duties and responsibilities, without the prior written approval of the Attorney General or his representative. You shall insure that all confidential or privileged records are kept in appropriately secured areas and shall take reasonable precautions to protect the records in its custody from the dangers of fire, theft, flood, natural disasters and other physical threats, as well as unauthorized access.

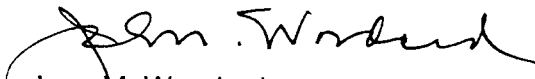
Invoices should be submitted on a monthly basis to the attention of the State of New York Office of the Attorney General, Budget and Fiscal Management Bureau, Legal Support Unit, Attn: Sharan Carcia, State Capitol, Albany, NY 12224. Invoices should include the following: the Contractor's complete name, telephone number and address, Social Security Number or Federal Identification Number, the name of case, name of the attorney assigned to the case, specific dates worked and hours worked on those dates, type of work performed for all time billed, original receipts for expenses, travel reimbursement at NYS rates, and invoices from pre-approved subcontractors.

The maximum amount of this retainer may not be exceeded.

If you need to make any changes to the terms of this retainer, please call the attorney immediately to discuss them. Do not make any changes to the retainer without the written approval of the Office of the Attorney General. Additional payments beyond the maximum amount of \$11,000.00 will be jeopardized without explicit prior written Office of the Attorney General approval.

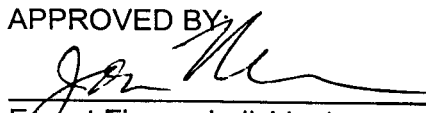
Please sign and return this letter to Margaret A. Stibinger, State of New York, Office of the Attorney General, Division of Administration, Budget & Fiscal Management Bureau, The Capitol, Albany, NY 12224-0341.

Sincerely,



Jean M. Woodard
Director of Budget and Fiscal Management

APPROVED BY:



Expert Firm or Individual

Date

9/24/02

Office of the Attorney General

Date

JMW:sjs

Marmur, Jonathan M.D.
Expert # 2748
September 20, 2002