

'Exhibit D'



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October 8, 2003

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ADAM M. STARR (NJ,PA)

Keivu Knox
Kmart Incident Center
Segwick Claims Management Services, Inc.
PO Box 5058
Troy, MI 48008-5058

RE: Kevin Meiswinkel v. Kmart

Dear Mr. Knox:

I have previously talked to you about the above captioned matter and the need to expeditiously select the mediator in this matter. As you know, the mediator must be selected in the area where the accident happened and is to be familiar with the law and practice of same.

When we talked on the phone you had told me that the Honorable Barry Weinberg was acceptable as a mediator and that you were going to contact him in order to proceed with mediation. As of this date, I have heard nothing from you or from Judge Weinberg.

Have you contacted Judge Weinberg? Has he agreed to go ahead and accept the mediation? Have you retained counsel in New Jersey to handle the mediation in your behalf? Please may I hear from you.

Cordially,

JARVE & KAPLAN, LLC


Michael A. Kaplan, Esquire

MAK/me