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October 14, 2013

**VIA FACSIMILE: (310) 556-3615**  
**VIA REGULAR U.S. MAIL**

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**ISSUED IN FURTHERANCE OF SETTLEMENT UNDERTAKINGS**  
**NOT EVIDENTIARY IN NATURE**

Re: Jose Alberto Pujols Alcantara v. Jack Anthony Clark  
St. Louis County Circuit Court Cause No. 13SL-CC03506

Dear Mr. Singer:

As noted in our recently filed Entry of Appearance, our firm and the undersigned represent Jack Anthony Clark ("Mr. Clark") in connection with the above referenced matter.

I have received and reviewed a copy of your August 16, 2013 letter directed to Mr. Clark ("Demand Letter"). I have also received and reviewed a copy of the underlying Petition prepared and filed on behalf of Jose Alberto Pujols Alcantara ("Mr. Alcantara").

As an aside, it is always a pleasure reading well-crafted and grammatically correct pleadings filed in virtually any state court, but in particular in state courts in the Heartland of America. I really liked the fact that your Petition mirrored your Demand Letter.

I am somewhat concerned, however, about the designation in the style of your Petition of the Plaintiff as Mr. Alcantara while in the text of your Petition you never reference Mr. Alcantara. In anticipation of your eye rolling expression of disgust at my raising the issue, I would like to confirm that I have indeed noted the designation in the style of your Petition that Mr. Alcantara is "better known as Albert Pujols." Unlike, "formerly known as," the "better known as" designation is not a legally recognized term of art in the circuit courts in the Gateway to the West. While not fatally defective if the text of the

Petition clarifies as a matter of record that Mr. Alcantara will prospectively be designated and referred to as "Albert Pujols," it is a matter of import in the world of pleadings construction.

Without intending to further digress (but being regretfully compelled to do so), my name is Albert, not Alberto. One of your client's many legal names appears to be Alberto. However, in the text of your Petition, you refer to him as "Albert." While in the Dominican Republic, whence I understand Mr. Alcantara hails, I met a Dominican citizen named Albert. He did not respond to the moniker Alberto. I also met a Dominican citizen named Alberto. He did not respond to the moniker Albert. The nuances of names in Latin America can indeed be interesting. To avoid future confusion on any level, and with a tip of the hat to Mr. Simon of Simon and Garfunkel fame of yesteryear, Martin, when you call me, you can call me Al.

Having dispatched with the preliminaries, it appears the clumps in the proverbial kitty litter of this case relate to statements attributed to Mr. Clark about "juicing" by Mr. Alcantara. At first blush, this appears to be an important issue in the underlying case. I have exhausted definitional resources (read: Googled until I got tired) and have noted this term "juicing" has multiple meanings. I would refer you to Jack Lalanne if he was not already deceased. To avoid prospectively unnecessary motions for clarification, kindly consider this a request that you specify as a matter of court record that which is meant when the term "juicing" is used in your Petition.

A similar issue arises out of your use of the three words, "performance enhancing drugs." Without in any way intending to belittle the importance of erectile dysfunction to those who, regularly or from time to time, suffer from the frustration associated with "taking batting practice with a rope", but Viagra™ is considered by a whole lot of folks to be a performance enhancing drug. For that matter, Ben Gay™ may be considered a performance enhancing drug. Perhaps I am speaking out of turn, but I would strongly discourage the concurrent use of both Viagra™ and Ben Gay™. Again, I digress. That being said, kindly consider this a request that you define as a matter of court record specifically those drugs that you consider encompassed by your use of the three words, "performance enhancing drugs."

As noted above, I have spent time in the Dominican Republic.\* I was indeed impressed with the wide array of readily and publicly accessible steroids and performance enhancing drugs. This has been the subject matter of a not insignificant amount of sports radio talk show banter. Again, as noted above, while traversing the world of Google, I also spied more than a handful of published pieces which appear to insinuate that Mr. Alcantara and performance enhancing drugs go together like the childhood favorite, peas and carrots.

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\*One of my favorite Italian restaurants is a little joint near the Hyatt in Santo Domingo called Vesuvio. If you have a chance to drop in, tell them Al sent you. (Phone:809-221-1954)

I can only conclude that Mr. Alcantara is upset about being the subject matter of allegations and statements of this nature over the years. This upset is understandable, especially if they are off the mark.

In re-reviewing your Demand Letter, my eye was attracted to the italicized sentence on the first page (which I think was the intent of the use of italics). You concisely noted that Mr. Alcantara "*has never taken any illegal performance enhancing drugs...*" (emphasis added to add emphasis). I do not see any allegations in the underlying Petition encompassing the assertion that Mr. Clark referenced illegal performance enhancing drugs. Am I missing something on this front (not rhetorical)? Does your statement mean that Mr. Alcantara admits to taking legal performance enhancing drugs?

Your Petition contains a number of erroneous statements which, given my writing style, might best be assigned to one of our firm's many learned associates to concisely delineate in a fashion consistent with your literary skills. Notwithstanding, and perhaps despite, same, the fact remains that both of our clients are inextricably linked to a sport which in every sense has become an iconic touchstone for this great land, and elsewhere. Both of our clients have demonstrated on field prowess and a competitive spirit (of course, Mr. Clark did so in the pre-performance enhancing drug usage days) which, in a sense, render our respective clients spiritual siblings (baseball brothers, if you will).

If that which you eloquently set forth in both your Demand Letter and in your Petition is true, this matter-in-controversy appears to present a terrific opportunity for both of our clients to clear the air, not simply for personal reconciliation purposes, but for the betterment of Major League baseball, its players (past and present) who have been sullied by the current state of baseball affairs, and, perhaps most importantly, the American public. There are countless boys and girls (to whom both Messrs. Alcantara and Clark commit significant time and resources), whose interests would be served by seeing two stand-up guys of conviction not only make peace, but confirm their integrity and, in turn, the integrity of those with whom they play(ed).

Your client's commitment to donate all monetary damages awarded him in this case (assuming, arguendo, a judgment is entered in favor of your client) is noble. It is also indicative of what appears to be your client's disinterest in monetary gain from this case and his prioritization of a charitable cause. Again, this is noble. But I am compelled to point out that odds tremendously favor Mr. Alcantara paying your firm (and your St. Louis based counter-parts/colleagues) more in legal fees prior to his deposition being taken than one could ever hope in one's wildest and wettest of dreams to procure through post-judgment execution efforts directed at seizing or procuring assets of Mr. Clark. I remember my father telling me as we walked stoically from the graveside of my then recently buried maternal grandfather, "son, we are simply on this earth killing time between funerals." It would sure be nice if these two baseball legends employed their

talents, skills, charm, charisma, good looks, swagger and convictions to further a cause other than the litigation initiated by Mr. Alcantara.

To that end, and in furtherance of non-evidentiary settlement undertakings, I have been authorized to proffer the following as a settlement proposal on behalf of Mr. Clark.

The terms of the settlement proposal are as follows:

- a) Your client submits to a polygraph test to ascertain whether he is being deceptive when he asserts that he has never used steroids or performing enhancing drugs while in the minor and major leagues;
- b) My client submits to a polygraph test to ascertain whether he is being deceptive when he asserts that your client's trainer, Mr. Mihlfeld, told him that your client "juiced";
- c) The administrator of the polygraph test will be either:
  - a. Such certified administrator of polygraph tests selectED by the Commissioner of Major League Baseball, or
  - b. Such certified administrator of polygraph tests selected by each of the certified administrators of polygraph tests selected by each of our respective clients; or
  - c. Such certified administrator of polygraph tests as determined by the presiding judge of the Circuit Court of the County of Saint Louis, Missouri.
- d) The test results must be made publicly available and the administrator of the polygraph tests must be permitted to answer public and media inquiries relating to the tests and results;
- e) The parties will bear equally the cost of the polygraph tests;
- f) The parties must agree to fully cooperate with law enforcement authorities and Major League Baseball in connection with any and all current and prospective investigative undertakings directly or indirectly relating to the use of steroids and performance enhancing drugs in Major League Baseball or by those providing training and health and medical services to Major League Baseball players.
- g) If Mr. Clark is found to be deceptive and Mr. Alcantara is found to not be deceptive, Mr. Clark will climb to the highest mount in a loin cloth (read: issue a public statement) fully retracting all objectionable statements, apologizing to the world, and promising never to prospectively cast Mr. Alcantara in any disparaging light to dispose of the case;
- h) If Mr. Pujols is found to be deceptive and Mr. Clark is found to not be deceptive, your underlying Petition will be dismissed, with prejudice, and your client will issue a public statement apologizing to Mr. Clark;
- i) If both Mr. Pujols and Mr. Clark are found to be deceptive, your Petition gets dismissed, again with prejudice, and neither party needs to apologize to the other.

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As you probably have already concluded, a great deal of time has been expended to establish this suggested settlement protocol. I believe that we can agree that the protocol employed by Lance Armstrong when he judicially protested with vigor in

response to allegations of doping was not, given the totality of circumstances, a course of action either of us would have recommended.\*\*


I have been authorized to extend this settlement proposal for consideration by your client for a period of ten (10) days after which, if not accepted, will be deemed withdrawn. Thereafter, I have been instructed to vigorously proceed with what inevitably will be a highly charged, entertaining, and public spectacle.

With warmest personal regards, I am

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\*\* I still have my Livestrong bracelet, do you?

Very truly yours,

  
Albert S. Watkins, L.C.

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