

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

DAWN COOPER,
 Plaintiff

CIV #98-362

vs.

TIMOTHY L. JAMES,

Defendant

AFFIDAVIT OF
MICHAEL F. MARLOW

FILED

***** FEB 23 1999 *****

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF YANKTON)

Carolyn L. Hanson
CLERK OF COURTS

Michael F. Marlow, being first duly sworn upon his oath,
deposes and states as follows:

1. Your affiant is an attorney duly licensed in the State
of South Dakota.

2. Your affiant states that he is familiar with both the
Plaintiff, Dawn Cooper formerly known as Dawn Sprik, as well as
the Defendant, Timothy L. James.

3. Your affiant states that in 1994 he was aware that the
Plaintiff then known as Dawn Sprik and her spouse at that time,
Calvin Sprik, were involved in a divorce proceeding.

4. Your affiant states that he in late July, 1995, he was
advised by Timothy James, that Ms. Sprik apparently had stated
that the two of them had engaged in a sexual affair.

5. Mr. James indicated to me that that was not the case,
but that he believed this allegation made him a potential witness
resulting in a potential conflict of interest.

6. Your affiant states that due to his legal training and
experience, your affiant understands the nature of a conflict of

interest.

7. Your affiant further states that in late July, 1995; your affiant was contacted by Dawn Sprik.

8. Your affiant states that he explained to Ms. Sprik that Mr. James could have a conflict of interest relative to the Plaintiff's then ongoing divorce action if he were a potential witness to any material issue.

9. Your affiant states that during his discussion with the Ms. Sprik, your affiant advised Ms. Sprik that Mr. James could not be her attorney and also be a witness in her divorce action.

10. Your affiant states that he explained the potential conflict of interest to Ms. Sprik at some length.

11. Your affiant states that he believes that Ms. Sprik understood the content of their conversation.

12. Your affiant states that during the entirety of their conversation, Ms. Sprik was conversant and seemed to understand everything that was discussed with her.

13. Your affiant states that during the conversation Ms. Sprik was concerned about losing Mr. James as her attorney.

14. Your affiant states that at no time was Ms. Sprik upset or crying.

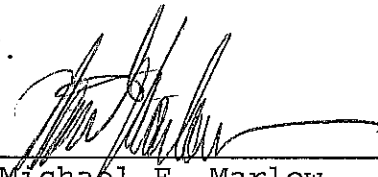
15. Your affiant states that Ms. Sprik stated to him that she was very satisfied with Mr. James' representation and had intimidated her husband, Cal.

16. Your affiant further states that Ms. Sprik advised him that she wanted the Defendant, Timothy L. James, to continue to represent her in her ongoing divorce proceedings.

17. Your affiant further states that during the summer of

1997, Rick Johnson, one of the attorneys for the plaintiff, contacted your affiant and discussed plaintiff's allegations with your affiant.

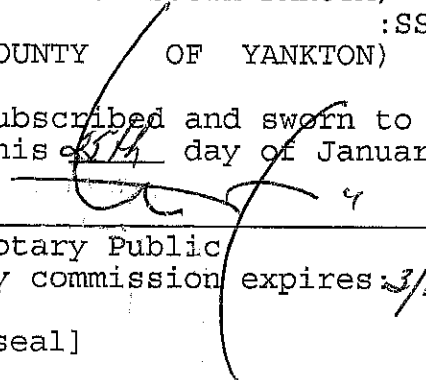
FURTHER YOUR AFFIANT SAYETH NAUGHT.



Michael F. Marlow

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF YANKTON)

Subscribed and sworn to before me
this 15th day of January, 1999.



Notary Public
My commission expires: 3/22/99

[seal]