

January 9, 2025

Andrea Fraser  
Deputy County Attorney  
Lee County Attorney's Office  
P.O. Box 398  
Fort Myers, FL 33902

Re: D'Agostino, Eugenie v. Lee County Port Authority d/b/a Southwest Florida Airport

Dear Ms. Fraser:

As you are aware, I had previously represented the Lee County Port Authority in the above captioned workers' compensation matter. I have accepted a position with the Morgan & Morgan firm. The claim is being prosecuted by the firm. This may constitute a conflict of interest. Pursuant to Rule 4-1.7(b), Rules Regulating the Florida Bar, conflicts can be waived if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing or clearly stated on the record at a hearing.

Upon acceptance of the position, I have no access to the file, am prohibited from performing any work on the matter and will not discuss the matter with anyone. I add my personal and professional assurance that no disclosures of any kind will be made regarding the matter.

I respectfully request that you review this matter and determine whether the County can waive the conflict of interest. If so, I ask that you please have the appropriate party date and sign where indicated below. Please return a copy of this signed letter to me. I thank you for your kind attention to this matter. Naturally, if you should have any questions or concerns, please do not hesitate to contact me to discuss them.

Very truly yours,



Russell S. Whittle  
rw42nd@yahoo.com  
239-770-1992

I have read the foregoing letter from Russell Whittle. I understand that Morgan & Morgan seeks Lee County's waiver of a conflict of interest so that Mr. Whittle may accept employment at Morgan & Morgan. Mr. Whittle and the firm have affirmed that he will not have access to the claim, will not perform any work on the claim, and will not discuss the matter with anyone. Lee County consents to a waiver of the conflict of interest such that Morgan & Morgan, including the lawyers practicing within such Firm, may represent the claimant in the above action.

LEE COUNTY

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Its: \_\_\_\_\_