

January 31st, 2005

BY EMAIL

Dear Mr. Barr,

It was nice talking with you today. As I have repeatedly told you, you have never been discharged by me, and I can't discharge you under the circumstances presented. I managed to preserve the matter before the Appellate Division despite your refusal to appear before them, and you continue to do so. I dispute that you have the right to keep the retainer paid to you to accept the October 16th retainer agreement by which you were hired. I bought a contract with you and now you continue to refuse to act according to that contract. Although you performed some good and valuable service, we should get our money back.

Your recourse to obtain a discharge, therefore, is to file a motion in Riverhead and with the Appellate Division. I understand that you will return all of our documents to me at that time. Although you will do what you want, I recommend that you avoid further attempts at personal disparagement.

I thank you for your past efforts on our behalf and I am sad that it may end this way.

Yours,

Robert A. Ficalora
MFOP/Montauk Trustee Corporation