

Bob Ficalora

From: Bob Ficalora [bobfic@montauk.com]
Sent: Wednesday, January 05, 2005 8:28 PM
To: Gene Barr
Cc: Bob Ficalora; Carla Grimm; Carolyn Carson; Connie Judson; Helen Ficalora; Jay Sayers; Richard Monahan; Stuart Bennett Vorpahl; William Grimm
Subject: Concern and requirements not met
Importance: High

Dear Mr. Barr,

I'm finalizing the documents pertaining to your dismissal and release from the October 16th, 2004 retainer contract establishing you as the attorney authorized to represent MFOP/Montauk Trustee Corporation. My offer to cancel our contract and discharge you in return for the \$7,500 retainer that you were paid by the MFOP/Montauk Trustee Corporation cannot be effected yet, however.

I am disturbed by your failure to include language that you were returning the files to me in the discharge papers. You were instructed to send them forthwith and I repeatedly gave you our FedEx number. Your major breach of contract was that you were not faxing me copies of the documents as required in your retainer agreement despite repeated demands that you do so.

At this time I cannot sign a document that releases you from the October 16th, 2004, contract. You were retained as authorized attorney of the Montauk Friends of Olmsted Parks / Montauk Trustee Corporation until I have the record in my possession and am satisfied that it is complete.

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I also think that it is a courtesy to the court to hold off your dismissal until after they have reviewed the matter. I retained an attorney because the court said that I had to and apparently I didn't do a good job for them. I will be back before them shortly and will present this issue.

Also, I haven't received copies of the affidavits of service from you. GOTCHA! Sent me all of the affidavits except The Nature Conservancy, Inc.. I have contacted a number of the parties that were supposedly served and they hadn't seen the documents.

Thank you for forwarding you affidavit of service made on November 23

It Yours,

Robert A. Ficalora
CEO, MFOP/Montauk Trustee Corporation

p.s. Please only refer to our corporation as either the "Montauk Friends of Olmsted Parks / Montauk Trustee Corporation" or the "Incorporated Township of Montauk".