

THE LAW OFFICE OF GENE D. BARR, ESQ.

PROFESSIONAL MEDIATOR

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*NOT TO BE USED FOR SERVICE WITHOUT PRIOR CONSENT

Of Counsel:
HOWARD WURMAN

January 4, 2005

TO: MFOP / Montauk Trustee Corp.
C/O Robert A. Ficalora
PO BOX 2612
Montauk, New York, 11954

Dear Mr. Ficalora,

Please be advised that the following e-mail was received by my office and taken as a letter of discharge:

Subject: RE: Cancellation of 5704 motion
From: "Bob Ficalora" <bobfic@montauk.com>
Date: Mon, December 27, 2004 5:37 pm
To: gbarr@suffolkaw.net
Cc: "Bob Ficalora" <bobfic@montauk.com> (more)
Priority: High
Options: View Full Header | View Printable Version

Gene,

You will do as instructed.

You are in breach of contract and our agreements. You are to forward all of your billings to me and we are to proceed toward your dismissal and the formal vacature of our agreements.

Please return all unexpended money from the \$2,000 expense fund with receipts of expenditures. We will negotiate how much of the \$7,500 retainer will be returned.

Yours,

Robert A. Ficalora

Furthermore, the following e-mail received from your office by mine clearly demonstrates, aside from your insulting and snide remarks, that you acknowledged my receipt of your discharge and state that our agreement has been "...effectively vacated..."

Subject: Barr Discharge
From: "Bob Ficalora" <bobfic@montauk.com>
Date: Wed, December 29, 2004 7:12 pm
To: gbarr@suffolkaw.net
Cc: "Bob Ficalora" <bobfic@montauk.com> (more)
Priority: High
Options: View Full Header | View Printable Version

Dear Mr. Barr,

My estimate is that you performed about ten (10) billable attorney hours, or \$2,500 worth of work. What I would like, therefore, is for you to return \$5,000 of the \$7,500 retainer to me. Our agreements and your affirmations do not allow for "irreconcilable differences with [my] methodology". Furthermore, because I allege breach of contract and fraud in your actions and billings, the retainer conditions you now cite are now a nullity subject to judicial review and determination.

I also note that with your other email informs me that you have noticed all parties of your "discharge". *The Rubicon, therefore, has been crossed and our agreement has effectively been vacated.* (Emphasis added).

I am willing to split the difference and settle with your returning \$2,500 to me with a general termination of Contract and release of liens. This would leave you with \$5,000 in your pocket and assist me in retaining a new attorney.

We have been greatly injured by your actions, please don't increase that injury. A check from you for \$2,500 with a general release and we move in life. Please acknowledge this settlement and forward the check ASAP.

Yours,

Robert A. Ficalora
CEO,
MFOP/Montauk Trustee Corp.

Additionally, on Thursday, December 30th, 2004, you informed Richard Cahn, Esq., presumed attorney for the Town of East Hampton that I was no longer representing you and that you were representing Montauk, Inc.

AGAIN, PLEASE BE ADVISED THAT I NO LONGER REPRESENT YOU AND YOU NEED TO RETAIN SUBSTITUTE COUNSEL IMMEDIATELY as my representation was of a corporation and as you are not an attorney cannot represent Montauk Inc..

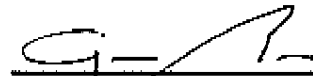
As my original offer of settlement was a one time offer and as my own counsel has advised me to withdraw that offer, out of respect to your goals, I extend that offer until close of business Monday, January 10th, 2005, at which time I shall prepare an Order to Show Cause for Discharge. Please understand that I make this offer as a courtesy to Montauk, Inc. and to you personally believing that an Order to Show Cause submitted to all parties requesting judicial discharge with attached explanatory affirmation shall be a personal embarrassment to you and serve no purpose in furthering the goals of Montauk, Inc. My offer is overly generous Bob, please take a moment to reconsider it. Again, I wish you, your efforts and Montauk, Inc., no ill will.

I am forwarding, via fax and U.S. Mail, a letter (2 pages) sent to my office from Richard Cahn, requesting that I "...transmit a copy of [his] letter directly and expeditiously to Mr. Ficalora..."

I am also forwarding a NOTICE OF MOTION TO DISMISS THE PETITION (6 pages) and RESPONDENTS' MEMORANDUM OF LAW IN OPPOSITION TO ARTICLE 78 PROCEEDING (7 pages) from the Suffolk County Water Authority and Suffolk County Legislature. It is very interesting to note that every issue presented in their papers were issues and concerns raised by me and dismissed by you.

I continue to wish you well in your pursuit and pray for a successful outcome.

I remain respectfully,



GENE BARR, ESQ.

Attorney at Law

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Patchogue, New York, 11772

Phone:(631) 654-5050

Fax:(631) 207-0023

cc: Robert A. Ficalora,
(Originals)
6753 Bellevista Place NW,
Olympia WA 98502

Robert A. Ficalora

Copy of same with attachments faxed to 1-631-614-4319 this day.