

February 10, 2023

*Via Electronic Mail*

[REDACTED]

Dear Mr. [REDACTED]

Re: [REDACTED]

Our File No.: pending

---

We have been retained by [REDACTED] to represent you in connection with the above-referenced action. As you know, the claim has been put into suit by [REDACTED] New York. Please rest assured that the full resources of this office will be devoted to representing you in this matter. Further, please be assured that any and all communications between you and me or anyone from my office are confidential and protected by the attorney-client privilege, and they will not be disclosed or revealed to any third party

As an initial matter, we ask that you refrain from speaking with anyone regarding this matter other than a properly identified representative from this office or [REDACTED]. If anyone else contacts you about this matter or this lawsuit, please refer them to us. Additionally, please promptly inform us of any and all information and/or materials that you think may be relevant to this matter, as well as provide any updates, changes, or other information that develops while this case is pending and that may be relevant. This includes things such as the following:

1. The entire closing file for this property;
2. The entire stewardship file for the easement;
3. The BDR for the easement (to the extent not included in the stewardship file);
4. All surveys and/or maps for the easement properties (to the extent not included in the stewardship file);
5. All reports from monitoring visits, including enclosure letters that were sent with copies to the landowners and including scheduling emails or letters (to the extent not included in the stewardship file);

February 10, 2023

Page 2

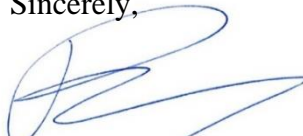
6. All communications with the original grantor and the current landowner/plaintiff regarding the boundaries of the easement (note that the term “communications” as used here and elsewhere includes letters, emails, and text messages), as well as notes from any oral communications;
7. Any communications with the current landowner and/or her attorney;
8. Any witness identities and statements;
9. All other proposals and communications regarding the same from the current landowner;
10. Any amendments and/or requests for amendments to the easement (if any);
11. Meeting minutes from board meetings and/or committee meetings where this easement was discussed;
12. Transaction checklists, procedures, and/or policies that were in place at the time that this easement was acquired;
13. Any other communications, internal or external, relevant to this dispute; and
14. Anything else that you think may be helpful or relevant (either favorable or adverse) to this matter.

Furthermore, we are under a legal obligation to preserve relevant documents, photographs, and/or other materials that relate to this litigation, including those discussed above. Any destruction of such materials, even if inadvertent, could prejudice your rights in this action. Accordingly, if you are in possession of any such material, please preserve it and provide it to our office immediately; you can contact our office to discuss the logistics of how to provide these materials.

Lastly, if you have any other insurance policies that may provide coverage for this matter, please notify those insurers immediately. Alternatively, please provide me with any insurance policies that you think may be applicable, and I will provide the requisite notice. The failure to promptly notify these carriers of this lawsuit may result in a loss of insurance coverage under those policies.

Of course, please feel free to contact me at any time if you have any questions or concerns pertaining to this matter. Thank you.

Sincerely,



Phillip A. Oswald