

Subject: proposed stipulation - summary judgment in the stormwater suit

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Date: Wednesday, September 14, 2011 4:21 PM

Good afternoon, Frank:

Since the local rules require a stipulation on facts between the parties in support of a motion for summary judgment, we'd like to begin that discussion with you. Toward that end, I've attached our first draft proposed stipulations of fact.

As you'll see, we cite authority or reference for the facts so that you'll know the basis for the assertions.

We have not attached the actual authority but certainly could provide it, should you have any questions regarding authenticity, etc.

Probably the single most important fact is number 6, regarding the trust parcels that are the subject of the suit. To simplify this, we began with your list of parcels for which Hobart billed the US for outstanding charges, with the omissions and additions noted. We could provide the actual listing, identified by tax parcel number, if you want to examine each parcel.

If you would, please redline any changes you'd like to make.

We look forward to hearing from you.

Arlinda.

Exhibit 1