

**Sara Bridgeforth**

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**From:** Kirstin Jahn <Kirstin@jahnlaw.com>  
**Sent:** Thursday, October 27, 2016 11:38 AM  
**To:** Howard Bernstein; Kate Lynn Merlin  
**Subject:** Claim of disparagement/ Settlement Agreement

Kate,

Despite its disagreement with your position that certain references are "disparaging" to Open Studios, BOMA has removed the references which were specifically identified.

We disagree with your position that the following is "disparaging":

- \* Links to press articles; and
- \* Information contained on individual personal facebook pages of BOMA Officers and Board Members, especially when those pages merely post newspaper articles or links to those articles. (Indeed, the personal facebook pages of Open Studio Board members contains this information.)

If you have some legal support for this position which might change our position, please provide it so that we can consider it and respond.

As to the settlement agreement, in light of the subjective nature of the meaning of "disparagement" as evidenced by you over the last couple of weeks, BOMA requires a notice and cure provision. It is a reasonable clause contained in any settlement agreement which requires continued action by the parties. In addition, a mediation clause seems reasonable in light of the past differences of opinion on the plain meaning and legal interpretation of certain terms.

If we are at a stalemate, then I suggest we contact the court to assist in finalizing the parties' agreement.

Sincerely,

Kirstin Jahn

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