

Subject: Re: Disparagement

From: Kirstin Jahn <Kirstin@jahnlaw.com>

Date: 10/26/2016 11:25 AM

To: Kate Merlin <katelynnmerlin@gmail.com>

CC: Howard Bernstein <howard@bernsteinattorney.com>

Kate,

I have not received any further instances of disparagement. In your cell phone call today, you again argued generalities about disparagement, failed to provide any further clarification or specifics about other items you deem disparaging and advised me your only choice was to take this to the Judge.

I stated that without knowing the specifics, we could not address any further issues and noted that a judge would also have a hard time ruling on this issue without specifics. You responded by stating my client should know what is disparaging and you were not going to search the web and find every disparaging remark made -- which you were certain there were out there -- and then began a soliloquy on on what and how I should be advising my client. At this time, I advised you that your comments were rude and to put any further issues in writing.

My request is simple. If you have further instances of disparagement, please identify them specifically in writing so that I may review them and respond accordingly.

If you have changes to the proposed settlement agreement, please provide them in writing as well.

Sincerely,

Kirstin

On 10/26/2016 9:47 AM, Kate Merlin wrote:

Kirsten,

11 am works fine for me.

Kate

On October 25, 2016 at 3:43:29 PM, Kirstin Jahn (kirstin@jahnlaw.com) wrote:

Yes. I would like to go over this with my client -- so would 11 work?

On 10/25/2016 3:29 PM, Kate Merlin wrote:

EXHIBIT D2

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Kirsten, I no longer have time to talk today.

Can we talk in the morning?

Kate Merlin

On October 25, 2016 at 3:18:57 PM, Kirstin Jahn (kirstin@jahnlaw.com) wrote:

Yes. I am here.

You may have shown up on my caller ID as Anonymous- due to the overriding calls regarding the election, I do not answer those calls.

What number can I call you on?

On 10/25/2016 3:05 PM, Kate Merlin wrote:

Dear Kirsten,

Just reminding you that we had a 3:00 pm phone call set for this afternoon.
Thanks.

Kate Merlin

On October 25, 2016 at 2:04:46 PM, Kate Merlin (katelynnmerlin@gmail.com) wrote:

Dear Kirsten,

I received your memorialization email, and we see that your client has removed certain posts regarding Open Studios from BOMA's Facebook page. However, I was disappointed to find several instances on BOMA's website and Facebook that are still

EXHIBIT D2