

BUSINESS | LITIGATION | ASSOCIATES PC

IRWIN B. SCHWARTZ
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January 19, 2010

By U.S. MAIL

Michael Newman
401 Sandy Valley Road
Westwood, Massachusetts 02090

Re: Sandy Valley Road Dispute

Dear Mr. Newman,

This office represents Tom and Mary Ann Soltys, who reside at 461 Sandy Valley Road, in connection with their potential claims arising from your letter to Ralph Phaneuf dated January 11, 2010. Your letter contains numerous misrepresentations regarding 461 Sandy Valley Road that you must know to be false. By nevertheless making these allegations in a public forum, your letter may constitute libel, defamation and an abuse of Westwood's petitioning process. Accordingly, if your letter is not publicly withdrawn, the Soltys family will take all steps necessary to protect their rights.

More specifically, in a clear attempt to wrangle road improvements for your own business purposes, you blame the perceived "poor condition of Sandy Valley Road" on "water emitted from the [Soltys] property at 461 Sandy Valley Road." You also claim that my clients "installed" a pipe that causes water to flow "onto the road, creating an icy mess" and that my clients should be held responsible for the road repairs you seek for Wildstar Farms, your destination horse property. Shame on you.

First, as you should be well aware, my clients never installed a pipe in the location you describe. Your misrepresentation that they did so is evidence of your desire to deflect attention from your own permitting issues to my clients, who are in full compliance with Westwood permitting and wetland regulations.

Second, rather than playing hydrologist and purporting to blame one family for any ice on the road, you well know that Sandy Valley Road is surrounded by wetlands and it is common for ice and snow to form on the road. Indeed, all the upland properties along the western side of the road, including yours, contribute to the ice on the road every time there is a thaw. To blame it on one property is nonsensical.

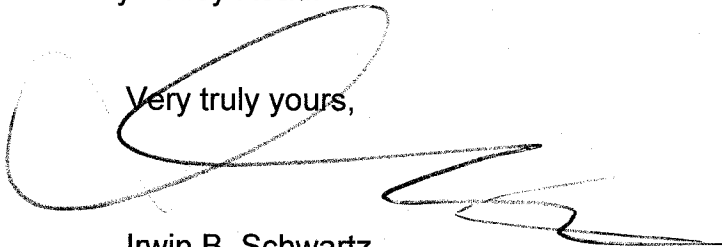
Third, your letter exaggerates and misrepresents the conditions on Sandy Valley Road. The road is not "treacherous" and there is no need for repair additional to that currently performed by the Town. In fact, numerous residents prefer to keep the road in its present condition reflecting its "scenic way" designation and because it coincidentally helps control the speed and volume of traffic. The fact that Sandy Valley Road is not

suitable for your business concern does not justify your attempt to vilify my clients as part of your campaign to change the nature of the road.

Indeed, under the guise of claiming a public safety issue, you are evidently seeking to justify improvements to the road in order to facilitate the permitting process for Wildstar Farms. Your letter does not disclose that my clients oppose your permit. Seen in this proper context, your letter is nothing more than a transparent attempt to retaliate against my clients for opposing to your permit for Wildstar Farms. This is unconscionable and amounts to libel, slander, defamation and abuse of process.

In short, Tom and Mary Ann Soltys demand that you publicly withdraw your letter to Ralph Phaneuf dated January 11, 2010 and refrain from falsely casting aspersions upon them of their property at 461 Sandy Valley Road.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Irwin B. Schwartz', with a large, sweeping initial 'I'.

Irwin B. Schwartz

cc: Ralph Phaneuf
Conservation Commission
Town Administrator
Board of Selectmen
Craig Foscaldo
Duncan McFarland
Stephen Pellegrino
Daniel C. Hill, Esq.