

SPORTIS®

SPORTIS Joint Stock Company
Na Dambnik 22, Bojano
84-207 Koleczkowo, POLAND

Bojano, 16th June 2015

Darren K. Indyke, PLLC
575 Lexington Avenue, 4th Floor
New York, New York 10022
USA

Re: Your letter dd. 28th May 2015, LSJE, LLC v. Sportis S.A. And Tadeusz Zygowski

Dear Mr. Indyke,

With reference to your letter dd. 28th May 2015, herewith we would like to indicate the following facts.

1. On 23rd May 2013 we received an inquiry from Mr. Roy Hodges, who informed us that he was interested in buying our boat model S-10500/K from our professional series.
2. The detailed specification of the boat's outfitting was discussed and agreed with Mr. Roy Hodges and Mr. Richard Kahn, what resulted in signing of the contract in July 2013.
3. Before signing of the contract (please see my e-mail to Mr. Richard Kahn dd. 24 June 2013), we suggested that it would be reasonable that a representative of LSJE, LLC came and carried out the technical inspection of the final product in our factory. We also offered Mr. Richard Kahn to hire an inspector of any classification society, who would be present during production and loading of the boat for transportation. Additionally in our e-mail to Mr. Richard Kahn dd. 1st July 2013, we offered to carry out a joint sea trial either in Switzerland or Poland, together with us covering your travel expenses.
4. With reference to the report issued by Associated Marine Surveyors & Adjusters, Inc., our standpoint was presented by e-mail dd. 14th March 2014 (the e-mail is attached for your recollection). It is not true that the boat is excessively noisy at rest, intolerably noisy and choppy while underway and unsafe to operate due to helmsman obstructions. In our opinion this could be a subjective opinion of your principal, who tried to compare our cabin boat to a competitive brand not cabin RIB (which pictures we have received by e-mail), claiming that

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Tel: [REDACTED]
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the noise is incomparable. However those are completely different boats, one is an open RIB with a roof and wide windscreen, the other is a fully closed cabin RIB.

5. We draw your attention to the part of the a/m report, where the Surveyor states that 'The possibility exists that the hard ride at speed and the hull noises in still water are acceptable for applications where the high speed turn is their priority. Performance is more important than comfort for law enforcement'. In this particular case we have balanced these two features. Due to the fact that the feature 'comfort' is subjective, we insisted on somebody being present at testing of any of our existing boats Sportis S-10500/K. We cannot afford to build boats and afterwards take them back if the client is dissatisfied that the boat does not meet his/hers expectations.
6. It is not true that 'visa delays' are 'supposed'. Any Polish citizen who wants to enter the territory of USA needs to have a valid visa, and the whole process of having such granted takes a few months.
7. Regarding the shipment of the boat back to Poland, first of all you did not consider our suggestions, and sent the boat without engines. For your information, normally we do not have two same engines (regular and counter rotation) which we can just simply use for testing other boats. We needed to wait for earliest possibility to use other engines. Secondly, you sent the boat on a trailer what caused us many transport problems. We could not haul the trailer with car as the trailer did not meet the Polish road regulations (such big trailers must have breaks and eye hook instead of ball hook). Totally it took 10 days before we were able to release the boat from the customs and arrange documents, not mentioning that we did not have the documents for your trailer.
8. We have undertaken all possible efforts in order to sell the boat. The boat was advertised on our website, auction portal, as well as directly offered to our old and potential customers. As informed Mr. Kahn several times, custom built boats are not easily re-sellable, especially in the winter time.
9. It is also not true that the boat has remained shrink wrapped, as the shrink foil was taken off in the USVI, and since then the boat was never shrink wrapped again. Remaining at our premises, the boat was kept under an easily taken off PVC winter cover.
10. Further to our correspondence with Mr. Richard Kahn, in order to improve the boat's comfort we added foam into the hull under the cabin, cushion into the bow part and plexi doors between the cabin's main part and bow compartment. Afterwards we tested the boat again, and the a/m works have reduced the noise. We informed Mr. Richard Kahn on 11th September 2014 that the boat is ready for collection within 2-3 weeks from this date. However we were informed that Mr. Epstein does not want this boat anymore.

Finally we will not comment your prickly remarks, and at this stage also our beared costs (additional works, testing, storage etc.).

Right now we are not able to repurchase the vessel from LSJE, LLC, however we are still trying to help you sell the boat. We also asked Mr. Richard Kahn also to try and sell the boat in USA.

Yours sincerely

Tadeusz Żygowski

