

EPSTEIN / Mme Peres "gardienne" - SDC 22 AVENUE FOCH 75116 PARIS

Marie-Joseph Experton

Tue 17/10/2017 10:31

To: EPSTEIN - INDYKE Darren <[REDACTED]>;

Importance: High

As announced in my previous mail and to answer your request of Friday: *"I just heard from Jeffrey that there is still no concierge at Avenue Foch. Jeffrey asked me to send you a note so that you can follow up with this."*, please note the following after full review with the building manager ("syndic") HELLIER DU VERNEUIL (HDV):

1.

Considering the fact that in early July, the concierge, Mrs. Peres, had been unable to perform her duties for the last few months (i.e. 289 days off work for illness during the past year), the **general meeting held on July 10th** decided:

(i) to proceed with Mrs Peres's dismissal and a mandate was given to HDV to follow up the proceeding until effective dismissal, and

(ii) the Management Committee ("*conseil syndical*") was given power to allow HDV to negotiate a settlement agreement to obtain her resignation.

2.

This second **option for a settlement agreement** (as opposed to a legal dismissal) was recommended by HDV, taking into account:

- the possible nuisance from Mrs Peres, still present on the site (where she has her apartment as part of her labor contract),
- the subsequent obligation to start proceedings to vacate the premises, which could last up to 12 months,

HDV considered that it was preferable to negotiate that Mrs Peres leaves the premises as opposed to be dismissed with a possible legal proceedings to get her out of the premises, with a dead line to get a final settlement agreement at the end of September.

3.

Verbal negotiations with Mrs Peres by HDV through her lawyer, mainly concern the **compensation to be paid to her on the top of the legal compensation imposed by applicable regulation**. At first, the amount for this "extra compensation" voted by the general meeting was up to 30,000 €. Mrs Peres was requesting 60,000 €. Later on, HDV asked the Management Committee to increase this extra compensation up to 40,000 €. On Friday October 13th, HDV indicated in a message (see attachment) that Mrs Peres would agree on 45,000 €.

4.

If the Management Committee agrees to the extra amount to be paid to Mrs Peres, a verbal agreement will be deemed to be reached and **a settlement agreement will be finalized in order to be submitted to a general meeting to be convened for confirmation**.

Please advise if one should agree on the 45,000 € extra compensation on the top of:
(i) the legal compensation amounting to 31,658 € and
(ii) miscellaneous amounts such as compensation for paid vacation, prorata of the 13th month of salary for a total cost of approximately 4,500 €.
Total cost for the owners: +/- 81,500 € (in the range of 12% of this amount for Mr. Epstein).

NB: I understand that the person representing one of the major owners (i.e. the Prince from Saoudie Arabia on the floor below Mr. Epstein's apartment) gave her OK for a settlement at 45,000 € as extra compensation, last night.

NBbis: In the meantime and due to the fact that no settlement was made before the agreed dead line of September 30th, HDV is sending the whole file to a lawyer to initiate the legal proceedings in order to put pressure and to avoid being held accountable.

Best regards.

Marie-Joseph Experton

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From: pc@hdv-sa.fr <pc@hdv-sa.fr>

Sent: 13 October 2017 12:15

To: Marie-Joseph Experton

Subject: SDC 22 AVENUE FOCH 75116 PARIS

Madame, Monsieur,

Bien que l'assemblée ait voté un budget de 30.000,00€ [REDACTED] au-delà de l'indemnité conventionnelle à verser à la gardienne, nous avons négocié avec elle.

Le conseil syndical nous avait donné l'autorisation de traiter à 40.000,00€.

La gardienne demandait 60.000,00€.

Lors [REDACTED] dernière conversation, celle-ci a finalement donné son accord pour 45.000,00€.

Si ce montant vous agrée, je vous remercie de me confirmer rapidement votre accord afin que nous puissions formaliser cela avec la gardienne.

Même si ce montant paraît élevé, cela permettrait de résoudre rapidement une situation qui, devant les prud'hommes et surtout devant les tribunaux [REDACTED] pour l'expulsion de la loge, peut durer des mois, voire des années.

Je vous prie de croire, Madame, Monsieur, en l'expression de mes sentiments distingués.
Cordialement

SA HELLIER DU VERNEUIL
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