

**From:** Cecile de Jongh <[REDACTED]>  
**To:** "jeffrey E." <jeevacation@gmail.com>  
**Cc:** Richard Kahn <[REDACTED]>  
**Subject:** Re: Better Roads  
**Date:** Tue, 21 Jun 2016 16:45:12 +0000

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No, I don't think that it's incomplete but I can change it to "I sincerely hope that you will opt to voluntarily return the funds so that we can avoid escalating this matter any further."

Is that better?

With warm regards,

Cecile

On Tuesday, June 21, 2016 12:35 PM, jeffrey E. <jeevacation@gmail.com> wrote:

last sentence incomplete??!

On Tue, Jun 21, 2016 at 11:51 AM, Cecile de Jongh <[REDACTED]> wrote:

This is a draft of the certified letter to Mr. Diaz that Darren wrote with my minor edits. Please let me know if this is fine to send to him.

Dear Mr. Diaz:

As I emailed you on Friday, April 8, 2016, I repeatedly called you all last week, leaving you numerous voice mail messages, as well as messages with your administrative assistant. Failing to receive any response, I also left a message for Mr. Jeffers and requested that that he forward that message to you. Mr. Jeffers has subsequently confirmed that he passed on the message however, you have yet to respond. Consequently, I am writing this letter to formally demand the immediate return to LSJE, LLC of \$114,540.53 previously paid to and unlawfully retained by Better Roads for work that has never been performed by Better Roads on Little St. James.

No representative of LSJE, LLC or Little St. James has ever signed any written agreement entitling Better Roads to charge any cancellation fee for work that has not been performed on Little St. James; nor has Better Roads at any time ever presented any representative of LSJE, LLC or Little St. James with a proposed contract that provides for the payment to Better Roads of such a cancellation fee. Moreover, no Better Roads representative has ever previously advised any representative of LSJE, LLC or Little St. James, either verbally or in writing, of any such cancellation fee, and there is simply no applicable statute or rule of law that authorizes Better Roads to charge or retain any such a cancellation fee. Better Roads' attempts to retain \$76,875 as a cancellation fee, in addition to the \$56,292.80 which it asserts as its costs on a project that it barely commenced and never completed, are therefore completely unlawful and entirely improper.

In the hopes of amicably resolving any disagreements between Better Roads and LSJE, LLC, the assertion by Better Roads that it has expended \$56,292.80 on work performed on Little St. James to date has not as yet been challenged by LSJE, LLC. However, should Better Roads refuse to return the remaining \$114,540.53 of the total \$170,833.33 which LSJE, LLC previously paid it, then LSJE, LLC shall have no choice but to pursue Better Roads legally for all moneys previously paid to Better Roads. In that event, Better Roads will surely expend will in excess of \$76,875 and face the loss of the additional \$56,292.80 it has retained in a futile effort to hold onto a cancellation fee for which there is absolutely no contractual or legal support whatsoever.

As I stated in my email to you, we are very disappointed with how this transaction has been handled to date, but are providing you with a last effort to see reason and settle this matter amicably. Please respond immediately confirming that you will promptly refund \$114,540.53 of the \$160,833.33 deposit which LSJE, LLC previously paid to you, or I will have no choice but to turn this matter over to LSJE, LLC's. I sincerely hope that it will not be necessary to escalate this matter further.

Regards,

Cecile de Jongh

With warm regards,

Cecile

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please note

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