

**From:** Richard Kahn <[REDACTED]>

**To:** "jeffrey E." <jeevacation@gmail.com>

**Subject:** Fwd: Your emails on March 23

**Date:** Wed, 28 Mar 2018 16:09:18 +0000

**Attachments:** Draft\_Confidential\_Memorandum\_Re\_Bainco\_03.21.2017\_Adocx.docx

**Embedded:** Mail\_Attachment.eml; Mail\_Attachment(1).eml; Mail\_Attachment(2).eml

**Inline-Images:** image001.gif

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Richard Kahn  
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New York, NY 10022  
tel 212-971-1306  
fax 212-320-0381  
cell 917-414-7584

Begin forwarded message:

**From:** Gene Landy <[REDACTED]>

**Subject:** Your emails on March 23

**Date:** March 28, 2018 at 12:08:38 PM EDT

**To:** "[REDACTED]" <[REDACTED]>

**Cc:** "Valeria Chomsky ([REDACTED])" <[REDACTED]>, "Noam Chomsky ([REDACTED])" <[REDACTED]>, "Deborah Pechet Quinan" <[REDACTED]>

Dear Mr. Kahn,

Deborah asked me to respond to both of the emails that you sent on March 23, 2018.

Regarding your conclusory allegations in both emails, they are inaccurate, and/or incomplete for reasons that we discussed in our phone call of the same date. We do not accept any of these allegations. Noam and Valeria's legal situation is multi-faceted. Your attempt to reduce it to a few accusatory claims is most unhelpful. If our clients want us to provide a detailed written description of the background and true facts, they can engage us to provide it; this denial of your conclusory allegations will suffice for now.

As you have been told, our law firm was not engaged to represent Noam in adversarial dealings with Bainco or Sam Bain and notified Noam and Valeria of that fact. We did inform them in writing of the potential claim in this regard, but also made it clear that our firm would not make a demand or sue Bainco or Mr. Bain. I explained this in person to both Noam and Valeria, and they certainly understood this. They have agreed to permit me to forward the related memo and correspondence concerning these issues, which you will find attached.

Similarly, we have not been engaged to make any claim against Noam's former attorney, Max Kohlenberg. You have informed us that Noam has engaged Steptoe & Johnson to represent Noam in adversarial dealings with Max Kohlenberg. As we discussed with you in the call, any discovery of Attorney Kohlenberg's

malpractice coverage, assuming that such insurance is discoverable, should be done by Steptoe & Johnson or directly by our clients. We believe that pursuit of potential claims against Attorney Kohlenberg is outside the scope of our current representation.

If Noam and Valeria have any issues with any aspect of our representation, we would be more than happy to discuss this with them. We will make ourselves available to hear their concerns.

If Noam and Valeria feel that an adversarial relationship with our firm, in the manner of your accusations, is what they want, then they should let us know. In that case, it may be best to conclude our work on their behalf in an orderly fashion so that they can engage other counsel. We will cooperate with any requested transition.

From a personal perspective, in addition to the inaccurate conclusory accusations, I found your harsh tone in our phone call and your all-caps demand in your email to Deborah to be quite disrespectful. I ask that you copy Noam and Valeria on all your communications with Deborah or anyone else at our firm, so that they can judge for themselves whether the tone and the substance of your communications is appropriate or accurately reflects their best interests. We believe that your aggressive tone, intimidation attempts, and accusatory statements are unwarranted, far beyond the scope of professionalism or reasonableness, and are interfering with our relationship with our clients. We have at all times acted consistent with their objectives and best interests and will not accept such treatment.

Very truly yours,

Gene

**Gene Landy**

Ruberto, Israel & Weiner, ■■■

Chair, Technology Business Group

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A Focus on Technology Business



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