

From: Valeria Chomsky <[REDACTED]>
To: "jeffrey E." <jeevacation@gmail.com>
Subject: Your thoughts
Date: Sat, 28 Oct 2017 14:02:29 +0000

Did you read this below?

I am concerned that Deborah "strategies" are going to cost us a fortune with little or no results.

----- Forwarded message -----

From: Deborah Pechet Quinan <[REDACTED]>
Date: Fri, Oct 27, 2017 at 4:56 PM
Subject: Fwd: trust
To: Noam Chomsky <[REDACTED]>
Cc: "[REDACTED]" <[REDACTED]>, Gene
Landy <[REDACTED]>

Dear Noam,

You are waiting for me to provide guidance as to how you can regain control of the trust funds. My plan is to prepare a memo for you outlining your options in light of the trust terms. I anticipate being able to spend some time on this over the weekend, along with reviewing the drafts of your estate planning documents. Once I have sent the memo to you we can discuss your thoughts and we can then respond to Max. Unfortunately this is a difficult situation, not simple and straightforward, because of the terms of the trust and fiduciary law applicable to trusts. Please see my email of 10/17 for an explanation of some of the issues.

In some situations a trust is drafted so that you would have the right to remove and replace the trustee, and in doing so perhaps find a trustee that would not inquire so diligently as to your personal financial circumstances before making a principal distribution to you. In this regard, please refer to my email of 10/17 where I summarize the trustee removal, resignation and appointment provisions. The trustees can both resign at any time. They appoint successors subject to your approval. If they agree to resign you can find a new independent trustee whom they can appoint. If not, you can remove them but only with the approval of a majority of your children. Do you think your daughters would agree to remove Max and Harry? If so you could then appoint a successor. You would need to find an independent trustee. I can help you craft a letter to your daughters if you think they might agree to do this.

My one additional thought right now that I need to review more closely is that Harry, not being the independent trustee, should not have a

say in the distribution decision. If there is nothing in the trust to contradict this interpretation (I need to review the trust again) then Max alone has the power. However this would likely not change the analysis that Max believes he needs to go through since he is accountable to all beneficiaries. He believes he needs some level of financial information from you but in my view that does not need to be detailed. I can discuss with him what level of detail would satisfy him; however, if my understanding is correct that you do not wish to provide him with any backup for his distribution decision, then we should evaluate the removal option and any other strategies I may be able to come up with.

Unfortunately this is not a simple situation and I will do my best to outline some additional options for you. In the meantime please let me know your thoughts regarding the above. I am available for a call as well, at your convenience.

Best,
Deborah

Sent from my iPhone. Please excuse brevity and typos.

Begin forwarded message:

From: Max Kohlenberg <[REDACTED]>
Date: October 27, 2017 at 1:21:50 PM EDT
To: Noam Chomsky <[REDACTED]>
Cc: "Deborah Pechet Quinan, Esq." <[REDACTED]>
Subject: Re: trust

Hello Noam -

I'm afraid I cannot send the money you have requested without further discussion with you and I also feel I cannot have such a discussion with you without Deborah's knowledge and participation, as she is your attorney. Please also note that any distributions from the trusts would also involve Harry, who is the co-trustee of the trusts.

As you will see, I have again copied Deborah on my reply. I will be glad to follow up with a meeting or a call when I return, next week.

Thanks,

Max

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Noam Chomsky <[REDACTED]>
Date: 10/27/17 5:14 PM (GMT+00:00)
To: Max Kohlenberg <[REDACTED]>

Subject: Fwd: trust

There seems to be some confusion. I was responding to your letter of Oct. 16, in which you said you would be getting back to me the next day. That was the last time we were in touch. Since I didn't hear from you, I wrote again, last night.

My letter to you explained the reasons for my request for a distribution from the marital trust. To repeat, "I would like to get on with my life and work without delay. I've worked hard for 70 years, put away a substantial sum of money. I surely have the right to access it."

I don't see what further explanation is necessary, or why it is necessary to bring Deborah into this. I could add that as I approach 90, having worked hard for 70 years and put away a substantial sum of money, I not only have the right to some peace and tranquillity to go on with my life and work, but also to do so without facing an inquisition.

If you are unable to transfer the money this week, could you please detail for me the reasons behind the decision.

Thanks,

Noam

----- Forwarded message -----

From: Max Kohlenberg <[REDACTED]>
Date: Wed, Oct 25, 2017 at 10:55 PM
Subject: RE: trust
To: Noam Chomsky <[REDACTED]>
Cc: Deborah Pechet Quinan <[REDACTED]>

Good morning (from Scotland) Noam –

When we were last in touch on this I replied with a cc to Deborah (who I have copied again here) and I understood that you, she and Valeria had discussed my need (as trustee) to know something more about the background for this request and your anticipated needs going forward. Deborah got back to me and indicated that the call she and I had tentatively scheduled was being cancelled.

If you would like me to reschedule a call with Deborah, or a meeting, I'll be glad to do that. I'll be back on Tuesday.

My best,

Max

From: Noam Chomsky [mailto: [REDACTED]]
Sent: Thursday, October 26, 2017 6:43 AM
To: Max Kohlenberg
Subject: Re: trust

I didn't hear from you about this, and would like to what is happening in this matter. I would like to get on with my life and work without delay. I've worked hard for 70 years, put away a substantial sum of money. I surely have the right to access it. Could you let me know where this stands.

Noam

On Mon, Oct 16, 2017 at 9:55 PM, Max Kohlenberg < [REDACTED] > wrote:

Thanks for the quick reply Noam. I will get back to you tomorrow.

Max

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Noam Chomsky < [REDACTED] >

Date: 10/16/17 9:14 PM (GMT-05:00)

To: Max Kohlenberg < [REDACTED] >

Subject: Re: trust

I meant \$500,000.

Noam

On Mon, Oct 16, 2017 at 9:00 PM, Max Kohlenberg <[REDACTED]> wrote:

Forgive me for asking Noam, but did you mean \$500,000, or \$50,000?

Thanks,

Max

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Noam Chomsky <[REDACTED]>

Date: 10/16/17 6:44 PM (GMT-05:00)

To: Max Kohlenberg <[REDACTED]>

Subject: trust

Dear Max,

I would like to ask for a distribution from one of the marital trusts, for \$500,000, to deal with current expenses of mine.

Thanks for your consideration

Noam

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