

From: Valeria Chomsky <[REDACTED]>
To: "jeffrey E." <jeevacation@gmail.com>
Cc: Noam Chomsky <[REDACTED]>
Subject: Fwd: Fwd: Fwd: Petition with the Court
Date: Wed, 11 Jul 2018 16:19:15 +0000

Ok. Thanks .

We trust you.

Valeria

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From: jeffrey E. <jeevacation@gmail.com>
Date: Wed, Jul 11, 2018 at 11:44 AM
Subject: Re: Fwd: Fwd: Petition with the Court
To: Valeria Chomsky <[REDACTED]>

no no no the loan is easy , the interest paid to the trust would have been paid directly back to noam so it is only an accounting issue. -- more later. this needs lawyer . i understand you are emotional about it. but try to refrain from making it more complex. . the issues are simple. the trust should be maximizing income for noams benefit. they have not. they should not have made distributions to anyone or any other entity other than noam. and only with writing instructions. . they have maintained there unwillingness to make noam distributions based on the now ludicrous claim that they wanted to make sure he had money in his later years. you need to hire a lawyer respond to harrys court paper . write max and his firm a very strong letter. and immediatley go to court to ask for an injunction so no other fees are taken out without your permission.

On Wed, Jul 11, 2018 at 10:55 AM, Valeria Chomsky <[REDACTED]> wrote:

Sharing this with you to ask you if you think I should do what I mentioned in the letter below: write the three of them a letter myself.

Thanks.

Valeria

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From: Valeria Chomsky <[REDACTED]>
Date: Wed, Jul 11, 2018 at 8:19 AM
Subject: Fwd: Fwd: Fwd: Petition with the Court
To: Noam Chomsky <[REDACTED]>

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From: Noam Chomsky <[REDACTED]>
Date: Wed, Jul 11, 2018 at 6:19 AM
Subject: Fwd: Fwd: Fwd: Petition with the Court
To: Valeria Chomsky <[REDACTED]>

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From: **Diana Chomsky** <[REDACTED]>
Date: Tue, Jul 10, 2018 at 11:00 PM
Subject: Re: Fwd: Fwd: Petition with the Court
To: Noam Chomsky <[REDACTED]>
Cc: Avi Chomsky <[REDACTED]>

You are asking us questions that we simply cannot answer. It's not that we think you are lying—but we are recalling our long correspondence last spring about the terms of the loan from the trust, in which we actually did sit down to get to the bottom of the technicalities, and we believe that your understanding of the terms of the loan was wrong. We don't think you were lying—we think you misunderstood the terms of the loan. We exchanged many detailed emails on the subject, but we failed to communicate effectively and in the end decided that we simply had to drop the issue because we just could not make any progress.

The loan has been treated as a loan to anyone. As Diana wrote: "we actually did sit down to get to the bottom of the technicalities, and we believe that your understanding of the terms of the loan was wrong."

So you are the one who is wrong to have understood it as a loan inside a family, from a marital trust that you are the beneficiary (granted by your own money) that you are entitled to receive not only income but also principal, and was not receiving any, while the secondary and even no official beneficiaries were receiving money from the marital trust.

Besides that, the loan (to buy the apartment in Cambridge) was designed to extract the highest possible interest. And the reason you haven't been charged to make the monthly payments until now is because the payments you make to the loan are considered income from the trust and therefore the money should revert to you, according to its own terms. Therefore, we never received any instruction how to pay the loan and nothing has been charged to this date. But the interest are the highest possible **for later, accumulating interest over interest.**

I would like to ask Diane if they used the same criteria of going to the bottom of the technicalities when she made a loan to her friend from her trust, as she wrote in one of her previous letters. Actually, probably they did.

The investments of the marital trust have been carefully drafted to yield the minimum income now (meaning to you) and maximum later, when they will be the only beneficiaries. The expenses of the trust are maximized (through all these legal advice and who knows what else) and deducted from the income that you should be entitled to. (this will probably be their line of explanation why you were not getting any income, because the expenses with legal advice and management were greater).

The whole situation is APPALLING.

In order to come to an in-depth and detailed understanding of the issues you raise below (as we did with the terms of the loan from the trust), we would have to spend a lot of time going over a lot of detail, much of which we don't have access to. We cannot and will not do this. We beg you to stop demanding that we do so.

The point to be refuted here is that they have plenty access to the information that is relevant to understand the situation: distributions to 10 family members, Wellfleet, health expenses (undeniably they have access to it because it went to their accounts or were used to their benefit). The other category of expense they have access to is the category of taxes that their lawyer has access to and they also had access when you requested part of the money from the marital trust (by the way, the **ONLY** purpose I accepted that you would request money from this **MARTIAL** trust), since you were paying exorbitant taxes because of the distributions and payments that accounted to their benefit (in addition to our own expenses, of course). But Harry denied having the marital trust paying even a portion of the taxes, as you had requested and you are entitled to, by the own terms of the Trust. The document doesn't request any scrutinization of your financial situation in order to disburse any funds.

Another point is that the law will assume that Carol was the grantor, because the trust was established in her name for tax purposes, but your children know very well that you are the grantor and the beneficiary, although they have decided on the contrary. There are things that if we apply the legal standards, they can be achieved, but moral standards reveal them indecent.

Beyond distributions to themselves and taxes, they don't need and don't have the right to have access to any other of our financial information. The same way we don't have the right to have access to their financial or any other aspect of their lives. And since they don't have the information, any accusation is indiscretion and levity. I won't provide them with any information, but I will be happy to provide the information to the Court.

It is not the money that we use to ourselves that has to be questioned. We are a married couple. You worked your whole life, still work. I worked my whole life. Since we married, I have been working full time, as I had never worked in my life, although not enthusiastically as I used to be for all these problems that just keep growing.

And there is a very serious inversion: they think the money that has to be investigated and scrutinized is the money that is used for ourselves (our expenses), from your IRA, and this was before you requested any money from the trust for tax payment. In other words, they are assuming that ALL the money belongs to them, because the money that goes to them is totally legitimate, but what we use to ourselves is not. We need to justify it, ask for their permission and have them following all our steps. Sorry, but this life is not for me. I was always independent and want to keep this way.

These are the points that you should raise in your answer.

We do believe that there are some fairly technical questions regarding the management of the Trust, including that of replacing Max, that can be resolved through negotiation. We also beg you to engage, through your lawyer or representative, in this negotiation, to find a resolution to the issues on the table.

It is not Max who has to be replaced but Harry, because Harry is presenting a serious conflict of interests.

I would like to write Harry, Diane and Avi that it has been clear and crystal that the fight is for money. Therefore they have to stop harassing and abusing you, emotionally, psychologically and financially (not only for the distributions to them but for what you are entitled to from the marital trusts and they are not allowing). And that it is more **decent and honest** if they bring ME to court right now, with open accusations, than to be hiding themselves behind coward insinuations and implications -- with the only ill intend of preparing the path for later, not allowing me even to defend myself. All this is causing a huge impact on you and on your health, preventing us from working productively and live a healthy and happy life together.

The worst is that they are engaged in taking money from you and trying to blame me.

All this is indecent and intolerable.

From: Noam Chomsky <[REDACTED]>
To: Diana Chomsky <[REDACTED]>
Cc: Avi Chomsky <[REDACTED]>
Date: 10/07/2018 16:30
Subject: Re: Fwd: Fwd: Petition with the Court

You say that you do not have "specific information about your spending levels throughout the entire period in question." The question however is what is stated in 10: that my spending accelerated dramatically when I married Valeria. Either you think I'm lying to you, or you do have specific information about this. I have repeatedly explained to you why spending accelerated dramatically, and never received a response. To repeat for the nth time:

The IRA has a mandatory withdrawal. Half was being distributed to family. The other half was being used to pay taxes and

management fees on the entire estate, including your inheritance. Withdrawals beyond the limit are subject to exorbitant taxes. Hence when I withdrew funds annually to pay for Alex's medical expenses, that meant exorbitant taxes. The same for the all of the Wellfleet expenses. Of course I had to live, and since there is essentially no pension, that meant more withdrawals for daily expenses with exorbitant taxes. So yes, spending accelerated dramatically -- for your benefit.

I then explained that after I learned about this and ended it, it took a while to overcome the effects. To pay the huge tax burden, after Harry refused to release funds, more withdrawals had to be made with the ensuing penalty. You can do the arithmetic. And as I explained, it's finally done.

So to repeat, either you think I'm lying, or you do have specific information.

Perhaps, as I asked without a response, you have a different explanation, in which case it would be only proper to let me know. And recall that you are the ones who brought the matter up, after which I responded as above, repeatedly, with no response apart from reiteration of the original claim, without any reference to my explanation, as in Harry's petition.

Seems straightforward.

D

On Tue, Jul 10, 2018 at 1:24 PM, Diana Chomsky <[REDACTED]> wrote:

Ok, with respect to the court petition: actually, the only clause in question is clause 10. I know you referred us to everything beginning with 9, but all of them except for 10 are simply descriptive, even though we know that the implications that can be drawn from other clauses are deeply hurtful to you. But we can't agree or disagree with clause 10 because we don't have specific information about your spending levels throughout the entire period in question. This is NOT, by any means, an indirect way of asking for that information - it's just a fact: we don't have that information, so we aren't really in a position to agree or disagree.

Although we did express concern about this in previous emails, at this point it feels most urgent to resolve the issue of the management of the trust.

In that sense, we do see an alternative other than the two you've laid out: your lawyer (or representative) could reach out to Harry's lawyer and work with her to look for a mutually acceptable way forward.

Again, we long to see this issue resolved so you can go on with your life.

From: Noam Chomsky <[REDACTED]>
To: Diana Chomsky <[REDACTED]>, Avi Chomsky <[REDACTED]>
Date: 09/07/2018 22:39
Subject: Fwd: Fwd: Petition with the Court

Glad that you recognize that what Harry says in the petition to the court is hurtful to me. How could it fail to be?

But what I asked was different: do you agree with what he proposes, and what he says in the passages to which I referred to you? That should have a simple answer.

You now say again that you do not want to respond concerning his proposal: that is to be between him and me. But you did not respond to my query about the passages in the proposal I brought to your attention.

This is not for the first time. I have repeated the same query over and over. You say the earlier correspondence was not productive. There's a simple reason for that, which you will see if you look back at the correspondence.

You wrote that you were concerned about my future because of the sharp rise in expenses. I explained to you in detail why there was no basis for your concern: the sharp rise was caused by diversion of my IRA to you, in the manner I described, and by the huge tax payment caused by further withdrawals for such purposes as paying Alex's medical expenses (and living). And explained further that it took a few years to overcome the effect of this, now finally done.

I've repeated this over and over. No response, not once. So yes, it's unproductive.

Now the same claims, now formulated more clearly as implicit charges, are repeated in Harry's petition -- which is why I asked you several times whether you agree. No response, so yes, it's not productive.

I'd still like to know: do you agree with what he says in those passages? If not, could you tell me (1) why you appear to reject the detailed explanation I gave (easily documented), and (2) what you think the actual reason is for the rise in expenses, which you have not said.

That seems simple and fair enough. And it would clear the air -- which is important, at least to me.

Your proposal that the matter be left to Harry and me (and lawyers) leaves few options: (1) I accept Harry's demand that he be in total control while I get a handout, presumably thanking him for his kindness; (2) that I take the matter to court. I'm not going to accept (1). There's only so much humiliation that I'm willing to accept from my children. (2) would be quite ugly (and of course costly), and you would no longer be able to keep away from the matter. It's the last thing I want to do. There are third options. I gave some, which would settle the matter quickly, with no lawyers, and no further problem. But it is clear that Harry does not want to consider them, insisting on (1): total control and humiliation.

Do you see an alternative?

D

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From: **Diana Chomsky** <[REDACTED]>
Date: Mon, Jul 9, 2018 at 9:11 AM
Subject: Re: Fwd: Petition with the Court
To: Noam Chomsky <[REDACTED]>
Cc: Avi Chomsky <[REDACTED]>

Of course it matters. We are heartbroken about the whole situation - we never, ever imagined that things would be like this.

We hadn't seen the petition to the court before, but we've read it now, along with everything you've said in your emails. We understand how you will have found some of Harry's statements in the court filing to be very hurtful. We did try to explain our thoughts on a few of the issues in previous emails, but we don't think any of us found those conversations to be productive.

At this point, we really feel it has to be up to you and Harry (and your legal representatives) to resolve the situation. Our intention is not to stand in the way.

love, Avi and Diane

From: Noam Chomsky <[REDACTED]>
To: Avi Chomsky <[REDACTED]>, Diana Chomsky <[REDACTED]>
Date: 07/07/2018 23:56
Subject: Fwd: Petition with the Court

I have only just now read the attachment to Harry's letter, here enclosed. I would like you to read Exhibit B. As you can see, it is Harry's attempt to ensure that he has total control of the Marital Trust. Take a look at the sections beginning with 9. They are full of outright lies, as he knows. Note first that this is written as an accusation against my wife, Valeria, charging her for being responsible for the sharp escalation of expenses. This is not only a lie, but a vicious and ugly lie. I have already explained, repeatedly, why my expenses escalated in 2014. I will do so again, for the nth time.

My IRA has a mandatory withdrawal. Until I learned about it, and put an end to it, half was distributed to family. The other half was taken for taxes and management of the entire estate. That meant that to pay Alex's medical expenses, and \$50,000 for rent an upkeep on Wellfleet, I had to make extra withdrawals, which have exorbitant taxes. And to take something to live I had to do the same. That created a huge tax burden. I requested assistance for tax payments from the Marital Trust -- which was, of course, intended for the survivor. Harry refused, without ridiculous and humiliating demands which of course I would not accept. Paying the huge tax burden the next year required further withdrawals and exorbitant taxes. In 2017, I was finally able to get rid of that burden. The idea that there was concern for my future is beyond cynicism. I won't even comment on the other claims in his appeal to the Court, most of which range from false to deliberately misleading.

In brief, Harry has declared war. Before I consider further actions, I would like to know whether you have seen this and agree with it.

I presume you can comprehend what this behavior is doing to me, if it matters.

D

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

From: **Harry Chomsky** <[REDACTED]>
Date: Tue, Jun 5, 2018 at 10:08 AM
Subject: Petition with the Court
To: Noam Chomsky <[REDACTED]>

Today I filed a petition with the Court in Massachusetts to ask for assistance in appointing a new independent trustee to replace Max. You will receive a formal notification of the filing, as required by the Court. In the meantime, I have attached a copy of the petition for you to review. As you can see, I do not believe that the trust provides me with clear direction as to how to appoint a new trustee; I am hoping the Court can do so.

Jillian remains open to discussing this or any other concerns about the trust with your attorney.

[attachment "General Trust Petition with Exhibits.pdf" deleted by Diana Chomsky/Mexico City/International/Oxfam]

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