
From: Cecile de Jongh <████████>
Sent: Tuesday, June 21, 2016 4:45 PM
To: jeffrey E.
Cc: Richard Kahn
Subject: Re: Better Roads

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On Tuesd=y, June 21, 2016 12:35 PM, jeffrey E. <jeevacation@gmail.com> wrote:=br>

last sentence incomplete??!

=div class="yiv7608922664gmail_extra" id="yui_3_16_0_ym19_1_14665214803=7_65687">

On Tue, Jun 21, 2016 at 11:51 AM, Ceci=e de Jongh =lt;████████> <mailto:████████>
> =rote:

This is a draf= 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:

&n=sp; As I emailed you on Friday, April 8, 2016, I repeatedly called you all last we=k, 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 t=at 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 previou=ly paid to and unlawfully retained by Better Roads for work that has never bee= performed by Better Roads on Little St. James.

= &n=sp; 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 th=t has not been performed on Little St. James; nor has Better Roads at any tim= 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 =hat 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 cos=s on a project that it barely commenced and never completed, are therefore completely unlawful and entirely improper.

&n=sp; 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 b= LSJE, LLC. However, should Better Roads refuse to return the remaining \$114,540.53 of the total \$170,833.33 which L=JE, 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.&=bsp; 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.

= &nbs; = &nbs; = &nbs; = &nbs; Regards,

=ecile de Jongh

=/div>

With warm regards,

=ecile

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 please note

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JEE

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