
From: jeffrey E. <jeevacation@gmail.com>
Sent: Tuesday, June 21, 2016 4:36 PM
To: Cecile de Jongh
Cc: Richard Kahn
Subject: Re: Better Roads

last sentence incomplete??!

On Tue, Jun 21, 2016 at 11:51 AM= Cecile de Jongh <[REDACTED]@[REDACTED].m[REDACTED] wrote:
=blockquote class="gmail_quote" style="margin:0 0 0 .8ex; border-left:1px #ccc solid; padding-left:1ex"> This is a draft of the certified letter to Mr.=Diaz that Darren wrote with my minor edits. Please let me know if th=s is fine to send to him.

Dear Mr. Diaz:

=A0 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=lly paid to and unlawfully retained by Better Roads for work that has never bee= performed by Better Roads on Little St. James.

=A0 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.

=A0 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.=C2 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.

=A0 As I stated in my email to you, we are very disappointed with how this transac=ion has been handled to date, but are providing you with a last effort to see r=ason 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 =o 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.

=A0 =C2 =A0 =C2 =A0 =C2 =A0 =C2 =A0 Regards,

=A0 =C2 =A0 =C2 =A0 =C2 =A0 =C2 =A0 Cecile de Jongh

With warm regards,

=ecile

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please note

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