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## Fwd: Palisair - Ball

1 message

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**Larry Friedman** <lpfriedman1@gmail.com>

Wed, Apr 1, 2015 at 9:45 AM

To: Patti Gallagher <p.gallagher2@verizon.net>, Francine Kirkpatrick <DrFKirk@verizon.net>, Miriam Schulman <miriamschulman@hotmail.com>, David Schultz <dschultz@polsinelli.com>, Diana Ungerleider <dianaunger3@gmail.com>, Syd Vinnedge <syd.vinnedge@gmail.com>, Vi Walquist <viwalquist@gmail.com>, Karen Olan <karenolan@beckarmed.com>

Another update -- again to be treated with confidentiality.

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

From: **Marc Rohatiner** <mrohatiner@wrslawyers.com>

Date: Fri, Mar 27, 2015 at 12:19 PM

Subject: Palisair - Ball

To: Larry Friedman <lpfriedman1@gmail.com>, Karen Olan <karenolan@beckarmed.com>

Larry and Karen:

I spoke to Ball's attorney. He clearly is frustrated by his client's position. He, however, has been engaged in trial and unable to spend any time on this until now. He spoke to his client and talked him down from filing a lawsuit. His client will be presenting a proposal for the planting of trees at a particular location. I told him that any agreement along those lines will have to include a maximum height for the trees.

Greg is a reasonable guy but I do not think he understands the legal issues. I anticipate that the proposal from his client will not be acceptable to Afifi and that at some point, we will reach an impasse. I will then be prepared to outlined for Greg the applicable law regarding the broad discretion given to Associations. Interestingly, Greg does not appear to be focusing on the alleged change of plans. Rather he continues to focus on view impairment and that the building is out of character. As we have discussed, based on what has bene presented to me, I do not think that the Association abused its discretion.

Finally, Greg asked on behalf of his client if he could see the face page of the Association's insurance policy. While I think it is an odd request, I have no objection to providing it.

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Larry Friedman