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January 7, 2009

Mayor James M. Ruberto
City Hall
70 Allen St.
Pittsfield, MA 01201

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dear Mayor Ruberto:

Jim Bouton and I have just been informed that the City is in possession of and using plans or documents bearing the title of "Wahconah Park, Inc." The purpose of this letter is to remind you that we were the principals of Wahconah Park, Inc. who invested over \$225,000 of our personal cash, including payments to S-K Design Group, Clark & Green, Hill Engineers, and Allegrone Construction that are detailed in the "Cash Flow Summary of Wahconah Park, Inc." on pages 484-485 of "Foul Ball Plus Part II". Jim and I are the sole owners of the plans, designs, studies, estimates, and filings that these firms performed at our expense. Neither the City nor any of its agents are authorized to possess or use any of these materials. We hereby notify you that the City should cease and desist any such use, and return any and all materials to us as soon as possible. We reserve the right to seek reimbursement for any expenses we incur in protecting our rights and any damages for any infringements of those rights.

If the City wishes to use any of our property, we are willing to meet with you or your representatives to negotiate mutually satisfactory terms.

Sincerely,

cc. Jim Bouton
Jim Scalise, S-K Design Group
Stephan Green, Clark & Green
Vincent Magnano, Hill Engineers
Louis Allegrone, Allegrone Construction