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PRIVILEGED COMMUNICATION

NOT TO BE USED IN LITIGATION

To: Mr. David Lamm and Fellow Citizens

From: Will Graves, Community Activist (407-673-7883)

Dear David:

Minutes after being served with a frivolous S.L.A.P.P. lawsuit from you, I immediately attempted to reach you by phone. Your very cordial assistant promised to call me right back after speaking with you. I'm still awaiting that call. As you know, we've never met. And you sued me without any warning and without any attempt to contact me first. Individuals seeking apologies and corrections don't sue first and then refuse to talk by phone. Your motives are highly suspect. An expert had assured me that the mailer was legal and accurate.

If you simply contacted me with your request for an apology and a correction, I would have, without any hesitation, agreed to write an apology/correction letter that would have been submitted for publication in the Winter Park-Maitland Observer and The Orlando Sentinel. I would have done that because of the type of person I am; not because of any lawsuit.

Unfortunately, due to the way you've handled this, I can even more closely empathize with what it's like to be defamed. Because that is what you've just done to me. But, I haven't sued you.

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2.

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As a recent Winter Park political candidate, you know all too well that literature goes back and forth without lawsuits being filed. I didn't sue the two individuals who attacked me in print and online last week. I'm not a politician; but that didn't matter. I know of Winter Park civic leaders who were recently attacked in mass mailings even though they weren't running for office. They haven't sued. You were a political candidate recently and cannot reasonably expect to be immune to the political process. Is your goal to stifle democracy, free speech, and the right of citizens to protect their property from outrageously out-of-scale development? Right now, you should be praying that my colleagues don't succeed in talking me into holding out for class action status, a countersuit, and a jury trial. You are threatening an innocent victim who helps people.

When a Mt. Moriah Church Deacon in West Winter Park related how Kip Marchman had addressed his congregation in saying, "I'll do what I can to protect you from all of this development; but I'm only one vote" or words to that effect, Mr. Marchman then made a beeline to City Hall and voted for out-of-scale West Winter Park development. Mr. Marchman has not sued the Mt. Moriah Deacon. Of course, an entire congregation would slow down a jury trial considerably. I am a personal witness to former Mayor

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3.

PRIVILEGED COMMUNICATION.

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Marchman's efforts to discredit the National Trust for Historic Preservation's inclusion of Winter Park's Central Park on its "threatened" list. Unfortunately, his developer backers were more important than Winter Park property owners.

When a principal of Winter Park's Maher Law Firm (which backs developer Dan Bellows' efforts to pave a way of life with the continued gentrification of West Winter Park) learns of my Winter Park-Maitland Observer, Orlando Business Journal, and Orlando Sentinel op-eds on the gentrification of West Winter Park, he doesn't sue.

No one has been more vocal than I have in opposing Allan Keen's "500 foot long post office" on Central Park. Not only did he not sue me or even warn that he might sue me, I very publicly praised the Carlisle developers for dropping the project. And Allan Keen is to be congratulated for donating well in excess of \$5,000 to a charity capital campaign I started as well as for receiving an honorary doctorate at the alma mater we hold in common. One of the Carlisle developers famously characterized the Carlisle demise as "a lesson learned."

When Winter Park debate questions on the Carlisle went unanswered at every event, Mayoral candidate Bradley literally raced across the Winter Park Public Library parking lot and yelled,

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PRIVILEGED COMMUNICATION

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4.

"He doesn't live in Winter Park!!" causing the television news reporter to shut down our on-camera interview momentarily. Do I sue him because he is less than honest about where I live? All of this "civility" talk would be completely unnecessary had Ken Bradley simply gone on record that he wouldn't vote for the Carlisle project... past, present or future. He evaded my simple Carlisle question at every debate. He evaded every member of the media on the simple Carlisle question. No wonder people speak up. When an individual evades the public and the media, yet somehow gets elected, that's something to speak up about. If we end up with dozens of buses circulating daily in our historic, tranquil Central Park, you'll have Mayor Bradley's Florida Hospital mandate to thank. His company's project can't proceed as planned without dozens of buses noisily circulating in the private tranquillity of Central Park. That's why the National Trust granted a "threatened" listing for Central Park's protection. Mr. Lamm, with the standard you're holding me to, people would be afraid to participate in future elections for fear they would be sued by a David Lamm.

The Spinkel and Leary campaigns could have gone on the honor system with written non-binding candidate pledges to ease citizen development fears. Why not renounce any support in the future for the Carlisle? Why not pledge in

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PERSONAL AND CONFIDENTIAL

PRIVILEGED COMMUNICATION

NOT TO BE USED IN LITIGATION

5.

writing that you won't try to double deck the buildings lining Park Avenue? Why not pledge that you won't allow the ridiculously out-of-scale plans for a new City Hall? Why not renounce any efforts to undo a Supermajority that is the only protection for our Town's Comprehensive Plan? Why not agree to fight the gentrification of West Winter Park while there's still something left to save? Why not put in writing that you will not allow dozens of buses to circulate daily in Winter Park? I have a hard time with a campaign that diverts the public's attention to "civility" while African-Americans are fighting to save their homes and overdevelopers are planning to change our skyline at the expense of property values in our tranquil, historic village. Why did all of the overdevelopers plant Sprinkel and Leary signs on all of their properties? The scars of overdevelopment are all over historic Winter Park. The eyesores are partially-filled. So, that means you build more? Mr. Lamm, Mayor Ken Bradley and Karen D'Lebel were on your "Host Committee." And you want people to believe that your defamation suit isn't really about you and your developer buddies wanting to eliminate the opposition with a frivolous S.L.A.P.P. lawsuit? Nice try.

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6.

I would never knowingly be associated in any way with anything factually incorrect. You've taken great offense at being labeled a "Carlisle Developer." Allen Keen is proud of that label, but you consider it defamation. Obviously, that isn't true. I just hope that this isn't about semantics as you admit to being a Carlisle supporter. How is it that "Carlisle supporter" is okay with you, but "Carlisle Developer" is defamatory? YOU VOTED FOR THE CARLISLE! There was nothing wrong with the Carlisle project itself. THERE WAS EVERYTHING WRONG WITH THE LOCATION.

Your S.L.A.P.P. lawsuit is frivolous to such an extreme that it's entirely possible that a Judge will sanction your attorney for filing it.

Neither here nor there, and because I enjoy a reputation as a nice, classy community activist with Winter Park values and good taste, I voluntarily offer the following to you in front of your fellow citizens... ,

I wish to sincerely apologize for the offense you and your friends have taken at receiving a campaign mail piece labeling you as a "Carlisle Developer." Since I didn't write those words and have yet to receive a copy of the mailer in question, I'll take your word for it that the words "Carlisle Developer" appeared in the mailer and were used to describe you. Again, I profusely

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7.

apologize to you in front of your fellow citizens. And I implore everyone reading this to never describe MR. David Lamm as a "Carlisle Developer."

Dating back to the Cypress Gardens feature in which I was labeled a "community activist" by the Winter Park-Maitland Observer, I've been instrumental in helping to save Cypress Gardens, Windermere, and Winter Park from outrageously out-of-character development. I'm personally responsible for National TRUST "threatened" listings in those locales as well as Winter Park's 38th listing among historic destinations worldwide. In 2005, I called for the need for a Winter Park Preservation Foundation as well as the need for a Winter Park historic district (National Register). I quietly worked behind the scenes to make certain Winter Park received that National Register designation. No one has been more vocal than I've been regarding the dire need to protect West Winter Park citizens from the gentrification that continues unabated.

At my request, Nat Reed, Chairman Emeritus of 1000 Friends of Florida, sent his president to tour East and, especially, West Winter Park in 2007. Nat Reed and Charles Patterson have written op-eds in support of my community activism in Winter Park. They have been monitoring the Winter Park overdevelopment news ever since.

IN all of these years as a voluntary community activist

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8.

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(No, Mr. Lamm, I wasn't paid to attempt to defame you), I've spent much of my time helping people ; expecting nothing in return, and receiving nothing in return. I can't stand politics and would never run for paid public office.

I can't guarantee that the Observer and the Sentinel will run my apology by the March 18, 2011 date you are demanding.

Please be forewarned that any funds you expend on this frivolous suit will be lost by you due to your inexplicable actions. No one will be reimbursing you.

Due to the fact that I have an extremely full plate right now, I want this case to disappear as quickly as possible. But, if you ever pull a stunt like this again, I won't stop coming after you until the jury reads you the verdict.

I deserve better than to be served with a frivolous S.L.A.P.P. lawsuit (for the first time ever) designed to halt my community activism, upend democratic elections in Winter Park, and leave East and West Winter Park vulnerable to overdevelopment.

You should be ashamed of yourself.

Sincerely,

Will

William McGroves, Jr.

Community Activist