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Via Certified Mail & Electronic Mail

Nathaniel Reed
6 Riverview Road
Jupiter Island, Florida 33455
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**Re: Lake Point Phase I, LLC and Lake Point Phase II, LLC v. South Florida
Water Management District, et al.
Case No.: 2013-001321-CA**

Dear Mr. Reed,

I am in receipt of recent correspondence dated October 4, 2017 (the “**Correspondence**”), which concerns the above identified matter (the “**Lake Point Case**”). As you should recall, on May 5, 2017, I took your deposition in the Lake Point Case. A copy of the Correspondence as well as the transcript of your deposition are enclosed for your convenience.

At the start of your deposition in the Lake Point Case you were placed under oath and—under penalty of perjury—you swore to testify truthfully. In that deposition, I asked if you were familiar with the Lake Point project to which you responded “No.” I then asked you a series of questions regarding your knowledge of specific issues surrounding the Lake Point project, such as whether you reviewed: any studies related to the project; the Development Agreement between Lake Point and the South Florida Water Management District (“**SFWMD**”); or the Interlocal Agreement between Martin County and the SFWMD. You answered no to each of these questions as well. Indeed, you stated that any knowledge you possessed of the Lake Point project was derived entirely from reading newspapers and from comments made by Ms. Maggy Hurchalla at local dinners that you both attended. You even went so far as to state that after you gained the belief that the Lake Point project was based on selling water to Palm Beach County, you lost total interest and any earlier interest you may have had was “cursory” at best.

Now, just three months later, you published the Correspondence in which you directly contradict your sworn deposition testimony. Despite previously swearing that you knew little to nothing about the Lake Point project, you now affirmatively declare that you “have been a watchful opponent of the Lake Point planned sale of water to Palm Beach County and have

followed the machinations of Lake Point in its dealings with both the District and Martin County with acute interest for over three years.” Moreover, contrary to your supposed lack of interest in the Lake Point project, you specifically describe yourself as an “opponent” and you “urge” the recipients of the Correspondence to challenge the settlement reached in the Lake Point Case.

In short, your sworn deposition testimony and your recent Correspondence are diametrically opposed. That is, they cannot both be true. Either you provided untrue answers while under oath at your deposition (in an apparent effort to obstruct the prosecution of a civil action) or you are falsely communicating knowledge that you have sworn not to have (in the hopes of interfering with a negotiated settlement agreement to which you are not a party). Whichever it is, immediate corrective action must be taken.

Accordingly, based on whichever act you contend was truthful (i.e., the deposition or the Correspondence), I demand that you either: (A) publish a formal retraction of the Correspondence, send to every recipient of the Correspondence a copy of your deposition transcript, and apologize for misleading the recipients of the Correspondence via the false statements contained therein¹; or (B) file a notice with the trial court in the Lake Point Case describing the untrue answers provided at your deposition, informing the Court that you agree to be re-deposed in this matter at Lake Point’s counsel’s earliest convenience, and that you will reimburse Lake Point for all attorneys’ fees and costs incurred as a result of both your initial deposition in the Lake Point Case and your corrective deposition.

Should you have any questions or concerns regarding this correspondence, please do not hesitate to contact me. I look forward to hearing from you soon. I remain,

For the Firm,

SMOLKER, BARTLETT, LOEB,
HINDS & SHEPPARD, P.A.

By: /s/ Ethan J. Loeb
Ethan J. Loeb

/Enclosures

¹ Please copy me on your formal retraction in which you include a copy of your deposition transcript so that I know that the issue has been resolved.