

**From:** David Skaller <DSkaller@BBGLLP.COM>

**Date:** Thursday, November 3, 2022 at 11:29 AM

**To:** Margaret Sandercock <mbs@goodfarblaw.com>

**Subject:** FW: Attached Image

FOR SETTLEMENT PURPOSES ONLY

Margaret

I propose the following terms for a new stipulation of settlement

Attached is a new scope of work that Jack prepared but Ed indicated at their last meeting at the apartment was acceptable as the remaining scope of work.

Your client provide access to Servpro and 2 other companies to come and give my client a cost of the scope of work and that both jack and Ed be present for these appointments so that they can make sure Servpro and the other contractors understand and agree to perform the work per the attached scope of work

Once my client accepts a bid from one of the remediation companies and they inform us as to when they can commence the work, your client provides access.

Both Jack and Ed be present on the last day of work while the remediation company is still present so that more work can be done if the experts agrees to ensure that all of the work is performed and to both conduct their testing at the same time either that day or within a week of the completion of the work. Both ALC and Ed may be present while the work is being done.

If the experts are not in agreement when the work is completed, then 1 of 3 things occur:

If the experts agree that the additional item(s) are part of the stipulated scope of work, then the work is done immediately with them present and my client pays the extra cost or

If the experts agree that the additional work is not part of the stipulated scope of work, then the additional work is done at the expense of the tenant or

If the experts cannot agree, then an agreed upon 3<sup>rd</sup> party who we choose in advance and insert their name into the stipulation is called in to determine if the additional work is part of the scope of work or not and who is responsible to pay for the additional remediation. The parties will be bound by the determination of this 3<sup>rd</sup> party.

Upon the full execution of this stipulation, we will agree to withdraw the affidavit of Jack and Candice

After the work is completed, your client will provide access to my client's contractors to perform the legalization work per the approved plans by DOB and the Loft Board