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May 5, 2017

Via Email: cmadel@madellaw.com

Chris Madel
Madel PA
700 Pence Building
800 Hennepin Avenue
Minneapolis, MN 55403

Re: Lanterman, et al. v. Stillman, et al.

Dear Mr. Madel:

This letter serves as a formal request that you dismiss SCFI from the above-referenced litigation. We are now at the close of discovery and there has been no evidence that SCFI is involved in any way in your already tenuous claims against Mr. Stillman.

To briefly summarize:

- None of the allegedly defamatory communications originated from SCFI;
- None of the allegedly defamatory communications referenced SCFI in any way;
- None of the allegedly defamatory communications were directed to a client or potential client of SCFI;
- None of the recipients of the allegedly defamatory communications expressed any understanding or belief that the communications originated from or pertained in any way to SCFI; and
- SCFI and CFS are not competitors.

Your complaint alleges that Mr. Stillman was acting within the scope of his employment with DHS because he wrote from that email address. As Mr. Stillman never used his SCFI email address or company name for anything relevant to this case that argument does not apply to my client.

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Your complaint also alleges that Mr. Stillman was acting through the scope of an agency relationship with SCFI pursuant to the Restatement (Second) of Agency § 219(2)(d). As there is no evidence that Mr. Stillman “purported to act or to speak on behalf of” SCFI or that he was aided in any way by the existence of SCFI, this claim is similarly inapplicable to my client.

Finally, both the complaint and Mr. Lanterman’s deposition testimony make clear you contend the use of the DHS email account gave an air of authority to Mr. Stillman’s comments. As both you and Mr. Lanterman felt the need to derisively point out, SCFI is run out of a UPS store. Even if Mr. Stillman had used that email account, or acted in any way through SCFI, it could not be said that any authority or importance could be attached to that use.

I understand why you brought the initial case against SCFI. And I understand why you would pursue the case against Mr. Stillman through summary judgment. Given the complete lack of evidence implicating SCFI, however, I cannot understand why, now that discovery is closed, you refuse to dismiss it from this litigation. I can only surmise that it is due to your clients’ desire to harass and intimidate Mr. Stillman. This is unacceptable. Therefore, please let this letter serve as notice that if you continue to insist that we spend time and money defending these meritless claims we will explore all options regarding requesting reasonable attorneys’ fees from this date forward, including the fees and costs necessary to prepare a summary judgment motion (see e.g. Fownes v. Hubbard Broadcasting, Inc., 310 Minn. 540, 542 (1976)).

I hope that you reassess your position in this matter so that we can avoid an unnecessary summary judgment motion. Please feel free to contact me if you have any questions.

Sincerely,

/s/ Brian Hansen

Brian M. Hansen

cc: Cassandra Merrick
Eric Brown