

THE LAW OFFICES OF

KRAMER & KASLOW

A PROFESSIONAL CORPORATION
WWW.KRAMER-KASLOW.COM

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23901 CALABASAS ROAD, SUITE 2013
CALABASAS, CALIFORNIA 91302

PHILIP A. KRAMER

October 15, 2010

Re: Agate Printing, Inc v. Forstmann, etc., et. al.
LASC Case No. BC 444 880

Dear [REDACTED]:

This letter is intended to serve as Agate Printing's response to your request for its position concerning the claims made on behalf of Mr. Forstmann and the other defendants. We have reviewed the statement issued by the crisis management company and the "internal memo" that was provided to TMZ for global distribution. [Curiously, the "internal memo", purportedly for employees only, is dated October 15, but was globally circulated on October 14, for the world to see.]

First, you should be aware that our law firm carefully evaluated the claims asserted by Agate Printing, Inc. before the lawsuit was filed. We received a **verification, signed under penalty of perjury** from Agate Printing's President and CEO. Moreover, I personally inspected emails, copies of cancelled checks, copies of wire transfers, and telephone records, and voicemail messages in Ted Forstmann's own voice, that substantiated the claims. A few of the copies of exhibits to the operative pleading are attached hereto.

Second, after exchanging letters with Mr. Forstmann's lawyers, I have repeatedly asked that Mr. Forstmann deny the allegations **under penalty of perjury**. This request has been ignored. Frankly, Mr. Forstmann's reluctance to "go on the record" is understandable. However, he cannot hide behind a team of lawyers. He is under the jurisdiction of the Los Angeles Superior Court.

Third, I have served the lawyers with a Notice of Taking Deposition of Theodore J. Forstmann. I have scheduled the deposition to commence on November 1, 2010 in my office. I have also offered to accommodate Mr. Forstmann, by taking his deposition in New York, despite his ownership and maintenance of a residence in Los Angeles County (I have a colleague who has volunteered his conference room in Manhattan).

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TMZ

Likewise, I told the lawyers that if the date of November 1, 2010 was inconvenient, I would be willing to advance or delay the deposition by a week in either direction, subject to a few dates which are impossible for me to accommodate.

Fourth, Mr. Agate's so-called letter of apology does not refute any of the claims at issue. Mr. Agate did not "admit to concocting lies and spreading false information" as mischaracterized by the public relations firm that has been hired to do damage control.

Fifth, contrary to the crisis manager's bold statements that the allegations "are beyond false, they are preposterous" and his reliance on the unsupported claim that Mr. Agate has maintained numerous addresses (not residences – and not that any mobility changes the allegations), the fact remains that Forstmann wrote huge checks and wired substantial amounts of money to Agate Printing, Inc.

To try to "spin" those **facts** by attacking a man they put into debt and by creating tax liabilities is shameful. Is there any wonder why the IRS is interested in Agate Printing? Agate Printing received staggering payments (from and on behalf of Forstmann) and the IRS has deemed those payments to be income to the Company. Our lawsuit seeks to recover, among other things, the tax liabilities created by and owed by the defendants.

Finally, it is outrageous that the defendants are accusing Mr. Agate and his lawyer (i.e., me) for attempts to engage in extortion. I have never asked anyone in this case for money. Not once. Not ever. Not for a single penny.

Agate Printing attempted, without success, to amicably resolve this dispute. Once it became clear that Mr. Forstmann was unwilling to honor his commitments, my law firm was hired to file the action and go to trial. I just want to get Mr. Forstmann's testimony, under oath, and I will be ready to present my case.

My client has verified the allegations. Let's see how long Mr. Forstmann will continue to hide behind his lawyers, his public relations management, and his crisis management team. At the end of this case, one side will be shown to be a liar. Keep in mind that David beat Goliath.

The attached documents speak for themselves as irrefutable evidence.

Very truly yours,
KRAMER & KASLOW

By: 

PHILIP A. KRAMER

cc: Agate Printing, Inc.

Customer Service Number [REDACTED]

Jul 07, 2007

LOCAL AIRTIME, LONG DISTANCE and INTERNATIONAL CHARGES - (Continued)

Date	Call Destination	Time	Number Called	Call Type	Minutes	Airtime Charges	Toll Charges	Total
6/08/07	Incoming	5:54 PM	[REDACTED]	(A)	4	\$ -	\$ -	\$ -
6/08/07	Incoming	5:57 PM	[REDACTED]	(A)	2	\$ -	\$ -	\$ -
6/08/07	Incoming	6:15 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/08/07	Incoming	6:18 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/08/07	Incoming	6:24 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/08/07	Incoming	6:57 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Van Nuys, CA	11:07 AM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	La Crscenta, CA	12:47 PM	[REDACTED]	(F)	1	\$ -	\$ -	\$ -
6/09/07	Losangeles, CA	1:33 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/09/07	Wlosangels, CA	1:36 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Van Nuys, CA	1:38 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Van Nuys, CA	1:39 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Beverlyhls, CA	1:40 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Santamaría, CA	1:42 PM	[REDACTED]	(A)	1	\$ -	\$ -	\$ -
6/09/07	Incoming	1:43 PM	[REDACTED]	(A)	1	\$ -	\$ -	\$ -
6/09/07	Davis, CA	1:55 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Cmtn Grdn, CA	1:58 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Incoming	2:01 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Incoming	2:21 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Incoming	2:23 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Incoming	2:26 PM	[REDACTED]		7	\$ -	\$ -	\$ -
6/09/07	Incoming	4:27 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Incoming	4:32 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Cmtn Grdn, CA	4:34 PM	[REDACTED]	(A)	12	\$ -	\$ -	\$ -
6/09/07	1-800 #	4:47 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Southampn, NY	4:48 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/09/07	1-800 #	4:51 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	1-888 #	4:55 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Alhambra, CA	5:00 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Wlosangels, CA	5:01 PM	[REDACTED]	(F)	2	\$ -	\$ -	\$ -
6/09/07	Alhambra, CA	5:21 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Brbn Brbn, CA	5:22 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/09/07	1-888 #	5:25 PM	[REDACTED]		1	\$ -	\$ -	\$ -
6/09/07	Van Nuys, CA	5:25 PM	[REDACTED]		3	\$ -	\$ -	\$ -
6/09/07	Brbn Brbn, CA	5:51 PM	[REDACTED]		2	\$ -	\$ -	\$ -
6/09/07	Incoming	6:05 PM	[REDACTED]	(F)	4	\$ -	\$ -	\$ -

all Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls

WPS Call (U) HotSpot @Home (V) myFaves Call

Ted called me home from Hampton at 4:48pm

me calling Costa Rica to bet for Forstmann = donev

31

From: Jim Agate [REDACTED]
Sent: Wednesday, September 17, 2008 10:10 AM
To: 'Jim Agate'
Subject: RE: Agate/Forstmann wire from forstmann
Attachments: _AVG certification_.txt; image001.gif; image002.gif; image003.gif; image004.gif; image005.gif; image006.gif; image007.gif; image008.gif; image009.gif; image010.gif; image011.gif; image012.gif; image013.gif; image014.gif; image015.gif; image016.gif

Transaction Details

Customer Service

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Transaction Details

[Print](#)

Description: WIRE TYPE:WIRE IN DATE: 070613
 TIME:1629 ET TRN: [REDACTED]
 SEQ: [REDACTED]
 ORIG:THEODORE J FORSTMANN
 ID:000000000001389 SND
 BK:JPMORGAN CHASE BANK, N.A.
 ID:0002 PMT DET:OS1 OF 07/06/13

Posting Date: 06/13/2007

Amount: \$96,000.00

Type: Credit

Account Number: Checking-[REDACTED]

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Customer Game Wagers Details

Period Wagers Posted or Graded On or After: 07/10/2006 Wagers Posted or Graded On or Before: 10/07/2007 Customer ID: 1532 Period Description:

10/8/2007

Ticket Posted: 6/6/2007 10:33:19AM Accepted By: gaby at 01-204 Agent: X1532 Ticket Graded: 06/07/2007

1	Loss	Single	MLB	Baseball	1st 5 Innings - Spread	ev	-147	Colorado Rockies	Wagered: 1,470.00	ToWin: 1,000	Amount Lost	-1,470
W WILLIAMS -R / Item Loss												
2	Win	Single	MLB	Baseball	Game - Money Line		-149	Colorado Rockies	Wagered: 1,118.00	ToWin: 750	Amount Won	750
W WILLIAMS -R / Item Win												
3	Loss	Single	MLB	Baseball	Game - Spread	-1½	+136	Colorado Rockies	Wagered: 750.00	ToWin: 1,020	Amount Lost	-750
W WILLIAMS -R / Item Loss												

Ticket Posted: 6/8/2007 5:41:52PM Accepted By: mario at 01-190 Agent: X1532 Ticket Graded: 06/09/2007

1	Loss	Single	Tennis	Other Sports	Game - Money Line		+425	A IVANOVIC	Wagered: 5,500.00	ToWin: 23,375	Amount Lost	-5,500
Item Loss												

Ticket Posted: 6/8/2007 7:12:35PM Accepted By: manny at 01-204 Agent: X1532 Ticket Graded: 06/09/2007

1	Loss	Single	MLB	Baseball	Game - Spread	-1½	+105	Los Angeles Dodgers	Wagered: 300.00	ToWin: 315	Amount Lost	-300
D MCGOWAN Item Loss												

Ticket Posted: 6/9/2007 4:49:09PM Accepted By: yank at 01-122 Agent: X1532 Ticket Graded: 06/10/2007

1	Loss	Single	Tennis	Other Sports	Game - Money Line		+193	R FEDERER	Wagered: 22,000.00	ToWin: 42,460	Amount Lost	-22,000
Item Loss												

Ticket Posted: 6/9/2007 4:52:34PM Accepted By: yank at 01-122 Agent: X1532 Ticket Graded: 06/10/2007

1	Loss	Single	Tennis	Other Sports	Game - Money Line		+193	R FEDERER	Wagered: 11,000.00	ToWin: 21,230	Amount Lost	-11,000
Item Loss												