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**FRAPPLE LAWSUIT PRESS RELEASE
JULY 1, 2013**

In January of 2010, a developer operating under the name of Frapple LLC brought suit in Federal Court alleging six (6) counts against the Town and its residents, ranging from unconstitutional takings of their grounds and rights to develop their land to breach of contract. The basis of the lawsuit was that the Town deprived the developer of the right to develop its land because the Town did not have water and sewer capacity and was making no steps to resolve the matter. The lawsuit started out with damages exceeding \$90 million dollars, which was later amended by the plaintiff to \$121 million dollars. Through the hard work of the Town's Attorney, Mr. Jack (Jay) A Gullo, our insurance company LGIT and the law firm of Karpinski, Colaresi & Karp, the Town was able to file various motions and fend off five (5) of the six (6) complaints leaving only one (1) count remaining – The breach of contract action. Unfortunately, this was only a partial success for the Town, as there were claims for damages that exceeded \$21 million dollars to still be litigated. As LGIT does not provide insurance coverage for breach of contract claims, this portion of the lawsuit was paid directly by the TAX PAYERS of our community. In addition to this, there was an additional lawsuit being filed to suspend, alter or amend the progress of the sewer project by a nonresident along with several town residents. Essentially the Town's tax payers were paying for two lawsuits, one for not building a sewer plant and the other wanting to stop the construction of the sewer plant. After successfully defending the suit demanding suspension of the sewer plant construction, the Elected body, Town Staff, Consultants and legal team continued to dig in to defend the remaining count in the Frapple lawsuit working for another year as the Town's motion to dismiss the remaining count sat pending before the federal court.

IT IS WITH GREAT EXCITEMENT that we can now announce that on June 27, 2013 the Federal Court finally issued a ruling on the matter, rendering a decision IN THE TOWN'S FAVOR! It can easily be said that never before has the Town faced such a POTENTIALLY DISASTROUS situation that could have easily impacted each and every household in our community upwards of \$20 thousand dollars each. This victory could not be achieved without the team effort that such action required from both the past and present elected bodies, staff, consultants and of course our legal team.

However, as with all lawsuits this may likely not be over yet, there are appeals that can be made which can include an appeal of all six (6) original counts. This case was won because a real plan for sewer and water was designed, developed and executed; dating back to 2009 and the courts were satisfied that the Town was committed and taking adequate steps to meet its obligations to the developer. Therefore, it is important for everyone to understand that to stop, stumble or withdraw from the current plan would invite a new cause of action by Frapple – one that would be very difficult to defend and likely equally expensive. In addition, hundreds of thousands of dollars of consulting and legal fees would essentially be wasted.

Although it is nice to celebrate, we must also learn from history and make sure that we do not straddle future generations of our community and businesses with the same financial distress and perils we faced for the last 3 years

Maybe now the Sun can truly Rise over our fine Town