

Richard W. Daily LLC  
ATTORNEY AT LAW

December 16, 2009

A. Michael Pizzi  
Janice Pizzi  
9024 Copenhagen Rd.  
Peyton, CO 80831

Re: Claim of Ronald R. Pace

Dear Mr. and Mrs. Pizzi:

This letter he is intended to supplement my letter of November 30, 2009.

I wanted to make it crystal clear that Mr. Pace intends to assert civil damage claims against the two of you in your individual capacities, in addition to claims against Mrs. Pizzi in her official capacity and the claims against the District and Mr. Bishop.

His claims against the two of you are based on the following facts:

1. Mrs. Pizzi has been a member of the Board of Directors of the Woodmen Hills Metropolitan District for a significant period of time, and has served as its Board Chair since December 2008.
2. As Board Chair of the Woodmen Hills Metropolitan District, Mrs. Pizzi was directly responsible for making interim policy decisions on behalf of the Woodmen Hills Metropolitan District (subject to ratification by the full Board), and for supervising Mr. Bishop.
3. In December, 2008, it became clear to people in the Woodmen Hills community that there would likely be a recall petition filed, and that Mrs. Pizzi would be a target of a recall effort. Mr. Pace was one of the leaders of this recall effort.
4. In late January, 2009, Mr. Pizzi sent a number of e-mails to Mrs. Pizzi in which he set out his assertion that Ronald Pace had, during the November 20, 2008 regular monthly meeting of the Board of Directors of the Woodmen Hills Metropolitan District, stated to him that "he ought to get an AK-47 and blow these assholes away."
5. Mr. Pizzi sent these e-mails to Mrs. Pizzi knowing that Mrs. Pizzi would immediately send them to one or more officials of the Woodmen Hills

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Metropolitan District, and knowing that the allegation would likely be publicized widely at least within the Woodmen Hills community.

6. Both Mr. and Mrs. Pizzi knew and intended that the e-mails containing the “AK-47 Threat” would be used as evidence by the Woodmen Hills Metropolitan District in seeking legal relief against Mr. Pace.
7. In fact, the “AK-47 Threat” was described at Paragraph 4(b) of the Verified Complaint / Motion for Civil Protection Order as “the most serious incident that causes [Mr. Bishop and the District] to ask for a Civil Protection Order. . . .”
8. The Verified Complaint/Motion for Civil Protection Order was served on Mr. Pace on or about May 7, 2009.
9. During the pendency of the entire Civil Protection Order proceeding, Mr. Bishop and the District had a full and fair opportunity to litigate the issue of whether the “AK-47 Threat” was ever made.
10. During the course of the trial of the Civil Protection Order case, Mrs. Pizzi showed her willingness to fabricate evidence, when she contended that Mr. Pace had made a “murder threat” or a “death threat” against members of the Board and their spouses at the February 26, 2009 meeting of the Board of Directors of the Woodmen Hills Metropolitan District.
11. Judge Chittum ruled in Mr. Pace’s favor on every contested issue of fact. Specifically:
  - a. Judge Chittum found that the “AK-47 Threat” was not made; and
  - b. Judge Chittum found that the February 26, 2009 “murder threat” testimony was not credible and that no such threat was made.

Mr. Pace believes that, based on these facts, that the following claims against the two of you have merit:

- a. Civil Conspiracy, against the two of you, arising out of the fact that the two of you agreed, by words and conduct, to accomplish the goals of hurting and defaming Mr. Pace and subjecting him to a litigation to obtain a Civil Protection Order, by fabricating evidence of the “AK-47 Threat,” by falsely representing that evidence to be true, by publishing that fabricated evidence among officials of the Woodmen

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Hills Metropolitan District and by aiding in the abuse of process perpetrated by Mr. Bishop and the Woodmen Hills Metropolitan District;

- b. Abuse of Process and Outrageous Conduct, against the two of you, arising out of your fabrication of evidence for use in a civil protection order proceeding against Mr. Pace, as well as out of Mrs. Pizzi's use of the Civil Protection Order proceeding as a means of defeating the pending recall campaign against her.
- c. Defamation against the two of you, for your publication of the "AK-47 Threat", which is false and defamatory *per se*, and which was published in paper form throughout the entire Colorado Springs metropolitan area by virtue of its publication in the Colorado Springs *Gazette* (and, indeed, worldwide because of its inclusion in the electronic editions of the *Gazette*).

Mr. Pace has outlined his damage claim and settlement demand in the November 30 letter to the District, which need not be repeated here.

We believe that it would be prudent for you to notify your insurance agent and any insurers whose policies may cover these claims.

On May 28, 2009, I sent Mr. Downie, the attorney for the District, a "Spoliation Notice" alerting him, the District and District employees, that Mr. Pace would seek sanctions for the spoliation (i.e., the destruction, alteration or erasure) of evidence or potential evidence, particularly of electronic evidence. I did not furnish Mr. Pizzi with a copy of that Notice. A copy of that Notice is enclosed for his benefit.

Please do not hesitate to call if you have any questions.

Very truly yours,

original duly signed

Richard W. Daily

cc: Ronald R. Pace