From: Frank J. Lavery, Jr.
To: Mike Giaramita
Cc: Justin McShane; Joshua M. Autry
Subject: RE: US Law Shield v. City of Harrisburg 2015-CV-255-EQ
Date: Saturday, March 21, 2015 2:58:34 PM

Thank you. Your email below has been passed onto the client.

Frank J. Lavery, Jr., Esquire
Lavery Law
225 Market Street, Suite 304
Harrisburg, PA 17101
flavery@laverylaw.com
(717) 233-6633

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From: Mike Giaramita [mailto:mgiaramita@themcshanefirm.com]
Sent: Thursday, March 19, 2015 11:16 AM
To: Joshua M. Autry; Frank J. Lavery, Jr.
Cc: Justin McShane
Subject: US Law Shield v. City of Harrisburg 2015-CV-255-EQ

Counselors,

Earlier this week, you provided us with a proposed motion for our concurrence or opposition. As we cancelled the deposition, submission of said motion ultimately became unnecessary. However, in the motion, Defendants indicated the intent to file an appeal with respect to the Preliminary Injunction.

In fairness to your clients, we would like to inform you that if an appeal is filed, our clients intend to permanently revoke their offer to forego attorney fees. As discussed in chambers, "an appellate court reviews an order granting or denying a preliminary injunction for an abuse of discretion . . . . Under this highly deferential standard of review, an appellate court does not inquire into the merits of the controversy, but examines the record to determine if there were any apparently reasonable grounds for the action of the court below." SEIU Healthcare Pennsylvania v. Com., 104 A.3d 495, 501 (Pa. 2014) (internal citations and quotations omitted).

Provided the resources required to defend an appeal at this stage of the litigation, and the unlikelihood that the outcome would change, a decision to appeal would evidence an utmost

unwillingness to settle on the part of your clients. As such, while our clients have made good faith strides toward an amicable resolution of this matter, the same would become unfeasible after defending an appeal at such an early stage.

As always, if you have any questions, or wish to discuss this matter further, please feel free to contact us.

Best,

Mike Giaramita

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