

EXHIBIT A

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October 20, 2014

VIA E-MAIL ONLY

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Steven W. Cheifetz, Esq.

Jacob Kubert, Esq.

CHEIFETZ IANNITELLI MARCOLINI, PC

111 West Monroe Street, 17th Floor

Phoenix, Arizona 85003

Re: *McNally v. Sun Lakes Homeowners Association #1, Inc.*
Maricopa County Superior Court case no. CV2014-009496

Counsel:

We have received and reviewed Plaintiff's Initial Disclosure Statement, as well as Jake's e-mail to me dated October 15, 2014, requesting potential dates in early December for the deposition of Rick Schwartz.

As an initial matter, Mr. Schwartz reports that he will be out of state for the entire month of December, and so cannot appear for a deposition during that time as requested. We are happy to make him available in January, subject to the issues raised below.

The documents that Plaintiff produced with her Initial Disclosure Statement include what appears to be a privileged communication from the Association's general counsel (Charles Maxwell at Maxwell & Morgan) to Mr. Schwartz providing legal advice to the Association concerning the very matters at issue in this case. Please see documents Bates numbered PL55-56. We understand that Mr. Schwartz inadvertently forwarded Mr. Maxwell's communication to all members of the Board of Directors, including Ms. McNally. Mr. Schwartz did not and does not intend to waive the privilege attached to Mr. Maxwell's communication. As such, you are obligated to treat such disclosure as inadvertent and to return to us all documents in your possession or that of your client

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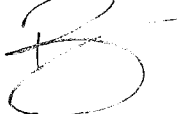
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containing privileged communications between the Association and its general counsel relating to the subject matter of this litigation. Please do so immediately.

In addition, Plaintiff's Initial Disclosure included an e-mail string between your office and Ms. Jeanne Martens, a former employee of the Association whose conduct is central to the subject matter of this litigation. Please see documents Bates numbered PL39-40. The Arizona Rules of Professional Conduct prohibit you from communicating with current or former employees of the Association and current or former members of the Board of Directors concerning the subject matter of this litigation. *See* E.R. 4.2. Please immediately and fully disclose all such communications, whether verbal or in writing, so that we may evaluate what further action may be required to address same. In the meantime, we demand that you and all persons under your supervision, cease and desist from any and all communications with current or former employees of the Association, as well as current or former members of the Board of Directors.

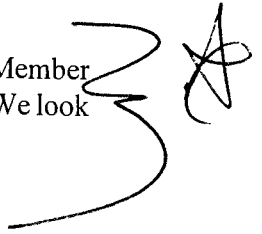
The Association declines to make Mr. Schwartz or any other employee or Board Member available for deposition until such time as you have made the disclosures requested above. We look forward to receiving your prompt response.

Sincerely,



Robert Grasso, Jr.

RG:rn



Jacob Kubert

From: Hilary Patrick [HPatrick@grassolawfirm.com]
Sent: Monday, October 20, 2014 10:49 AM
To: Steve Cheifetz; Jacob Kubert
Cc: Robert Grasso; Jenny Winkler
Subject: McNally v. Sun Lakes Homeowners Association #1, Inc.
Attachments: 10.20.14 letter to Cheifetz and Kubert.pdf

Re: *McNally v. Sun Lakes Homeowners Association #1, Inc.*
Maricopa County Superior Court case no. CV2014-009496

Attached is Mr. Grasso's letter of today's date.

Hilary Patrick

Paralegal and Firm Administrator



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