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December 19, 2018

Joshua M. Sandler
Lynn Pinker Cox & Hurst, LLP
2100 Ross Avenue, Suite 2700
Dallas, Texas 75201

Sent via CM/RRR

Dear Mr. Sandler,

I am an attorney engaged to represent Lacricia Ryan in the dispute between her and Seventus, LLC and Wharton Wind, LLC. I am in receipt of a demand letter that you sent to Mrs. Ryan on November 21, 2018 regarding Wharton Wind Farm and alleging that Mrs. Ryan "could face significant legal liability."

Mrs. Ryan takes the allegations of defamation contained in your letter very seriously. She also takes seriously her rights under the First Amendment to engage in free speech regarding matters of public concern, including your client's proposed wind energy project. Accordingly, we request you and your clients comply with the requirements of the Defamation Mitigation Act, Tex. Civ. Prac. & Rem. Code §73.051 et seq.

In your letter you allege that Mrs. Ryan has "engaged in spreading false, destructive, and defamatory rumors" about your clients and their project. You then state, "for example" that Mrs. Ryan allegedly made a series of statements via the Facebook page Wharton County Against Wind and "verbally at a community meeting held at Mikeska's BBQ." You complain generally of several statements you allege Mrs. Ryan has made in one or more of these forums and request that such statements be removed and retracted.

Your letter contains insufficient information for Mrs. Ryan to know what statements your clients are complaining of or to evaluate their claims that such statements are false and defamatory.

In accordance with Tex. Civ. Prac. & Rem. Code §73.055(d)(3)-(5), please state with particularity the statement(s) your clients allege to be false and defamatory, state the time and place of publication, allege the defamatory meaning of each statement, and specify the

circumstances causing a defamatory meaning of each statement if it arises from something other than the express language of the publication.

For example, in your letter you complain that Mrs. Ryan has “falsely represented that agricultural jobs will be lost and large quantities of agricultural land destroyed if [your client’s project] is built.” Please state, specifically, what statement by Mrs. Ryan regarding the loss of agricultural jobs and the destruction of agricultural land your clients allege was defamatory, the time and place Mrs. Ryan made the statement, the defamatory meaning of such a statement, and the circumstances causing such defamatory meaning.

If we are provided with specific information, we will proceed to evaluate whether your clients’ demands for removal and retraction are reasonable.

Additionally, pursuant to Tex. Civ. Prac. & Rem. Code §73.056, we request your clients provide the following reasonably available information regarding the falsity of the allegedly defamatory statements described generally in your letter. Please provide copies of the following records, including electronically stored information, in the possession or control of Seventus, LLC or Wharton Wind, LLC or its affiliates.

- All written correspondence, including letters and emails, with El Campo Independent School District or El Campo ISD school board members from January 1, 2017 through the present.
- Records giving evidence of any meeting with representatives of El Campo Independent School District from January 1, 2017 through the present.
- Records giving evidence of communications with El Campo Independent School District, including telephone records, from January 1, 2017 through the present.
- All written correspondence, including letters and emails, with the Wharton County Commissioner’s Court from January 1, 2017 through the present.
- Records giving evidence of any meeting with the Wharton County Commissioner’s Court from January 1, 2017 through the present.
- Records giving evidence of communications with the Wharton County Commissioner’s Court, including telephone records, from January 1, 2017 through the present.
- Records giving evidence of any exchange of funds to El Campo ISD, Wharton ISD, the Wharton County Commissioners Court, or any other public official or government entity within Wharton County.
- Any documents showing how the amount of \$75,000 for the “application fee” to El Campo ISD was calculated.
- Any documents regarding any “application fee” paid to any school district other than El Campo ISD regarding any Chapter 313 agreement.

- Any documents showing how the \$75,000 “application fee” to El Campo ISD will be used.
- Records indicating the exact locations, by latitude and longitude, or other survey data, of wind turbines planned to be located in Wharton County.
- Records indicating the exact locations, by latitude and longitude, or other survey data, of transmission lines or other electrical lines planned to be connected to any proposed wind turbine in Wharton County.
- Any documents relating to the current use, such as agriculture, of any property in Wharton County on which proposed wind turbines will be located.
- Any maps showing the location and footprint dimensions for each proposed wind turbine in Wharton County.
- Any map showing the location where any proposed electrical transmission line, whether located above or below ground, will be located in Wharton County.
- Any map showing the location and dimensions for any proposed electrical substation in Wharton County.
- Any map showing the location and dimensions of a proposed operation and maintenance building in Wharton County.
- Copies of all leases or contracts for lease or purchase of real property by Seventus, Wharton LLC, or any affiliated company with property owners located in Wharton County.
- A list of all parcels (including tax ID and acreage obtained) that is currently leased or under contract for lease by Seventus, Wharton LLC, or any affiliated company within Wharton County.
- A description of the long-term goals of future projects within Wharton County.
- A copy of draft lease agreements that have been offered to land owners in Wharton County.
- Any financial report regarding “post security” funds including when the funds will be established and how they will be obtained by land owners in the future.
- Any study conducted on the agricultural impacts of wind turbines for each crop grown within the project perimeter including, but not limited to, Cotton, Soy Beans, Wheat, Corn, Milo, and Rice.
- Any study conducted on the agricultural impact of wind turbines for each bird species in Wharton County.
- Any records detailing setback requirements from homes, property lines, and buildings that Seventus and/or Wharton LLC will be following as they install and place turbines in Wharton County.
- Any records detailing decommission plans and costs when the proposed project’s lifetime is completed.

Any records responsive to this request should be delivered to my office within 30 days of receipt of this letter, in accordance with Tex. Civ. Prac. & Rem. Code §73.056.

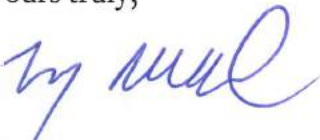
Please also treat this letter as a litigation hold notice. Including and in addition to the information described above, your clients may have in their possession or control paper documents or electronically stored information (ESI) relevant to their dispute with Mrs. Ryan.

Please instruct your clients to take the following steps to immediately protect and preserve any documents and ESI in their possession or under their control until further notice. Please do not destroy, alter, or erase any paper documents or ESI in the possession or control of Seventus, LLC or Wharton Wind, LLC or its affiliates relating to Lacricia Ryan, Wharton County Against Wind, the Wharton Wind Farm project, and your clients' business activities in Wharton County. This includes any letters, memoranda, reports, notes, emails, voice messages, computer records and programs, and data relating to such subjects.

This preservation notice applies to all sources of ESI including institutional, home, and personal computing devices and information systems. Please continue to retain these documents until further notice. Please also instruct your clients to identify, modify, or suspend any features of their computing devices and other information systems that, in routine operation operate to cause the loss of potentially relevant ESI.

Thank you for your cooperation with this request. I look forward to your response.

Yours truly,



Tony McDonald