From: Green, John
To: Jesneck, Charlotte; Marlies, Jessica M.; Culpepper, Linda; murphy, sue c; Walch, John
Subject: RE: Surtronics, Inc.
Date: Wednesday, June 04, 2014 12:20:59 PM
Attachments: RE Surtronics Inc..msg

Attached is the email that I just sent to opposing counsel in light of Charlotte's email. –John

John R. Green, Jr.
Assistant Attorney General
Environmental Division
North Carolina Department of Justice
Post Office Box 629
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From: Jesneck, Charlotte [mailto:charlotte.jesneck@ncdenr.gov]
Sent: Wednesday, June 04, 2014 12:16 PM
To: Marlies, Jessica M.; Green, John; Culpepper, Linda; murphy, sue c; Walch, John
Subject: RE: Surtronics, Inc.

Also, to answer your question, we have been communicating with John. Thanks.

From: Jesneck, Charlotte
Sent: Wednesday, June 04, 2014 12:15 PM
To: Marlies, Jessica M.; Green, John; Culpepper, Linda; murphy, sue c; Walch, John
Subject: RE: Surtronics, Inc.

As with most of the bankruptcies there are complications. The parties involved in this bankruptcy are trying to settle and dismiss the bankruptcy. We just found out that the bar date has already passed too. One of the attorneys on the debtor side sent an email a week and a half ago that they would not hold it against us if we delayed filing our claim to see if there was a settlement. We usually don't have a lot of luck recovering whether or not they gave us notice of the bankruptcy (and they did not). So our plan is to wait 2 or 3 more weeks to see if they settle. If they don't, we may likely file a claim. We just want to avoid risking expenditure of staff and admin resources on no return of revenue. Thanks.

From: Marlies, Jessica M.
Sent: Monday, June 02, 2014 5:26 PM
To: Green, John; Culpepper, Linda; Jesneck, Charlotte; murphy, sue c; Walch, John
Subject: RE: Surtronics, Inc.

Just following up to make sure someone has responded to John.

From: Green, John [Jgreen@ncdoj.gov]
Sent: Thursday, May 22, 2014 10:28 AM
To: Matthews, Dexter; Culpepper, Linda; Marlies, Jessica M.; Jesneck, Charlotte; murphy, sue c; Walch, John
Subject: FW: Surtronics, Inc.

FYI below. Do you wish to file a Proof of Claim or wait and see? -John

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From: Green, John
Sent: Thursday, May 22, 2014 10:27 AM
To: 'Matthews, David'; Berman, Steven M.
Cc: Traub, Seth
Subject: RE: Surtronics, Inc.

Thanks. I need to forward to my client to see what they want to do. Please let me know if you all reach a settlement. Thanks. -John

---

From: Matthews, David [mailto:DMatthews@slk-law.com]
Sent: Thursday, May 22, 2014 10:00 AM
To: Green, John; Berman, Steven M.
Cc: Traub, Seth
Subject: RE: Surtronics, Inc.

John:

The Court has entered an order denying the motion to dismiss. It is possible we will get this matter settled (as Steve indicated, we should know within the next 30 days) and the case may still be dismissed on a consensual basis, however, in light of the court's ruling you may want to go ahead and file a proof of claim. We will not use the delay against you if you wish to hold off a while longer and confirm whether or not there will be a settlement, but the Debtor reserves all rights on the issue to extent it is determined that your client did in fact receive notice of the case prior to the claims bar date (I don't have any reason to doubt that your client did not receive notice, I just don't

know that anyone on our side has checked to confirm that).

Steve, if you disagree or have any additional information that may help John in making a decision, please respond as soon as you can. Thanks.

David

David A. Matthews | **Shumaker**
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From: Green, John [mailto:Jgreen@ncdoj.gov]
Sent: Thursday, May 22, 2014 9:27 AM
To: Berman, Steven M.
Cc: Traub, Seth; Matthews, David
Subject: RE: Surtronics, Inc.

May I please have a yes or no on this? Thanks. –John

From: Green, John
Sent: Tuesday, May 20, 2014 2:03 PM
To: 'Berman, Steven M.'
Cc: Traub, Seth; Matthews, David
Subject: RE: Surtronics, Inc.

I'd rather wait and see how it turns out, rather than having to put together a Proof of Claim with supporting affidavits/declarations. Can we agree that my waiting any further will not be used against my client as delay in filing the PoC? This is just in case the Judge doesn't grant the motion to dismiss. -John

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From: Berman, Steven M. [mailto:sberman@slk-law.com]
Sent: Tuesday, May 20, 2014 1:44 PM
To: Green, John
Cc: Traub, Seth; Matthews, David
Subject: RE: Surtronics, Inc.

The case is still pending and settlement discussions are under way.

We will know more in the coming 30 days.

Steven M. Berman | **Shumaker**
Attorney at Law
Bank of America Plaza, Suite 2800
101 East Kennedy Boulevard | Tampa, FL 33602
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From: Green, John [mailto:Jgreen@ncdoj.gov]
Sent: Tuesday, May 20, 2014 1:23 PM
To: Berman, Steven M.
Cc: Matthews, David; 'Culpepper, Linda' (linda.culpepper@ncdenr.gov); Jesneck, Charlotte; Walch, John (john.walch@ncdenr.gov); murphy, sue c (sue.murphy@ncdenr.gov); Trawick Stubbs (tstubbs@stubbsperdue.com); Joseph Z. Frost (jfrost@stubbsperdue.com); Avery, Jonathan (jonathan.avery@ncdenr.gov); Marlies, Jessica M. (jessica.marlies@ncdenr.gov)
Subject: RE: Surtronics, Inc.

Any word yet on the matter below?

Thanks. –John

John R. Green, Jr.
Assistant Attorney General
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From: Berman, Steven M. [mailto:sberman@slk-law.com]
Sent: Thursday, May 01, 2014 9:26 AM
To: Green, John
Cc: Matthews, David; 'Culpepper, Linda' (linda.culpepper@ncdenr.gov); Jesneck, Charlotte; Walch, John (john.walch@ncdenr.gov); murphy, sue c (sue.murphy@ncdenr.gov); Trawick Stubbs (tstubbs@stubbsperdue.com); Joseph Z. Frost (jfrost@stubbsperdue.com); Avery, Jonathan (jonathan.avery@ncdenr.gov); Marlies, Jessica M. (jessica.marlies@ncdenr.gov)
Subject: Re: Surtronics, Inc.

Under advisement. Hope to hear soon.

Steve

Sent from my iPhone

Steven M. Berman | **Shumaker**
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On May 1, 2014, at 8:18 AM, "Green, John" <Jgreen@ncdoj.gov> wrote:

> What was the outcome of the hearing?
>
> Thanks. –John Green
>
> ---
>
> **From:** Berman, Steven M. [mailto:sberman@slk-law.com]

Sent: Tuesday, April 22, 2014 9:07 AM
To: Green, John
Cc: Matthews, David; 'Culpepper, Linda' (linda.culpepper@ncdenr.gov); Jesneck, Charlotte; Walch, John (john.walch@ncdenr.gov); murphy, sue c (sue.murphy@ncdenr.gov); Trawick Stubbs (tstubbs@stubbsperdue.com); Joseph Z. Frost (jfrost@stubbsperdue.com); Avery, Jonathan (jonathan.avery@ncdenr.gov); Marlies, Jessica M. (jessica.marlies@ncdenr.gov)
Subject: Re: Surtronics, Inc.

John

The hearing was continued to this afternoon. We hope to know more later today.

Thanks
Steve

Sent from my iPad

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On Apr 22, 2014, at 9:05 AM, "Green, John" <Jgreen@ncdoj.gov> wrote:

> David (or one of the others copied who may know): What happened with the Motion to Dismiss last week?
>
> Thanks. –John
>
> John R. Green, Jr.
> Assistant Attorney General
> Environmental Division
> North Carolina Department of Justice
> Post Office Box 629
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From: Matthews, David [mailto:DMatthews@slk-law.com]
Sent: Wednesday, April 16, 2014 2:18 PM
To: Green, John
Cc: 'Culpepper, Linda' (linda.culpepper@ncdenr.gov); Jesneck, Charlotte; Walch, John (john.walch@ncdenr.gov); murphy, sue c (sue.murphy@ncdenr.gov); Berman, Steven M.; Trawick Stubbs (tstubbs@stubbsperdue.com); Joseph Z. Frost (jfrost@stubbsperdue.com)
Subject: RE: Surtronics, Inc.

John:

A hearing on the Debtor's motion to dismiss the Chapter 11 case is set to be heard tomorrow morning. Assuming it is granted, then there will be no issue with respect to DWM's claim. I have copied my partner Steve Berman, who has been the lead attorney on the case as well as Buzzy Stubbs and Joe Frost who are co-counsel for the Debtor so that one of them can follow-up with you in the event the case is not dismissed tomorrow.

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From: Green, John [mailto:Jgreen@ncdoj.gov]
Sent: Wednesday, April 16, 2014 1:44 PM
To: Matthews, David
Cc: 'Culpepper, Linda' (linda.culpepper@ncdenr.gov); Jesneck, Charlotte; Walch, John (john.walch@ncdenr.gov); murphy, sue c

(sue.murphy@ncdenr.gov)
Subject: Surtronics, Inc.

David: The North Carolina Division of Waste Management of the Dept. of Environment and Natural Resources ("DWM") just learned of the Surtronics, Inc. Bankruptcy. The Attorney General's Office represents DWM. DWM has reviewed its records, and it does not appear to have received notice of the bankruptcy. It might have a claim, and to that end, I plan to meet with my clients on Tuesday (4/22). –John Green

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