

EXHIBIT

13

From: William Kelly bkelly11@bluestreakme.com
Subject: RE: FOAA
Date: August 16, 2019 at 4:18 PM
To: Kim Ervin Tucker k.ervintucker@gmail.com, Joseph Slocum jslocum@cityofbelfast.org
Cc: Lyons, Patrick plyons@eatonpeabody.com, David M. Kallin DKallin@dwmlaw.com



Ms. Tucker

I am in receipt of your FOAA request below. It had gone to Junk Mail on my computer, but I have now read it.

This request should have been made to the Belfast City Manager, and I am forwarding this to the City Manager. I am not an employee of the City of Belfast. I am retained as a private law firm. That said, I will produce public documents in my possession, that are not subject to an exception.

I hereby deny your request to the extent it seeks Attorney Client Communications and/or Attorney Work Product Communications with the City of Belfast, and I deny your request to the extent it seeks Attorney Work Product emails among co-Defendant/Parties in Interest in the Waldo County Superior Court case of Daniels et ux. v. City of Belfast et al; Docket No. CV-2018-45. I would be happy to discuss these routine denials with you as a clarification of your request. I am copying this response the Counsel for the Parties in Interest, as I think that is appropriate that they should be advised of your request, as it involves their Attorney Work Product as well.

I cannot estimate the time involved yet, as you are seeking an eighth month review of emails, but I suspect it will take many hours, as I have over 9,000 emails in my inbox at present. I cannot give you an estimate of cost for similar reasons.

As to your first three requests listed below, 1. I do not have, nor have I seen, unredacted deeds from heirs. In a phone call after receiving your comprehensive right, title and interest submissions, I inquired about seeing the deeds with Nordic's Counsel and was informed that due to the energy surrounding the case, there was a concern of the way in which those heirs may be contacted or harassed. I found that a reasonable request in terms of privacy concerns, and receipt of a report from the genealogist who had done the research to "connect" the heirship claims to the prior title owners was discussed. I also requested all of the information filed at the DEP by Nordic, which I assume you have seen. 2. I should be able to find and provide to you on Monday, the information I reviewed about the genealogical search, but I believe it is on the City website. 3. I have never submitted an invoice to Nordic Aquafarms, nor will I. It is not my client. I should be able to get you the invoices to the City of Belfast for my work for the City relating to the proposed salmon farm, next week. 4. I will provide email correspondence that are public documents relating to my work for the City of Belfast, excepting the information I referenced above, but that is going to take several weeks, as I have a very busy schedule -- on top of my daily work, I have had six night meetings and hearings in the last 10 work days and I have a similar schedule of Court appearances, filings and hearings scheduled in the next few weeks.

Thank you.

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-----Original Message-----

From: Kim Ervin Tucker [mailto:k.ervintucker@gmail.com]
Sent: Tuesday, August 13, 2019 10:18 AM
To: William Kelly <bkelly11@bluestreakme.com>
Subject: FOAA

Pursuant to the Maine Freedom of Access Act I am requesting the following materials that are in you possession:

1. The unreduced "release deeds" submitted by Nordic Aquafarms, Inc. ("NAF") to the City of Belfast, or you directly, asserting an ownership interest in the intertidal land on which Belfast Tax Map 29, Lots 35 and 36 front;
2. Any genealogical report in your possession that alleges that the grantors of the "release deeds" are heirs-at-law or heirs of Harriet A. Hartley or Harriet L. Hartley;
3. Invoices for all attorney's fees you have submitted to the City of Belfast and/or directly to NAF or its agents for payment for work you have done in relation to the Nordic Aquafarms Inc. proposed land-based salmon farm; and
4. All emails between you and any representative(s) of or counsel for NAF from January 1, 2019 to present

7. All emails between you and any representative(s) or of counsel for WHA from January 1, 2010 to present.

I also remind you that the City of Belfast has not produced one single email I requested from Wayne Marshall to date — a blatant and flagrant violation of the Maine FOAA. As City Attorney you have a duty to rectify this violation. I trust you will not engage in the same conduct in responding to this FOAA request. Thank you for your prompt response. Kim Ervin Tucker=