

LAW OFFICES
PETER W. TILL
105 MORRIS AVENUE, SUITE 201
SPRINGFIELD, NEW JERSEY 07081
(973) 258-0064

PETER W. TILL*

**Admitted to NJ & DC Bar*

YALE HAN^

^Admitted to NJ & NY Bar

FACSIMILE (973) 258-0478

EMAIL: TILLLAW@AOL.COM

January 30, 2008

Sent Via Certified Mail Return Receipt Requested,
Regular Mail and Hand Delivery

Edward D. Fagan, Esq.
5 Penn Plaza, 23rd Floor
New York, New York 10001

Sent Via Certified Mail Return Receipt Requested,
Regular Mail and Hand Delivery

Elizabeth Silver Fagan
10 Ferncliff Terrace
Short Hills, New Jersey 07078

Re: Fagan, Silver Fagan v. D. Jaffe, M. Jaffe, K. Rogers,
J. Rogers, et al., Docket No.: L-7205-07

Dear Mr. Fagan and Ms. Silver Fagan,

Kindly be advised that we are counsel for all Defendants and also
"Additional Defendants For Injunctive Relief" in the above-referenced
proceeding. Please accept this correspondence in good faith requesting that you
voluntarily withdraw the claims asserted against our clients as they are without
merit. In this letter, I will apprise you of the factual and legal basis to support
this conclusion. Kindly be advised that should you decided to continue this
action, the Jaffe's will file a Motion to Dismiss and seek sanctions and fees under
the Frivolous Litigation Act, N.J. Stat. Ann. § 2A:15-59, et seq.

Edward D. Fagan, Esq.
Elizabeth Silver Fagan
January 30, 2008
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1. **Standing**

Initially, one blatant example of frivolous litigation includes the Plaintiffs feeble attempt to create standing. As I'm sure you understand, "standing is an element of justiciability that cannot be waived or conferred by consent." In re Adoption of Baby T., 160 N.J. 332, 341 (1999)(citing N.J. Citizens Action v. Riviera Motel Corp., 296 N.J. Super. 402, 411 (App. Div. 1997)). The requisite elements of standing are well established, "[A] plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Hein v. Freedom from Religion Foundation, Inc., ___ U.S. ___, 127 S.Ct. 2553, 2562 (2007) (citing Allen v. Wright, 468 U.S. 737, 751, 104 S. Ct. 3315 (1984)).

Counsel submits that the Plaintiffs allegations cannot establish a personal injury which is fairly traceable to the Jaffe's alleged conduct, let alone any unlawful conduct by the Jaffe's. The Plaintiffs do not specifically recite the cause of action upon which these allegations are made; however, it appears the Plaintiffs have alleged the elements of Negligence, Fraud, Negligent Infliction of Emotional Distress and Intentional Infliction of Emotional Distress. In light of the disjointed manner of the allegations in the Complaint, counsel does not represent that these are the only causes of action alleged.

Regardless, in every conceivable cause of action alleged by the Plaintiffs, there is absolutely no way in which to establish standing, particularly with regard to Mr. Fagan. The allegation that the Defendants, and Jaffe's in particular, owed the Plaintiffs a duty is incredulous. There is absolutely no case or statutory law which supports the premise that the Jaffe's could be held to have a duty towards the Plaintiffs. Common sense would dictate that no legal relationship exists between the Jaffe's and the Plaintiffs. "the determination of the existence of duty is ultimately a question of fairness and public policy, which in turn draws upon 'notions of fairness, common sense and morality.'" Podias v. Mairs, 394 N.J. Super. 338, 349 (App. Div. 2007) (quoting Hopkins v. Fox & Lazo Realtors, 132 N.J. 426, 443 (1993); citing Olivo v. Owens-Illinois, Inc., 186 N.J. 394, 401 (2006)).

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Elizabeth Silver Fagan
January 30, 2008
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The idea that the Jaffe's would owe a duty for the adult actions of their adult granddaughter to Ms. Silver Fagan, who voluntarily engaged in a civil ceremony with said adult granddaughter would be preposterous. To then extend that duty to Mr. Fagan, the ex-husband of Ms. Silver Fagan is equally preposterous and laughable. Ms. Silver Fagan voluntarily engaged in a civil ceremony with Ms. Margaret Rogers. To now claim that the Jaffe's are somehow liable or possessed a duty to Ms. Silver Fagan has absolutely no basis in law.

Furthermore, the Plaintiffs can in no way establish any harm or damages which are fairly traceable to the defendant's allegedly 'unlawful conduct.' The allegations of the Complaint repeatedly discuss the actions of the Ms. Margaret Rogers, the granddaughter of the Jaffe's. However, no allegations regarding the Jaffe's 'unlawful conduct' which is fairly traceable to the Plaintiffs' injuries are found. The Plaintiffs have not set forth any facts demonstrating a scintilla of evidence to show that the Jaffe's possessed a duty or relationship, or that their purported misconduct was directed towards the Plaintiffs, or that the Plaintiffs were even legally or factually foreseeable for that matter.

2. Sanctions Are Appropriate

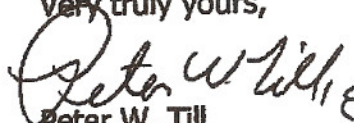
N.J. Stat. Ann. §2A:15-59 provides that a party who prevails in a civil action, either as plaintiff or defendant, against another party may be awarded all reasonable litigation costs and reasonable attorneys' fees, if the judge finds at any time during the proceedings or upon judgment that a complaint, counterclaim, cross-claim or defense of the non-prevailing person was frivolous. None of the purported claims against our clients have any factual or legal support. Although we do not, as a practice, institute actions against attorneys for making frivolous claims, if you do not voluntarily withdraw this First Amended Complaint as to my clients, and we have to pursue a Motion to Dismiss, we will pursue sanctions against you. I understand that you're proceeding *pro se*, but there is absolutely no doubt that the Court will take into account your legal background and experience and admonish you for putting forth such a frivolous action. This is based on what appears to be a flagrant disregard for the type of analysis and due diligence required of an attorney prior to filing allegations such as those contained in the First Amended Complaint.

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Elizabeth Silver Fagan
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Our fees range from \$200 to \$300 per hour. We estimate that to brief, reply brief and appear in court, our costs will be around \$20,000. We will seek to recover that money from you pursuant to N.J. Stat. Ann. § 2A:15-59. If the case moves beyond the initial pleading stage, we will seek all fees and costs associated permitted.

Be advised accordingly and feel free to contact me to further discuss this matter.

Very truly yours,


Peter W. Till

PWT:cc

EXHIBIT 3

To

Feb. 6, 2008 Fagan Declaration

LAW OFFICES
PETER W. TILL
105 MORRIS AVENUE, SUITE 201
SPRINGFIELD, NEW JERSEY 07081
(973) 258-0064

PETER W. TILL*

**Admitted to NJ & DC Bar*

February 5, 2008

FACSIMILE (973) 258-0478

EMAIL: TILLLAW@AOL.COM

YALE HAN^

^Admitted to NJ & NY Bar

VIA NEW JERSEY LAWYERS SERVICE

(SAME DAY)

Clerk, Superior Court of New Jersey
Essex County Courthouse
465 Dr. Martin Luther King, Blvd.
Newark, New Jersey 07102

**Re: Elizabeth Silver Fagan and Edward D. Fagan
vs.
Margaret Jaffe, et al. and
Baldwin & Associates Construction, Inc., et al.
Superior Court, Law Division
Essex County Docket No.: ESX-L-7205-07**

Dear Sir/Madam:

This office represents the Defendants and Additional Defendants for Injunctive Relief with regard to the above-captioned matter.

Enclosed herewith for filing please find an original and two copies of a "Notice of Motion to Quash Subpoena" (On Short Notice), Certification of Counsel, Proposed Order and Certificate of Service. Also enclosed is a check for \$30.00 to cover the filing fee. Kindly file the original and return a filed copy in the stamped, self-addressed envelope.

Kindly note that these documents have been simultaneously filed with the United States District Court of New Jersey today. A courtesy copy of these documents enclosed for the Court's reference

Respectfully,

Peter W. Till
Peter W. Till

PWT/amm
Encls.

cc: United States District Court Clerk, District of New Jersey (via Same Day New Jersey Lawyer's Service - courtesy copy)
Elizabeth Silver Fagan (Same Day Lawyers Service, w/encl.) ✓
Edward D. Fagan, Esq. (Same Day Lawyers Service, w/encl.)

LAW OFFICES OF PETER W. TILL

105 Morris Avenue – Suite 201

Springfield, New Jersey 07801

(973) 258-0064

Attorneys for Defendants and

Additional Defendants for Injunctive Relief

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELIZABETH SILVER FAGAN

EDWARD D. FAGAN,

Plaintiff,

v.

DAVID H. JAFFE, MARGARET E. JAFFE,

KENN KIMM ROGERS, MINDY JAFFE

ROGERS

Defendants.

and

BALDWIN & ASSOCIATES CONSTRUCTION
INC., BALDWIN ASSOCIATES INC.;
BALDWIN ASSOCIATES LLC; NEW
BALDWIN ASSOCIATES, LLC; MAYFLOWER
REALTY CO. LLC; BEST VALLEY REALTY;
DAVID JAFFE MANAGEMENT CO.;
LAKESIDE GARDEN APARTMENTS; SO.
CLINTON PARTNERSHIP and VILLAGE
APARTMENTS;
THE JAFFE FAMILY 2002 IRREVOCABLE
TRUST; THE JAFFE FAMILY 2003
IRREVOCABLE TRUST; THE JAFFE FAMILY
2004 IRREVOCABLE TRUST; THE JAFFE
FAMILY 2005 IRREVOCABLE TRUST;
MINDY JAFFE ROGERS, TRUSTEE OF
ASSETS AND TRUST ASSETS OF DAVID H.
JAFFE AND MARGARET E. JAFFE; MINDY
JAFFE ROGERS, OWNER/PRIMARY
BENEFICIARY OF WHOLE LIFE INSURANCE
POLICIES ISSUED BY PACIFIC LIFE
INSURANCE CO. POLICY NUMBERS
UNKNOWN ON LIFE OF DAVID H. JAFFE
AND MARGARET E. JAFFE; MINDY JAFFE
ROGERS, PRIMARY BENEFICIARY OF
TERM LIFE INSURANCE POLICIES ISSUED
BY NORTH AMERICAN LIFE INSURANCE

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-7205-07

Civil Action

CERTIFICATION OF SERVICE

CO. POLICY #S UNKNOWN ON LIFE OF
DAVID H. JAFFE AND MARGARET E.
JAFFE; MINDY JAFFE ROGERS,
OWNER/PRIMARY BENEFICIARY OF TERM
LIFE INSURANCE CO. POLICY #S
UNKNOWN ON LIFE OF DAVID H. JAFFE
AND MARGARET E. JAFFE;

Additional Defendants for
Injunctive Relief.

The undersigned hereby certifies that the original of the within Notice of
Filing/Notice of Removal has been submitted for filing to:

Clerk
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07102

Via Electronic Court Filing ("ECF");

and true copies have been served upon:

Essex County Clerk
Superior Court of New Jersey
465 Dr. Martin Luther King, Jr. Blvd.
Newark, New Jersey 07102

Elizabeth Silver Fagan
10 Ferncliff Terrace
Short Hills, New Jersey 07078
Plaintiff Pro Se

Edward D. Fagan, Esq.
5 Penn Plaza, 23rd Floor
New York, NY 10001
Plaintiff Pro Se

Dated: January 30, 2008

/s/ Peter W. Till
Peter W. Till