



**This email is from the BHVA Board not the Recreation Committee  
as stated in the previous Constant Contact.**

Lawsuit: Bachman, Buckley, Braun

Dear Residents,

Today, we extended to Mr. Bachman, Mr. Buckley, and Mr. Braun (Plaintiffs) an offer to resolve the legal fees owed to BHVA from defending the litigation. For the sake of moving forward, BHVA will accept 85% of the amount owed. They have until noon December 21st to accept this offer.

Background:

The Plaintiffs filed a lawsuit shortly after the court's favorable decision on the Preliminary Injunction in the Fields lawsuit in an attempt to stack the Board with Fields sympathizers at the Annual Meeting (elections.) The Plaintiffs sued individual Board members to, among other things, prevent elections in August when most of us are here at Bristol Harbour and to expand the number of Board seats up for election to secure a majority. The Court dismissed the lawsuit for being technically incorrect but also made clear that the Plaintiffs lost on the merits.

The Plaintiffs underestimated the consequences of bringing a nuisance lawsuit and losing. Defending thoroughly and for success is expensive. The Board's fiduciary duty to protect the assets and finances of our Community in this case is not to inflict a penalty but to recover the cost. The legal fees BHVA seeks to recover are not from an accident, and the Board will simply not put the financial burden of a nuisance lawsuit on its members.

Our best attempt to balance an expedited path forward and our duties to our Community is the offer at hand.

Moving on:

If Plaintiffs choose not to accept the offer, however, pursuant to section 14.04 of the Declaration, BHVA will pursue a complete recovery of all the legal fees currently due and any that will continue to accrue in the effort to collect. Collecting money owed always has some risk, additional cost, and is time consuming. BHVA will pass the cost on to the Plaintiffs whenever possible and until the process is completed.

The Annual Meetings will be held in August.

BHVA Board of Directors

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