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**KRAUS & HUMMEL LLP**

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April 20, 2012

*Via Certified Mail; Return Receipt Requested  
No. 7011 1570 0000 4194 6172  
and Via First Class Mail*

**Mr. Thomas Keen**  
50 Taunton Street  
Plainville, MA 02762

Dear Mr. Keen:

Please be advised that this office represents Plainridge Racecourse, a Harness Horse Racing facility located at 301 Washington Street, Plainville, MA 02762 (the "Track").

It has come to our attention that you are operating a web site found at <http://www.noplainvillerracino.com> and a social media site "NoPlainvilleRacino" on facebook. I have attached the Domain Registration Information and the facebook information page from your sites to verify that you are indeed the Registrant and Administrator of the website and social media page and you are the person responsible for the content published on the sites.

The content of your website and facebook page is controlled and created by you and published in opposition to the proposed expansion of my clients business and facility. On your websites you state that approval of expanded gaming at my client's facility will increase the crime rate in the area along with other unsubstantiated claims you make in opposition to expanded gaming.

On March 28, 2012 you posted on your facebook page a picture of a person who was suspected of breaking and entering a dwelling/building on Route 152 in Plainville. On March 28, 2012 at 1:01 PM a person affiliated with your site posted "I wonder if they checked over at the racetrack, lol" in the comments section below the picture that you had posted.

Your efforts to try and bolster your unfounded claims about increased crime through expanded gaming at my client's facility by posting a picture of a suspect in a crime in the area that is totally unrelated to my client's facility or business on your platform of opposition is objectionable, unprofessional and actionable. The publishing of these damaging posts on your platform to support your

Via CM, RRR and Regular Mail  
Mr. Thomas Keen  
April 20, 2012  
Page 2 of 4

unsubstantiated belief that my client's business attracts or supports these types of nefarious individuals is actionable. You were clearly trying to associate an alleged crime with the Track when in fact there was no relation - that is wrong and we cannot allow such aspersions to go unanswered. It is easy to see that you did this intentionally to cheaply promote your cause, sensationalize the crime to your benefit at my client's expense, create a chuckle amongst your group by your bravado, and intentionally infer a connection between the crime and my client via a coincidental geographic location.

My client has an impeccable reputation and relationship with the Town of Plainville and all of its Departments including Public Safety. The level of communication and cooperation my client maintains with the Town of Plainville is unprecedented and is a role model for all to follow. Plainridge by far is the most policed and regulated business in the Town of Plainville if not the Commonwealth. The Plainville Police Department has a sub-station at the facility which is staffed by a uniformed off duty officer(s) during all hours of public operation. The Massachusetts State Police also have a sub-station on the premises at Plainridge and this office is staffed by Detectives and Troopers on a daily basis. The Massachusetts State Racing Commission has a suite of offices at Plainridge that include Investigators, Inspectors, Auditors and Licensing staff. During live racing events we have additional uniformed Plainville and State Police Officers and an ambulance that Plainridge bought and donated to the Town on site staffed by EMT's. All of the costs of this Public Safety presence at my client's facility are totally borne by my client with NO Town or State aid or reimbursement.

Your attempt to fabricate a relationship between crime in the neighborhood and my client's business to further your personal agenda under the veil of a "group of concerned citizens" by publishing the aforementioned posts is reckless and liable conduct and this type of defamation and slander will not be tolerated by my client.

We believe you have willfully and intentionally damaged and impugned our client's rights and reputation with these postings that you have published and allowed to stand on your facebook page to this date. Your facebook page is readily available and readable by clicking on your link that you have posted on your noplainvilleracino.com website or a simple facebook or internet search.

Defamation is both tortious and actionable if the following has occurred (1) you made a statement concerning the Track to a third party; (2) the statement

Via CM, RRR and Regular Mail  
Mr. Thomas Keen  
April 20, 2012  
Page 3 of 4

could damage the Track's reputation in the community; (3) you are responsible for the statement; and (4) the statement either caused the Track economic loss or is actionable without proof of economic loss. *Ravnikar v. Bogojavlensky*, 438 Mass. 627, 782 N.E.2d 508, 16 A.L.R.6th 815 (2003).

For your information and consideration, I strongly suggest that you review the following cases relating to defamation that may affect you and your belief, evidently, that you can say anything you wish regarding the Track: *Backman v. Guillano*, 331 Mass. 231, 232, 118 N.E.2d 78, 79 (1954), *Dowd v. Iantosca*, 27 Mass.App.Ct. 325, 331-333, 538 N.E.2d 33, 36-38 (1989), *GodIn v. Niebuhr*, 236 Mass. 350, 351, 128 N.E. 406, 407 (1920), *Comey v. Hill*, 387 Mass. 11, 20, 438 N.E.2d 811, 816 (1982), *Powers v. Leno*, 24 Mass. App. Ct. 381, 384-385, 509 N.E.2d 46, 48-49 (1987), *Huges v. New England Newspaper Pub. Co.*, 312 Mass. 178 (1942); *Tosti v. Ayik et al.*, 394 Mass. 482 (1985); *Sharratt v. Housing Innovations, Inc., et al.* 365 Mass. 141 (1974); *Ingalls v. Hastings & Sons Pub. Co.*, 304 Mass. 31, 22 N.E.2d 657 (1939); *Com. v. Clap*, 4 Mass. 163 (1808); *Brauer v. Globe Newspaper Co.*, 351 Mass. 53, 217 N.E.2d 736 (1966). These cases illustrate the nature of the action that could be instituted against you given your statements. These cases also clearly indicate damages imposed upon individuals or entities found liable for defaming the good name and reputation of a particular business or person.

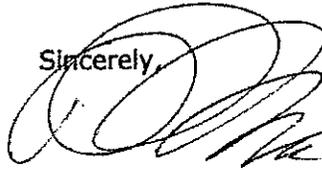
We hereby demand that you immediately cease and desist in this type of conduct, and remove the postings immediately.

Based upon the foregoing, we hereby demand that your confirm to us in writing within ten (10) days of receipt of this letter that: (i) you have removed the aforementioned damaging images and comments from your site; (ii) you will refrain from posting any similar damaging material on the Internet or any other online service in the future; and (iii) you will offer an apology on your website, facebook page and in the Sun Chronicle newspaper to my client for falsely inferring that my client's business was the reason for the person committing this crime. You have left us with no other choice but to pursue all available legal and equitable remedies against you.

Via CM, RRR and Regular Mail  
Mr. Thomas Keen  
April 20, 2012  
Page 4 of 4

We do not challenge your right to public input, but we will not stand by and allow you to recklessly and maliciously impugn the reputation of the Track, its ownership and its dedicated employees.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Kraus', written over the word 'Sincerely,'.

Robert Kraus

RK/ki  
Enclosures  
cc: Client