From: Cottle, Lisa A.
To: Bielarski, Edward J; Hinton, Paula W.; Mccarty, Rich; Mtanner@winston.com
Subject: RE: Response to revised MOU
Date: Wednesday, March 15, 2017 11:07:40 PM

Let's discuss -- seems problematic.

-----Original Message-----
From: Bielarski, Edward J [mailto:BielarskiEJ@gru.com]
Sent: Wednesday, March 15, 2017 3:33 PM
To: Cottle, Lisa A. <LCottle@winston.com>; Hinton, Paula W. <PHinton@winston.com>; McCarty, Rich <RMcCarty@winston.com>; Tanner, Matt <MTanner@winston.com>
Subject: Fwd: Response to revised MOU

Latest

Sent from my iPad

Begin forwarded message:

From: Jim Gordon <jgordon@emienergy.com<mailto:jgordon@emienergy.com>>
Date: March 15, 2017 at 6:18:22 PM EDT
To: "Bielarski, Edward J" <BielarskiEJ@gru.com<mailto:BielarskiEJ@gru.com>>
Cc: Al Morales <AMorales@emienergy.com<mailto:AMorales@emienergy.com>>, Dennis Duffy <dduffy@emienergy.com<mailto:dduffy@emienergy.com>>, "Brown, Thomas R" <BrownTR@gru.com<mailto:BrownTR@gru.com>>, "Locke, Justin M" <LockeJM@gru.com<mailto:LockeJM@gru.com>>, "Shalley, Nicolle M." <shalleynm@cityofgainesville.org<mailto:shalleynm@cityofgainesville.org>>, "Waratuke, Elizabeth A." <waratukeea@cityofgainesville.org<mailto:waratukeea@cityofgainesville.org>>, Jim Gordon <jgordon@emienergy.com<mailto:jgordon@emienergy.com>>
Subject: Response to revised MOU

Ed,
Thanks for your response.
At Section 7 (as attached) GREC would allow GRU at Closing to keep the full amount of $7,176,643 that has been withheld to date in settlement and release of all claims, provided that GRU not withhold additional amounts, but with GRU retaining the right to challenge and recover any amounts if we do not close. We cannot agree to any additional credit. If there is no Closing, all parties would retain all rights and claims under the PPA.
Attached is our marked version of your last MOU.
Sincerely,
Jim

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