

From: [Wrinn, Michael](#)
To: [Callahan, Rich](#)
Cc: [White, Daphne](#); [Bunting, Timothy](#)
Subject: FW: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today
Date: Tuesday, February 6, 2024 8:25:13 AM
Attachments: [image001.png](#)

Rich – lets post his email under “Neighbor Letters”

Thanks

From: David J. Crowell <dave.crowell@gmail.com>
Sent: Monday, February 5, 2024 8:37 PM
To: Wrinn, Michael <Michael.Wrinn@WILTONCT.ORG>
Cc: Jim Murphy <jmurphy@gregoryandadams.com>; Peggy Gormley <peggygormley852@gmail.com>; Sarah Bolt <sarieblt@gmail.com>; Tania Vizer <tanja_vizer@yahoo.com>
Subject: Fwd: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today

CAREFUL - From outside - CHECK before you CLICK.

Please add this to the Lupinski and Murphy record for the Sugarloaf quagmire and potential hearing. We will send a letter separately from near and far neighbors and kindly copy town corporate counsel. Murphy is on cc.

Regards, Dave Crowell

----- Forwarded message -----

From: **David J. Crowell** <dave.crowell@gmail.com>
Date: Sun, Feb 4, 2024 at 6:58 PM
Subject: Re: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today
To: Jim Murphy <jmurphy@gregoryandadams.com>
CC: James P. Carlon <jcarlon@dmoc.com>, Jim Murphy <jmurphy@gregoryandadams.com>, Lotte Meijhuis <LMeijhuis@gregoryandadams.com>, Robert Lupinski <rlupinskillc@gmail.com>, Sarah Bolt <sarieblt@gmail.com>, Tania Vizer <tanja_vizer@yahoo.com>, Timothy P. Moylan <TMoylan@dmoc.com>, Tom Quinn <tquinnpeak@gmail.com>, juriivizer@yahoo.com <juriivizer@yahoo.com>, kate@elsllc.net <kate@elsllc.net>, peggygormley852@gmail.com <peggygormley852@gmail.com>

Thanks Jim and I waited for the call as I shared my number twice and you left a voicemail earlier in the week so unclear what the issue is. Insofar as the process, here are bullet points and not something anyone of us is open to negotiating with you. Candidly your entrance has made this infinitely more contentious and all about Lupinski who created this quagmire, who you represent, and who is also in the wrong with a good decade of documented history of inaction and reckless disregard for neighbors that the town will have zero appetite for and take into account:

A signed agreement with Viziers with meaningful penalties for bad work or late work. Not negotiable. The fact we are still talking about this means the government process is slow and will not make us whole. I will join the Viziers in enforcement.

A work schedule. We went from 6 weeks to 4 months and an acknowledgment work may slip. Unacceptable. All neighbors, not just Crowells, Viziers and Peggy will fight this hard. I want day by day schedules and dependencies, eg 10 trucks will be here this date and complete on X date. And if not, you pay a penalty.

Timing. All work is done no earlier than 8 am and done no later than 5pm. Financial penalties for each hour equal to 1k as liquidated damages given Lupinski history of early morning and weekend work.

No work on government holidays.

Shortening of timeline and material liquidated damages for each day late regardless of circumstances unless a force majeure meaning a hurricane or tragic event. It doesn't mean a worker didn't show up or he had another job or there is bad weather. His subcontractors are his problem. I don't see a force majeure ever being invoked.

These are the minimum prerequisites and all neighbors including those on the periphery will sign this statement to the board.

These are the baseline minimum requirements. Otherwise we are happy to let the local authorities do the work as it is existential and your client can consider and manage to those implications.

Dave.

On Sat, Feb 3, 2024 at 7:11 AM Jim Murphy <jmurphy@gregoryandadams.com> wrote:

Dave,

Thank you for your email.

I again respectfully renew my request that you and I talk about this on a zoom, in a face-to-face meeting, or on a phone call. I have made this request many times in the past weeks and as of yet, you have declined.

One more try: can we please schedule a call or a zoom in the next few days? I am traveling to see clients in Denver, Santa Fe, Los Angeles and Montecito from this morning until next Sunday with lots of flights, driving, etc.

Nonetheless, with a little bit of coordination I can definitely carve out plenty of time slots to talk with you (and anyone else as well.) Please see below. Please give me one or two time slots which will be convenient for you.

Jim and Tim,

Similarly, I request a call or zoom with one or both of you. Please give me one or two time slots which will be convenient for you.

Possible Time Slots in the Next Few Days:

Sunday, 2/4 all day EST

Monday, 2/5 all day EST

Tuesday, 2/6 all day EST

Wednesday, 2/7 2-4 California time = 5-7 EST

Saturday, 2/10 12-5 California time = 3-8 EST

Regards, Jim

203-249-2345

James D'Alton Murphy, Esq.

Member CT, VT and NY Bar

Cell: 203-249-2345

Direct Dial: 203-571-6309

Email: jmurphy@gregoryandadams.com

GREGORY AND ADAMS,
P.C.

ATTORNEYS
AT LAW

[190 OLD RIDGEFIELD ROAD](#)
[WILTON, CT 06897](#)
203-762-9000
www.gregoryandadams.com

From: David J. Crowell <dave.crowell@gmail.com>

Sent: Friday, February 2, 2024 7:33 PM

To: Jim Murphy <jmurphy@gregoryandadams.com>

Cc: James P. Carlon <jcarlon@dmoc.com>; Lotte Meijhuis <LMeijhuis@gregoryandadams.com>; Robert Lupinski

<rlupinskillc@gmail.com>; Tania Vizer <tanja_vizer@yahoo.com>; Timothy P. Moylan <TMoylan@dmoc.com>; Tom Quinn <tquinnpeak@gmail.com>; iuriivizer@yahoo.com; kate@elsllc.net; peggygormley852@gmail.com; sariebl@gmail.com
Subject: Re: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today

Hi Jim: I was almost on board and after seeing these email exchanges and the rejection of a letter with the Vizers with no explanation I'm not supportive. The reality is the town knows this wall never should have been approved to hug all property borders and there's ample property violations on record that further complicates the town's liability exposure as 20 to 25 feet of mud, dirt and boulders constructed in violation of an already poorly conceived approval creates liability exposure despite the state sovereign immunity law. I'm puzzled by the end game and this positional approach when there is a clear violation which on any reasonable person standard is consistent with reckless and intentional disregard to lives and property of others is being pushed on those that are innocent victims isn't going to solve the issue. I don't see any reason to hold this meeting and happy to roll the dice with Wilton town, Fairfield county and CT state government as they have liability exposure at worst, and just an interest in protecting their citizens from violations that pose grave safety concerns, not to mention reputational harm and electability to office. I'll huddle with our neighbors and at this point want to be a third party beneficiary to any agreement so I can enforce directly in addition to other remedies at law and equity. FYI, after the recent snow and rain I've noticed my trees near Lupinski boulders have roots rotting and close to falling and I don't believe in coincidences as unlike some neighbor, I find them beautiful and essential. Regards, Dave.

On Fri, Feb 2, 2024 at 3:58 PM Jim Murphy <jmurphy@gregoryandadams.com> wrote:

Dear Jim and All,

This is to acknowledge receipt of Jim's email of today at 3:32 PM.

This is also to confirm that the only three people on the suggested zoom call at 3:30 were me, Robert Lupinski and Kate Throckmorton.

Best regards, Jim

James D'Alton Murphy, Esq.

Member CT, VT and NY Bar

Cell: 203-249-2345

Direct Dial: 203-571-6309

Email: jmurphy@gregoryandadams.com

GREGORY AND ADAMS, P.C.
Attorneys at Law
190 Old Ridgefield Road
Wilton, CT 06897
203-762-9000
www.gregoryandadams.com

From: James P. Carlon <JCarlon@dmoc.com>

Sent: Friday, February 2, 2024 3:32 PM

To: Jim Murphy <jmurphy@gregoryandadams.com>; Tania Vizer <tanja_vizer@yahoo.com>

Cc: iuriivizer@yahoo.com; kate@elsllc.net; Lotte Meijhuis <LMeijhuis@gregoryandadams.com>; Tom Quinn <tquinnpeak@gmail.com>; David J. Crowell <Dave.Crowell@gmail.com>; peggygormley852@gmail.com; Timothy P. Moylan <TMoylan@dmoc.com>; Robert Lupinski <rlupinskillc@gmail.com>

Subject: RE: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today

All:

I want make sure our client's position is absolutely clear. If Mr. Lupinski is not willing to sign an agreement concerning access to our client's property, then there is no reason to have a call. If an agreement is off the table, then I have been instructed to proceed no further. Our client has no intention of continuing to incur legal fees in connection with a perpetual back and forth. The requirement for a written agreement has been mentioned over and over again, including at recent meetings with our client. To be clear, the "agreement" can be substantially similar to the form of the letter Jim Murphy sent to the Commission except it should be addressed to the Vizers and signed by Mr. Lupinski.

If an agreement is on the table, then I will confer with my client with respect to their schedules. It's worth repeating, our client is not at fault in this situation and they are well within their rights to insist on a written agreement before allowing Mr. Lupinski access to their property.

Thank you.

Jim Carlon

Jim Carlon

James P. Carlon



Diserio Martin O'Connor & Castiglioni LLP

[1010 Washington Boulevard, Suite 800](#)

[Stamford, CT 06901](#)

Main: (203) 358-0800 x 3308

Email: jcarlon@dmoc.com

[Email](#) [Bio](#) [Map](#) [dmoc.com](#)

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From: Jim Murphy <jmurphy@gregoryandadams.com>

Sent: Friday, February 2, 2024 2:41 PM

To: Tania Vizer <tanja_vizer@yahoo.com>

Cc: James P. Carlon <jcarlon@dmoc.com>; iuriivizer@yahoo.com; kate@elsllc.net; Lotte Meijhuis <LMeijhuis@gregoryandadams.com>; Tom Quinn <tquinnpeak@gmail.com>; David J. Crowell <Dave.Crowell@gmail.com>; peggygormley852@gmail.com; Timothy P. Moylan <TMoylan@dmoc.com>; Robert Lupinski <rlupinskillc@gmail.com>; Jim Murphy <jmurphy@gregoryandadams.com>

Subject: RE: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today

Tania,

I will leave that answer to your attorneys.

Regards, Jim

James D'Alton Murphy, Esq.

Member CT, VT and NY Bar

Cell: 203-249-2345

Direct Dial: 203-571-6309

Email: jmurphy@gregoryandadams.com

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Attorneys at Law
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Wilton, CT 06897
203-762-9000
www.gregoryandadams.com

From: Tania Vizer <tanja_vizer@yahoo.com>

Sent: Friday, February 2, 2024 1:36 PM

To: Jim Murphy <jmurphy@gregoryandadams.com>

Cc: James P. Carlon <jcarlon@dmoc.com>; iuriivizer@yahoo.com; kate@elsllc.net; Lotte Meijhuis <LMeijhuis@gregoryandadams.com>; Tom Quinn <tquinnpeak@gmail.com>; David J. Crowell <Dave.Crowell@gmail.com>; peggygormley852@gmail.com; Timothy P. Moylan <TMoylan@dmoc.com>; Robert Lupinski <rlupinskillc@gmail.com>

Subject: Re: Request for Vizer/Lupinsky Zoom Meeting at 3:30 today

Hi Jim,

What's the purpose of that meeting its unclear to me?

On Feb 2, 2024, at 1:29 PM, Jim Murphy <jmurphy@gregoryandadams.com> wrote:

Dear Jim, Tania, Yuri, Dave, Peggy, Kate, Robert Tom and Tim,
I would like to talk further about this on a zoom at 3:30 today if any, or all are available.

I know that Jim is very tightly scheduled, so if that time is not good, please let me have an alternate time. I am ok to talk any time today including in the evening today, or over the weekend at various times; also I can schedule for a zoom while out of town next week.

The emails are fast and frequent on this, but I will send an invite now just so we can hopefully talk.
Dave, I hope you can join.

Finally, we have advice from Michael Wrinn that the P&Z agenda for 2/12 is very long, and they want us to be short and concise. He has recommended that we postpone if we do not have all neighbor AFFIRMATIVE AND IN WRITING consents for the work to be done.
Best regards, Jim

James D'Alton Murphy, Esq.
Member CT, VT and NY Bar
Cell: 203-249-2345
Direct Dial: 203-571-6309
Email: jmurphy@gregoryandadams.com

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Attorneys at Law
190 Old Ridgefield Road
Wilton, CT 06897
203-762-9000
www.gregoryandadams.com

From: James P. Carlon <JCarlon@dmoc.com>
Sent: Thursday, February 1, 2024 4:55 PM
To: Yuri Vizer <juriivizer@yahoo.com>
Cc: Jim Murphy <jmurphy@gregoryandadams.com>; Tania Vizer <tanja_vizer@yahoo.com>; Timothy P. Moylan <TMoylan@dmoc.com>; Robert Lupinski <rlupinskillc@gmail.com>
Subject: Re: Scheduling a meeting on Friday

All:

I am available between 9-11 AM tomorrow, and then from 3:30 PM on.

Jim

Sent from my iPhone

On Feb 1, 2024, at 3:11 PM, Yuri Vizer <juriivizer@yahoo.com> wrote:

Dear Jim Murphy,

While we were expecting such email from you, we have decided to make this step first and reach out.

We are all here trying to get this resolved. As you informed all neighbors of your trip next week, we are still waiting on your confirmation whether You, Robert, Jim Carlon and Viziers can get together and finalize our request to have all described anticipated work in writing.

Please let us know if you are still interested in such meeting tomorrow.

Respectfully,

Tania and Yuri

On Feb 1, 2024, at 4:54 AM, James P. Carlon <JCarlon@dmoc.com> wrote:

Jim:

Regarding your email, I'm trying to be sensitive of my client's time as the legal fees here are quickly accumulating. I know that our client has spoken to you already, so this is likely just a reiteration of their position:

1. Our client is happy to issue its written approval of the proposed application, and send a copy of the same to the Town of Wilton. They'll sign any such form you'd like that reflects the approval of the application.
2. As to work being done on their property, they will not authorize the same without a written undertaking from Mr. Lupinski addressed to them indicating that: (i) he will perform the work as outlined in the application when and if approved by the Town; (ii) he will perform the work within the timeline stipulated and on days and during hours as outlined; (iii) that he will maintain proper insurance at all times; and (iv) that he will repair any damage to our client's property that he causes.

This can be contained in a letter signed by him as opposed to a formal written contract. I am mindful of your previous statement regarding contractual liability for your client, but this is our client's position. Speaking personally, I wouldn't allow a contractor onto my property for a project like this without something in writing, so I'm not going to try and influence my client to accept something less.

Again, let me reiterate that the Viziers want this project to move forward immediately, and they are satisfied with the proposal and want it submitted to the Town. However, they require a written acknowledgment from Mr. Lupinski as stated above.

I know I haven't received the package yet for review, but my sense is that a written undertaking from Mr. Lupinski is not part of that package, so I thought it best to reach out. The last thing our client wants to do is to waste time.

Thank you.

Jim

Sent from my iPhone

Begin forwarded message:

From: "David J. Crowell" <Dave.Crowell@gmail.com>
Date: January 31, 2024 at 6:43:22 PM EST
To: Jim Murphy <jmurphy@gregoryandadams.com>
Cc: "James P. Carlon" <JCarlon@dmoc.com>, Kathleen O'Neill <koneill@gregoryandadams.com>, Lotte Meijhuis <LMeijhuis@gregoryandadams.com>, Tania Dobrianska

<tanja_vizer@yahoo.com>, Tom Quinn
<tquinnpeak@gmail.com>, kate@elsllc.net, peggygormley852@gmail.com, rlupinskillc@gmail.com
Subject: Re: Update on Lupinski P&Z Application

Receipt acknowledged. Thanks.

On Wed, Jan 31, 2024 at 5:07 PM Jim Murphy
<jmurphy@gregoryandadams.com> wrote:

Dear Tania, Yuri, Peggy, Dave and Jim,
I drafted the package we discussed yesterday and sent it to Kate mid-day today for her input. Kate has been out of her office and has not been able to review what I sent to her.

I also have traded emails/calls with Jim who is unavailable today; I have not sent the package to him since Kate has not approved it..

So...I will send the package to all here as early tomorrow as possible. The package consists of my draft letter to P&Z with attached plans and schedule, coupled with a request that you either edit the letter to P&Z or endorse it.

I look forward to hearing from each of you once you have seen and reviewed the package.

Finally, would Dave please acknowledge receipt of this email.
Thank you and Regards, Jim

James D'Alton Murphy, Esq.
Member CT, VT and NY Bar
Cell: 203-249-2345
Direct Dial: 203-571-6309
Email: jmurphy@gregoryandadams.com

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