

1 A. It said in that letter that we requested
2 they hire an arborist, an ISA certified arborist.
3 We said that and then we said we would pay for an
4 arborist to review their arborist's report.

5 In response to this whole matter on
6 April 5th, they ignored that issue. We requested
7 specifically and they noted it in their e-mails
8 back and forth that he wants us to get an arborist
9 and he'll have an arborist review it, and they
10 didn't even respond.

11 Q. Ignoring your request for an arborist,
12 you consider that harassment?

13 A. Yeah, and dovetail it with in the same
14 letter, we asked to be added as additionally
15 insured. Again, two months later when they
16 responded, they didn't even have the courtesy of
17 replying. They didn't say yes, we'll add you, no,
18 we won't add you. So we had to ask again through
19 an attorney at that point and their attorney
20 responded saying we have no obligation to insure
21 any individuals, even though they had --

22 Q. So they did respond?

23 A. They did not respond. I'm contending
24 they didn't respond because remember my letter was
25 January 29, 2010. Their response letter was

1 April 5, 2010. But no response. It was much later
2 we asked the question again after attorneys had
3 been hired.

4 Q. So not --

5 A. They never responded to me.

6 Q. Not initially responding to your request
7 to be added as additional insured --

8 A. Uh-huh.

9 Q. -- in your mind, that's harassment?

10 A. Yes, coupled -- let me continue with some
11 of the other ones, yes.

12 Then there was the matter of the debris
13 they dumped on our property. The debris came to
14 the attention of the parties when in -- I think it
15 was August or July of 2010, they told us to remove
16 debris from the area in question, the Zone 86 area
17 and the easement area.

18 When we had -- we responded, explained we
19 had no debris there but we detailed for them the
20 debris they left there including photographs, which
21 I had previously shown them of the concrete debris
22 and the railroad ties.

23 Then on the November 11th
24 meet-and-confer, we showed them more specifically
25 and that's where they agreed to remove it.