

February 21, 2007

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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Susan M. Garrett
755 Commerce Drive, Suite 800
Decatur, Georgia 30030

William J. Cobb
Cobb & Gardner, LLP
755 Commerce Drive, Suite 800
Decatur, Georgia 30030

Re: Friends of Piedmont Park, Inc., et al. v. Atlanta Botanical Garden, Inc., et al.
In the Superior Court of Fulton County
Civil Action File No. 2007-CV-128242

Dear Ms. Garrett and Mr. Cobb:

We represent the Atlanta Botanical Garden, Inc. (the "Botanical Garden" or the "Garden") with respect to the above-referenced case. We write to you today both individually and in your capacities as representatives of the Plaintiffs in the above-referenced suit: namely Douglas L. Abramson, John Grady Burns, William L. Lockhart and The Friends of Piedmont Park, Inc. Please forward this correspondence to each of your clients at your earliest convenience.

As you know, the Botanical Garden is a private, non-profit corporation, which operates without the support of public appropriations and which is governed by a volunteer board of directors comprised of private citizens. Its mission, simply stated, is "the advancement and diffusion of knowledge and love of plants." The parking deck at issue in your litigation was conceived of as a means of solving a pressing parking problem for the Garden, and similarly will be privately funded, constructed and managed. Accordingly, there is clearly no factual or legal basis for the application of the open records law or public bidding requirements to the Garden.

As a non-profit, furthermore, the Garden is neither accustomed to defending against civil litigation such as yours, nor equipped to do so. The Garden enjoys no in-house legal staff and has no litigation budget. It seeks to further its mission each year through modest membership fees and admission charges, and via the charity of private donors. It, therefore, simply cannot abide the needless expenditure of its limited financial and personnel resources to defend against your baseless charges. Indeed, please be forewarned that your suit, and associated publicity, may cause the Garden to suffer damage to both its immediate financial position and its near and long-term ability to raise funds from the community.

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Pursuant to O.C.G.A. §§ 9-15-14 and 51-7-81, therefore, the Botanical Garden hereby notifies you that it intends to seek an award from each of you of costs, attorneys' fees and damages caused by your prosecution of abusive and frivolous claims in the above-referenced case. It is clear that your suit was interposed with legal "malice" and for purposes of both delay and harassment in order to either dissuade the Garden from building its parking facility or to dissuade its donors from making the facility feasible, and/or to delay construction of the deck via unnecessary and cumbersome legal proceedings. See O.C.G.A. §§ 9-15-14(b) and 51-7-81.

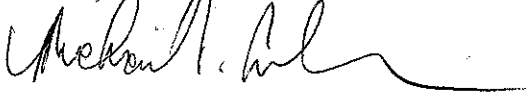
Your claims, furthermore, lack "substantial justification" and suffer from a "complete absence of any justiciable issue of law or fact." See O.C.G.A. §§ 9-15-14(a) and (b) and 51-7-81. They have absolutely no legal or factual merit, and, indeed, no legal precedent exists upon which you could purport to rely. For example, and without limitation, there is not a single case in Georgia which stands for the proposition that the cited public bidding laws apply to contracts entered into between private entities using private funds. Similarly, there is no legal support for any of your other purported claims.

Accordingly, unless you withdraw your representation of Plaintiffs within thirty (30) days, be advised that we will seek attorneys' fees, costs and damages from you for prosecution of this action. Similarly, unless your clients dismiss each of their claims within thirty (30) days, we will seek the same from them. See O.C.G.A. §§ 9-15-14 and 51-7-81.

Please be advised and advise your clients accordingly. Should you have any questions or concerns in this regard, please do not hesitate to contact us.

Very truly yours,

LORD, BISSELL & BROOK LLP



Michael V. Coleman

LORD, BISSELL & BROOK LLP



J. David Hopkins

JDH:ls