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April 18, 2024

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The Pottstown Mercury
390 Eagleview Boulevard
Exton, PA 19341
Attention: Tony Phyrillas, News Editor

Of Counsel:
Robert G. Rosen
George E. Saba Jr.

RE: Retraction Demand
Defamation of Upper Pottsgrove Township Chief of Police

Dear Kate and Editor Phyrillas:

Upper Pottsgrove Township and its individual Commissioners received several copies of the recent statement drafted by Kate Harper, Esquire, and endorsed by Matt Murray and Nathaniel Guest. After receiving the same, the statement was also published by the Mercury on Monday April 8, 2024. As discussed below, we demand an official retraction of the statement by the authors and the Mercury.

While there were many things wrong with the statement and positions taken therein, there was one issue that the Township could not allow to go without a response. I, as the Solicitor for the Township, was, after consulting with all five Commissioners, directed by three of the five to send this letter demanding an official retraction. I was asked to also send this to Matt Murray, Nathaniel Guest and the law firm of Timoney Knox, LLP. I trust that Kate, as a representative of each, will ensure that each of them get this demand as well.

The demand for the official retraction relates to the outright lie regarding the actions of the Chief of Police. The statement specifically states:

In fact, they [the Township Commissioners] had the Chief of Police send letters warning people NOT to speak out at public meetings.

This a lie in two respects. First, the Township Commissioners did not (either individually or as a group) direct or require any action of the Chief. Second, the Chief did not warn or direct people to NOT speak at any public meeting.

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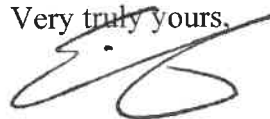
If Kate and/or the Mercury would have read the letters sent by the Chief of Police, each would have discovered that there was no warning or threat to limit anyone's right to comment or speak at a public meeting. The letters solely dealt with the need for residents to abide by the public comment and public meeting rules. The letters were sent to only two residents and only after those two residents, after several verbal warnings, repeatedly failed to comply with the stated public meeting rules. The letters simply informed the two residents that they must comply with the rules of conduct as they apply to anyone attending the Township public meetings.

The contents of the statement related to the Chief are defamatory and libelous. The statement was issued (and published by the Mercury) with full knowledge that it contained lies. Further, it was published with the malicious intent to make the Township, the Chief and the Commissioners look bad and to harm their respective reputations.

We demand that you retract the statement. We also demand that Matt Murray and Nathaniel Guest do the same. The retraction must be sent or published in the same manner as the original statements were distributed throughout the Township and in the Newspaper. Without the retraction, we must consider a potential action against each of you (and Mr. Murray and Mr. Guest) for defamation.

Please reply to this letter with your intentions to redact by April 30, 2024. If you do not respond, I will assume you have refused to retract the statement. Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric C. Frey', written over the typed name below.

ERIC C. FREY

ECF:mh

cc: Upper Pottsgrove Township Board of Commissioners
Michelle Reddick, Township Manager
James Fisher, Chief of Police