

**ARTHUR J. GIACALONE**

Attorney At Law  
140 Knox Road  
East Aurora, New York 14052

Fax: (716) 687-1903

Telephone: (716) 687-1902

Email: [ajglaw@verizon.net](mailto:ajglaw@verizon.net)

December 23, 2009

**PERSONAL AND CONFIDENTIAL  
- FOR RALPH C. LORIGO, ESQ., ONLY -**

Ralph C. Lorigo, Esq.  
101 Slade Ave.  
West Seneca, NY 14224

**By USPS Priority Mail-Delivery Confirmation**

**Re: Giacalone v. Village Bd. of Trustees of Village of East Aurora & Rerob, LLC**  
Sup. Ct., Erie Co. Index No. I-2009-11114 (J. Glownia)

Dear Ralph:

Your behavior on December 18, 2009, following oral argument and dismissal of the petition in the above-referenced matter, was so inappropriate and out-of-the-ordinary that I have no way of gauging what you might do in the future. I want to put in writing, while the matter is fresh in my mind, my recollection of what occurred as we were leaving Justice Glownia's courtroom in hopes of lessening the chance of history being distorted or rewritten:

1. As you were walking out the courtroom door, with me right behind you, you expressed your opinion that my mistake in the lawsuit was raising the traffic issues and not just sticking to the insufficient notice claim. I was a bit surprised to hear opposing counsel telling me what I had done wrong moments after a judge had dismissed my lawsuit, and I jokingly told you that I disagreed with your conclusion, but perhaps would change my mind if I ever became as brilliant as you.

2. You stopped a few steps outside the courtroom door, directly in front of the office of Justice Glownia's secretary. To my surprise, after some reference to Harvard law school, you angrily and repeatedly called me an "A\*\*HOLE", telling me that I had been out-of-line beginning with comments I had made at a Village Board meeting a couple months ago.<sup>1</sup> You made these comments in a threatening fashion while standing about a foot away from me. I refrained from using any crude, threatening, or inappropriate language.

3. I then told you that I believe the comments I made at the board meeting, and that I wasn't the only person with that opinion. You again called me an "A\*\*HOLE". I explained that several months ago an attorney who had spent more than two decades representing developers in WNY told me that he was nauseated by the sight of town board members "bending over

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<sup>1</sup> Although you did not identify which comment(s) had upset you, I assume that you were referring to my belief that there are elected officials in Western New York who, wishing not to offend the Chairman of the Conservative Party in Erie County, bend over backwards for you.

backwards" to keep you happy. At that point, you shouted out loud that I was a "F\*\*\*ING A\*\*HOLE." A number of people who were standing a distance down the hall turned their heads in our direction. I decided at that point that it was time to walk away from you. I refrained from using any crude, threatening, or inappropriate language.

4. A few minutes later you came up to me in front of the elevators on the first floor of old county hall. You apologized for what had occurred upstairs, but, as we continued to talk, you once again became agitated. Our conversation ended when you asked me, gesturing upstairs (which I interpreted as referencing the third floor courtroom), "Is that what happened today?" Assuming that you were asking me whether Justice Glownia's dismissal of my petition was an example of an elected official bending over backwards for the Conservative Party Chairman, I immediately and firmly answered, "No."

I certainly hope that we do not experience a future scene similar to what occurred on December 18<sup>th</sup>.

Sincerely,



Arthur J. Giacalone