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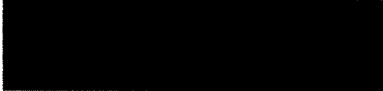
July 3, 2025

**Certified Mail Return Receipt Requested**

Suzanne Moulds



Denna Mendoza Flannery



**Re: Posts on the Marlborough/Milton Mom and Dads Facebook Forum**

Dear Ms. Moulds and Ms. Flannery:

Please be advised that this office represents the Town of Marlborough. It has come to our attention that you are the moderators for a Facebook forum entitled Marlboro/Milton Moms & Dads. It appears that the forum has permitted the publishing of certain statements about the Town of Marlborough Building Inspector, a copy of each is enclosed. We believe these statements, if made, would be defamatory and thus actionable. It is our present understanding that such defamatory statements included, but are not limited to, statements which in various iterations and in sum and substance indicate falsely that our client's employee is engaged in criminal behavior.

I note that under New York State law, defamation requires a false statement, published to a third party without privilege or authorization, with fault amounting to, at least negligence, that caused special harm or defamation *per se*. See, Dillon v. City of New York, 261 A.D.2d 34, 38 (1<sup>st</sup> Dept. 1999). While ultimately a question to be determined by the trier of fact, even in the event the instant matter is deemed to be a "matter of legitimate public concern" (see, Higgins v. Moore, 94 N.Y.2d 296, 302-303 (1999) and thus subject to a higher level of fault than

mere negligence, the law provides no protection for individuals acting with a reckless disregard for the truth or falsity of the matter asserted, in a grossly irresponsible manner, or intentionally premised upon personal animus.

Once liability is established, the individual subject to such defamation is entitled to monetary damages reflecting the direct, natural and proximate results of an injury to reputation and character; moreover, where such publication is defamatory upon its face (so-called "defamation *per se*") – for example, when an individual is falsely depicted or accused of unlawful or criminal conduct– damages need not be specifically proven but may instead be presumed.

We are presently investigating this matter and will be advising our client of its legal options once our investigation has been concluded.

As legal counsel will likely advise you, public retraction of such defamatory statements, specifically to those to whom such defamatory statements were published, may minimize potential damages. Such retraction, promptly and genuinely made, will also be given serious consideration by the Town of Marlborough in determining which of its legal options to pursue. Conversely, failure to promptly retract such defamatory statements will be deemed evidence of willful, intentional conduct on the part of the utterer and those that permitted the publication with respect not only to such defamatory statements prior made, but also to future defamatory statements.

I would suggest that attached statements posted on the forum be removed and that those members who posted same be banned from posting on the forum. I am also requesting the specific contact information (name and address) for the "anonymous member" who posted the statement so that our office can contact that individual and provide a similar request. To the extent that a demand for a retraction is required prior to the initiation of legal action this letter constitutes a demand for such a retraction.

Notwithstanding the foregoing, without prejudice and without waiving any claims the Town of Marlborough may presently or hereafter possess with respect to such defamatory statements prior made, we hereby demand that you immediately cease and desist from publishing or republishing defamatory statements as it pertains to the Town's employee.

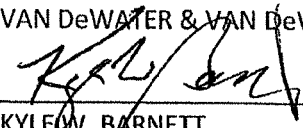
If you choose not to comply with this cease and desist demand, please be advised that the Town of Marlborough has asked us to communicate to you that it will pursue all available legal remedies, including seeking monetary damages and possibly also equitable relief for, *inter alia*, such defamation, and also an order that you reimburse his court costs and reasonable attorneys' fees. Your potential liability and exposure under such legal action could be considerable.

Please be guided accordingly.

Sincerely yours,

VAN DeWATER & VAN DeWATER, LLP

By:

  
KYLE W. BARNETT

KWB/tg

Encls.

cc: Thomas Corcoran, Town of Marlborough Building Inspector  
Scott Corcoran, Town of Marlborough Supervisor