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December 22, 2025

VIA ELECTRONIC MAIL

James H. Davis III, Esq.
Law Offices of James H. Davis III
31 Vose Avenue, #284
South Orange, New Jersey 07079

Re: Malespina v. Winkfield, Fisher, Nasteff et al.
Docket Nos.: ESX-L-8722-24
A-000362-25

Mr. Davis:

As you know, we represent the Defendants in this matter. We are in receipt of the Amended Notice of Appeal that you filed in the Appellate Division on December 3, 2025.¹

This letter shall serve as formal notice that, upon review of the filed pleading, we believe that Plaintiff's Amended Notice of Appeal is in violation of Rule 1:4-8 and Rule 2:9-9. Substantively, Plaintiff's positions on appeal are without merit for the very same reasons already set forth at length in Defendants' February 14, 2025 Order to Show Cause (LCV2025365504), the March 21, 2025 Reply Memorandum of Law (LCV2025892750) submitted in further support of Defendants' Order to Show Cause, and Judge Beacham's April 25, 2025 decision that granted Defendants' Order to Show Cause in its entirety, which are all incorporated herein by reference.

Specifically, it is beyond genuine dispute that this action involves speech on matters of public concern, as confirmed by Plaintiff's own Complaint. The statements at issue, however, cannot support a claim for defamation or any other cause of action. Many of the statements were not even about Plaintiff. All the statements in question were expressions of opinion. To the extent the statements contained any factual assertions, they were true, and Plaintiff alleged absolutely no facts to demonstrate the required element of actual malice.

¹ It does not appear that the Notice of Appeal was filed simultaneously in the Law Division as required by Rule 2:5-1(a).

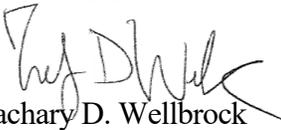
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It therefore does not appear that there is any good faith basis for Plaintiff to pursue her appeal. We hereby demand that Plaintiff immediately withdraw and dismiss her appeal. Upon dismissal, whether voluntary or involuntary, Defendants will be entitled to a mandatory award of fees and expenses incurred in connection with this appeal pursuant to N.J.S.A. § 2A:53A-58, N.J.S.A. § 2A:53A-55, and Rule 2:11-4.

Additionally and separately, if Plaintiff does not withdraw her appeal within 28 days and the dismissal is affirmed, we will also submit an application for fees and sanctions against both Plaintiff and your firm at an appropriate time pursuant to Rules 1:4-8, 2:9-9, and 2:11-4.

Please be guided accordingly.

Very truly yours,


Zachary D. Wellbrock