SHUMAKER
Shumaker, Loop & Kendrick, LLP

1000 Jackson Street
Toledo, Ohio 43604-5573

419.241.9000
419.241.6894 fax

GREGORY H. WAGONER
419.321.1206
gwagoner@shumaker.com

September 15, 2021

VIA ELECTRONIC MAIL

Honorable Janet Bond Arterton
Richard C. Lee U. S. Courthouse
United States District Court, District of Connecticut
141 Church Street, Room 118
New Haven, CT 06510

Re: *United Rentals, Inc., et al. v. Michael Adams*
Civil No. 3:19-cv-1210 (JBA)
Our File No. 241845

Dear Judge Arterton:

We are writing on behalf of our client, Luby Equipment Services ("LES"), who recently received a copy of the Order to Show Cause ("Order") (ECF No. 37) entered in the above-referenced action on August 31, 2021. We understand that there is a hearing scheduled for tomorrow, September 16, 2021, at 10:00 a.m. to address the Order as well as United Rental's request for sanctions against the defendant, Michael Adams. Because LES does not have local counsel and we are neither admitted to practice in this Court nor able to obtain admission in advance of the hearing, we are writing for the limited purpose[1] of providing your Honor with relevant information concerning the current relationship, or lack thereof, between LES and Mr. Adams.

As of the date of this letter, LES has no relationship – business or otherwise – with Mr. Adams. LES represents that it will refrain from working with Mr. Adams until United Rentals' restrictive covenants and the order(s) of this Court expire or otherwise terminate. Thus, there is no risk of LES "aiding or abetting any future contempt by Defendant." (Order at 1.)

As the Court acknowledged, "an injunction order binds 'persons who are in active concert or participation with' the parties, their agents, servants, employees, or attorneys, given proper notice." (Order at 1, quoting Fed. R. Civ. P. 65(d)(2)(C).) Here, LES is not – and does not intend to be – "in active concert or participation with" Mr. Adams. Accordingly, extending the Permanent Injunction Order to Luby is neither necessary nor permissible.

[1] LES, a Missouri corporation that does no regular business in Connecticut, disputes that it has sufficient contacts to justify the exercise of personal jurisdiction over it in this action. LES's submission of this correspondence should not be construed as its consent to the Court's jurisdiction and LES reserves its right to challenge any exercise of personal jurisdiction in this action.

We hope this letter is sufficient to resolve any concerns the Court and/or United Rentals may have concerning LES's relationship with Mr. Adams. Should the Court have any questions or need additional information, I can be reached at 419-321-1206.

Very truly yours,

Gregory H. Wagoner

GHW/rre

Cc: Brian C. Roche, Esq. (sent via e-mail to broche@rochepia.com)