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May 12, 2009

Dean Richlin
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Johanna Soris
Assistant Attorney General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: *The Forsyth Institute and Forsyth Health Foundation*

Dear Johanna:

Thank you so much for meeting with me last month. As you know, I represent Milton and Renée Glass and am writing on their behalf to memorialize our discussion.

When we met, you readily recalled your meeting with the Glasses last year. You recalled that they described to you a very troubling set of experiences that they had had with The Forsyth Institute (the "Institute") and the Forsyth Health Foundation. For purposes of setting out a record, let me, as I did when we met, review what happened.

As you know, Milton and Renée have made and continue to make substantial contributions to the communal life of this area. For example, Milton continues to serve on the Board of the Blue Cross Blue Shield Foundation. Milton and Renée have, however, a special mission and passion for the issue of Temporomandibular Joint and Muscle Diseases and Disorders ("TMJ/TMJJD"). To foster knowledge and research about healthy jaw joints and prevention of TMJ/TMJJD, the Glasses pioneered and created a 501(c) 3 foundation - the Jaw Joints & Allied Musculo-Skeletal Disorders Foundation, Inc ("JJAMD Foundation") - in 1982. The formal relationship between the JJAMD Foundation and the Institute began soon thereafter.

In 1983, Dr. John W. Hein, then the Institute's Director, invited JJAMD Foundation into Forsyth, provided office and meeting facilities, and expressly promised that "TMJ will be part of the Forsyth firmament." He expressly acknowledged that:

[t]he long-range objectives of your organization coincide with the broad interests of Forsyth, which are directed at bringing the prospect of better oral health to people everywhere.

Dr. Hein served on JJAMD's board and actively participated with JJAMD in fostering research and education within conferences held at Forsyth. JJAMD Foundation also produced a research study, and related published article, with the Harvard Medical School.

A year later, the Institute invited Milton to join its Board of Trustees. In 1992, the Board elected Milton president, then chairman, a post he held for six years. During the lengthy period of Milton's formal service, Renée too made significant contributions and has many times been acknowledged for her dedication to the Institute. The warm relationship between JJAMD and the Institute endured over the years throughout changes in the leadership of the Institute to the mutual benefit of both organizations.

In December 2004, the Institute, through its then CEO Dr. Dominick Depaola, took a significant step to honor the Glasses' service and to advance medical research and the public's understanding regarding TMJ/TMJ. The Institute proposed to create The Milton L. and Renée Glass Family Fellowship in Jaw Joints and Musculo-Skeletal Research (the "Glass Family Fellowship" or the "Fellowship"). Until his retirement in 2007, Dr. Depaolo was a constant source of advice and support to the Glass Family Fellowship and the Glasses.

The Fellowship proposal presented to the Glasses expressly provided:

The creation of the Milton L. and Renée Glass Fellowship would be an extraordinary contribution to the scientific and advocacy mission of The Forsyth Institute. The fellowship will serve not only as a source of support for young postdoctoral fellows in the area of jaw joint and musculo-skeletal diseases, but will also underscore the Forsyth commitment to advancing high-quality research in this area.

It was anticipated that at least initially, the Fellowship would focus on the growth and development of the jaw joints and the prevention of TMJ disorders and disease in children.

The proposal further observed that support for the Fellowship "will require an investment of \$750,000 or more," and expressly declared that "Forsyth is prepared to embark on a program to raise the funds necessary for this fellowship." The proposal requested a "leadership" gift from Milton and Renée of \$75,000.00. They readily accepted the proposal and made the requested donation. Immediately thereafter, the principal balance of the Fellowship rose to \$240,000 from additional donations by the Glasses as well as from their colleagues and friends.

In its first eighteen months, the Glass Family Fellowship, under the leadership of Richard Pharo, Sc.D., Chair, had some significant collaborative successes. On December 6, 2005, the JJAMD Foundation, and the Institute jointly sponsored a highly successful fellowship "kickoff" seminar on TMJ research, featuring lectures by Lawrence Tabak, D.M.D, Ph.D., the director of NIDCR, and Bjorn Olsen, M.D., Ph.D., Professor of Cell Biology at the Harvard Medical School and Dean of Research at the Harvard Dental School. Dr. Tabak found the Fellowship so unique and compelling that he used the "kick-off" event to meet with all of the Forsyth researchers and their investigators to stimulate interest in this

facet of scientific research. He also provided knowledge on how to apply for available appropriations.

On June 6, 2006, the Institute, after an extended search, formally announced the appointment of Lin Xu, MD, Ph.D., as the initial Glass Family Fellow.

Importantly, in the first two years that followed Dr. Xu's appointment, she made significant gains. She conducted very promising research, and her very success demonstrated the legitimacy of Milton and Renée's long-held view that the effective research and resolution of "the TMJ dilemma" requires a marriage between medicine and dentistry.

But not all developments in the life of the Glass Family Fellowship were positive. The Institute, which promised a "program to raise the funds necessary," disappointingly raised nothing. And the reason seems plain: neither the Institute nor its fund raising arm, the Forsyth Health Foundation, developed or implemented anything approaching an effective development program. Rather, the outreach, cultivation and development efforts of the Institute were occasional and ad hoc. A telling example of the deficiency in those efforts is the May 15, 2007 TMJD Science Workshop. Failure to engage in what might be considered even minimal promotional events, including the failure to distribute timely invitations, caused the event to be a complete disaster. This is but one example of Forsyth's lack of commitment and communication even with the Chair of the Fellowship Committee.

Following the May event, the Institute effectively gave up on the Glass Family Fellowship. It induced Milton to agree that Dr. Xu's successful fellowship would terminate on September 30, 2008, and that any funds remaining in the Fellowship would be "contracted back" to Milton and Renée. This past fall, the Institute did in fact transfer the remaining funds to the JJAMD Foundation. Unfortunately, the Glasses have been unable to find a new home for the Fellowship and the significant momentum towards effective medical/dental research in TMJ/TMJD has in fact stalled.

Further, the Institute, chiefly through Ms. Zichy, resorted to excuses - even blaming Milton and Renée - rather than accepting responsibility for failing to deliver what it had promised. In her December 2007 Report to the Fellowship Committee:

- Ms. Zichy wrote that she and her staff explored "possible sources" of funding, but never describes what donors she identified, communicated with or even attempted to solicit;
- She denigrated the fundraising efforts of Milton and Renée Glass;
- She blamed her inability to raise funds on the fact that the public is unfamiliar with TMJ/TJMD, the very condition that the Fellowship publicity was created to address;
- And she described the modest and obviously inadequate efforts to increase general awareness of the TMJD condition.

But most disturbing was the following: Ms. Zichy found it necessary to smear Milton and Renée in the body of her report. By attributing the words to an unnamed source, and in addressing a topic unrelated to the objective of her report, Ms. Zichy effectively accused Mr. and Mrs. Glass of interfering with the Institute's own federal appropriations efforts. The charge is false, hurtful and malicious, has caused the Glasses pain and humiliation, and has in turn interfered with ability of the JJAMD Foundation to conduct its 501(c) 3 mission.

Most telling, Dr. Depaola, who was in attendance at the Fellowship Committee meeting when this accusation was read, exclaimed that the charge was "outrageous." Only after the urging of Dr. Depaola and others did the Institute and the Forsyth Health Foundation purport to remove the offensive language from the Zichy report.

As you know from Milton and Renée directly, as well as through our discussion, they are angry and hurt. They feel that the Institute has breached its promise to them and unnecessarily undermined the potential of the Fellowship. They further feel that their reputation has been harmed. Finally, the events of the past eighteen months, which have included a severing of any relationship between the Institute and the JJAMD Foundation, have been a blow to the work of the JJAMD Foundation.

Equally and perhaps even more upsetting is the fact that the Glasses know that any effort to vindicate their personal rights and the rights of the JJAMD Foundation will be costly and that the outcome may be uncertain. It is for that reason that they asked me to approach the Office of the Attorney General once again to learn whether there was anything the Office might do to right the wrongs they believe they have suffered.

When we met, you expressed sincere sympathy for what the Glasses had experienced. You recalled a few instances over the course of your tenure at the Attorney General's Office where a recipient of a charitable gift (like Forsyth) had flagrantly breached its promise to the donor of the gift. You explained that in those past instances, it was rare for the Attorney General's Office to intervene other than to encourage the recipient to return the gift. You indicated that it certainly sounded as though Forsyth had breached the expectations it had created. You also expressed some degree of surprise that the Institute had not been more responsive to the efforts of the Glasses to resolve this dispute.

In light of the fact that Milton and Renée effectively obtained most if not all of the relief you might have sought, you explained, however, that you did not believe there was more the Attorney General's Office could do on the matter. You nevertheless agreed to make note of the conduct of Forsyth and Kathy Zichy towards the Glasses and the Fellowship. I would also ask that you make note of the conduct of Dr. Philip Stasheko, the Institute's President and CEO, and Dr. Ronald Newbower, the Chairman of the Institute's Board, both of whom apparently failed to make adequate efforts to resolve the Glasses' concerns. To that end, please add this letter to your file.

Certainly, I would welcome any further thoughts you might have on this matter.

Again, thank you for taking the time to meet with me.

Johanna Soris
May 12, 2009
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Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Richlin". The signature is fluid and cursive, with a large initial "D" and "R".

Dean Richlin

cc: Milton and Renée Glass
Nick Littlefield, Esq.