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# EXHIBIT A

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| **From:** | Gary Lutin |
| **To:** | Philip A. Falcone |
| **Cc:** | Joseph A. Ferraro |
| **Subject:** | Correction of public misrepresentations |
| **Date:** | Thursday, February 06, 2020 3:24:40 PM |
| **Attachments:** | 20200203 DelCh - In re Schuff - HC2 Defendant"s Brief in Support of Settlement and Opposition to Objectors.pdf<br>2017-2019 FVI 220 Demand Letters to DBM (10).pdf<br>20180927_report.pdf |
| **Importance:** | High |

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Phil –

I was very disappointed to see that the attached "HC2 Defendant's Brief" supporting your proposed Schuff class action settlement concludes its "Preliminary Statement" with a long recitation of misleading "facts" about Fair Value Investments, the Shareholder Forum, and about me, personally, to support the assertion that "Each of these facts undercuts the bona fides of Fair Value's objections to the Settlement."

What is especially disturbing is that each of the false statements had been previously presented and then corrected in past communications with both you and Mr. Abrams, your attorney who signed the Brief. This current repetition must therefore be considered deliberate misrepresentation, and especially in its presentation for public records requires clear correction. I therefore ask you to assume responsibility for correcting the Court record, with particular attention to the following statements in your Brief:

1. The Brief states falsely that "***Mr. Lutin claimed he might be able to speak for upwards of 150,000 shares of Schuff***." I have informed you, personally, as well as your chief legal officer Mr. Ferraro and your Delaware counsel Mr. Abrams, that neither I nor the organizations I represent (Fair Value Investments, referred to as "FVI," or the Shareholder Forum, referred to as the "Forum") has or has had any authority to act for any other shareholder of DBM, and that in this position I would be limited to encouraging others to consider a proposal. At first assuming that you and your associates may have been unaware of the publicly posted policies, I have repeatedly referred you to the Forum's website statements of its policies for compliance with the relevant SEC regulations. (See, again, the previously cited Conditions of Participation and SEC Support of Shareholder Forum Processes.)

2. The Brief states incorrectly that I proposed an alternative for DBM/Schuff shareholders to "***exchange their Schuff shares for preferred stock of HC2 convertible into common stock***." What I had suggested, in fact, was an exchange for preferred stock of DBM rather than HC2, a transaction that should not be restricted by any known HC2 or DBM corporate or financing provisions. My clearly stated proposal was presented to you, following encouraging discussions with your HC2 colleagues, and was subsequently presented to Mr. Abrams at the request of Plaintiff's counsel to explore a variation of the currently proposed Settlement. Mr. Abrams was certainly familiar with the specific provisions of this proposal, since he rejected it. A copy of the proposal, clearly specifying an exchange for DBM rather than HC2 shares, was publicly posted in December to correct the misleading reports at that time: December 13, 2019, Fair Value Investments, Inc., letter to Levi & Korsinsky LLP, as counsel for the proposed plaintiff class.

3. While not factually incorrect, the context of the statement that "***Fair Value served ten books and records requests on Schuff***" is clearly misleading. Each of the requests is included in the attached PDF "portfolio," showing that all requests were for information that would be conventionally provided to shareholders, based on either normal practices for private companies or mandatory reporting requirements for public companies subject to SEC regulation. It should be noted, in this context, that it has been DBM, under HC2 direction, that has insisted upon the formality of each of these "220" demands, and that they have then objected to them and insisted upon involving costly legal review, ultimately requiring court enforcement proceedings. It was also recently revealed in the Stipulation filed in the class action we are now addressing that DBM, represented by the same attorneys who are representing defendants in the Schuff class action and who must be presumed to be informed, had misrepresented the disclosures required by their agreement to a settlement of the enforcement proceeding. (See December 20, 2018, Court of Chancery of the State of Delaware, *Fair Value Investments, Inc. v. DBM Global Inc.* (Case No. 2018-0677 JTL): Stipulation and Order to Permit the Filing of a Supplemental Complaint.)

4. The Brief also states that "***through an affiliated organization called The Shareholder Forum, Mr. Lutin in September 2019 distributed an electronic survey asking HC2 (not Schuff) stockholders to rate current management and its strategies while then proposing that HC2 purchase the results of such uncommissioned and unnecessary HC2 stockholder survey for $40,000.***" Knowing that you are personally familiar with the referenced shareholder survey, I assume you recall that it was initiated and funded by HC2 shareholders according to well-established policies for the Forum's management of such research as an SEC-defined independent moderator. (A copy of the report, which summarizes those policies, is attached to refresh your recollection.) Those policies, established by marketplace consensus and consistently supported for more than a decade, include a specifically applicable provision to which I had referred you (in paragraph #14 of the previously cited Forum Conditions of Participation: "*To the extent that a Program is addressing an issue of apparent significance to a broad range of a specific company's investors, the Forum may invite that company to assume responsibility for the Program's costs so that the expense is borne at a corporate level and thus allocated fairly in proportion to the interests of all investors for whose benefit the Program is conducted*." Since you immediately introduced a new HC2 investor presentation and initiated an investor roadshow in which you personally addressed the issues identified in the survey report, it was assumed that you clearly recognized the survey's "significance to a broad range" of HC2 investors, and that you would want to consider broadly supported practices in that context to refund the costs paid by the initiators.

Please let me know by tomorrow, Friday, whether I may rely upon you to correct the records prior to the Court's February 13 hearing for which your Brief was submitted.

- *GL*

Gary Lutin
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