

**Alan S. Lewis**

Partner  
lewis@clm.com

2 Wall Street  
New York, NY 10005  
D / 212-238-8647

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**BY EMAIL**

Greg Gutzler  
Dicello Levitt Gutzler LLC  
444 Madison Ave 4<sup>th</sup> Floor  
New York, NY 10022  
ggutzler@dicellolevitt.com

Lisa D. Haba  
The Haba Law Firm, P.A.  
1220 Commerce Park Dr., Ste. 207  
Longwood, FL 32779  
lisahaba@habalaw.com

**Re: Biehare Agonafer**

Dear Mr. Gutzler and Ms. Haba:

I represent Biehare Agonafer, who you have each attempted to communicate with in the recent past regarding Peter Nygard. As you are each aware, ABA Model Rule 4.2 provides:

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Now that you are aware of our representation of Ms. Agonafer, and that we do not consent to your communicating with her, directly or through others, please immediately desist from doing so.

The substance of Ms. Haba's Facebook message to Ms. Agonafer is also ethically troubling. In that message, Ms. Haba misinformed Ms. Agonafer that their communications would be "confidential and could never be repeated unless you authorized me to do so." But as you are aware, only a lawyer's communications with her own clients are afforded such a sweeping privilege, and at the time Ms. Haba conveyed that erroneous advice, there was no attorney-client relationship between her and Ms. Agonafer. Indeed, Mr. Gutzler's own, previous messages to Ms. Agonafer reveal that you do not genuinely regard Ms. Agonafer as a victim/potential plaintiff with whom you expect to have privileged communications, but rather, as someone you want to use and manipulate for the perceived benefit of your actual clients.

For example, on or about November 18, 2020, Mr. Gutzler sent a Facebook message to Ms. Agonafer under the name "Justice Smith." In that way, using the title "Justice", Mr. Gutzler

misrepresented himself as a judge, and making that worse, did so in a communication to an unrepresented party. As you should be well aware, it is illegal to misrepresent oneself as a judge or other public official. The content of that message is also ethically disturbing. In it, Mr. Gutzler threatened Ms. Agonafer with the prospect of her criminal prosecution, if she did not cooperate with your efforts to attack Mr. Nygard. Mr. Gutzler went so far as to suggest that Ms. Agonafer would be “holding the bag like Ghislaine Maxwell,” if she did not cooperate with those who are adverse to Mr. Nygard. If this threat were not clear enough, Mr. Gutzler followed up with another Facebook message, stating “minimum sentence will be 15 years for you. Hope it has been worth it.”

Having engaged in such improper conduct, you have apparently also attempted to destroy evidence of its commission. For example, Mr. Gutzler has removed offending posts from Facebook. Please preserve all of your communications with Ms. Agonafer. And to the extent that you engaged in similar threats, representations of yourself as a “Justice” or other public official or made promises of confidentiality to other persons in any way related to the Nygard matters, please preserve those communications as well.

Please desist from the any further communication, whether by yourselves or your agents, to Ms. Agonafer.

Sincerely,

/Alan S. Lewis

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