

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK:

-----X
RICHARD SILLS,

Plaintiff,

-against-

THE RONALD REAGAN PRESIDENTIAL
FOUNDATION, INC.

-----X
Defendant.

Index No :
Date Filed:

S U M M O N S 08115849


The basis of the venue
designated is
Plaintiff's residence

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and serve a copy of your Answer or if the Complaint is not served with this Summons, to serve a Notice of Appearance on Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is completed if this Summons is not personally delivered to you within the State of New York); take notice that the object of this action and the relief sought is partition to recovery the rightful share of the premises, and in case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded.

Dated: New York, New York
October 2, 2008

Yours, etc.,



KEITH S. BARNETT, ESQ.
Attorney for Plaintiff
321 Broadway - Suite 300
New York, New York 10007
(212) 227-0999

TO: THE RONALD REAGAN PRESIDENTIAL FOUNDATION, INC.
40 Presidential Drive
Simi Valley, CA 93065-0600
(800) 522-2977

FILED
NOV 25 2008
NEW YORK
COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK:

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RICHARD SILLS,

Index No.:

Plaintiff,

-against-

COMPLAINT

THE RONALD REAGAN PRESIDENTIAL
FOUNDATION,

FILED

08115849

Defendant.)

NOV 25 2000

-----x
NEW YORK
COUNTY CLERK'S OFFICE

Plaintiff, above-named, by his attorney, Keith S. Barnett, Esq.,
as his Complaint against the Defendant, respectfully alleges:

1. That at all relevant times, the Plaintiff, Richard Sills, has resided within the State of New York, and currently maintains a residence at 1085 Park Avenue, New York, N.Y. 10128.

2. That upon information and belief, Defendant, The Ronald Reagan Presidential Foundation, is a Not-For-Profit corporation established in accordance with and under Section 501(c) of the United States Internal Revenue Code (26 U.S.C. § 501(c)) and was incorporated on February 27, 1985 in the State of California and presently maintains its principal office at 40 Presidential Drive, Simi Valley, CA 93065-0600.

3. That upon information and belief, the initial purpose for establishing such Foundation was to raise funds from private and other sources throughout the United States and/or abroad, necessary to construct The Ronald Reagan Presidential Library in Simi Valley, California.

4. Upon information and belief, through its non-profit status, the Defendant Foundation conducts fund-raising and programming activities that sustain: The Ronald Reagan Presidential Library, including its Museum, The Center for Public Affairs, and the Presidential Learning Center.

5. Upon information and belief, since its inception, the Defendant Foundation has relied on donations, its investments, museum store sales, facility rentals and royalty and licensing agreements to support both its foundation and library operations.

6. That upon information and belief, the Defendant Foundation has at all relevant times maintained significant contacts with the State of New York by conducting business within such State. In particular, such contacts and business include the securing of donations through mailings and fund raising efforts, by conducting business meetings at various locations within the State and by entering into various contracts and/or licensing

securing of donations through mailings and fund raising efforts, by conducting business meetings at various locations within the State and by entering into various contracts and/or licensing agreements for the furnishing of goods and/or services within the State of New York.

7. Upon information and belief the Financial Accounting Standards Board (FASB) is the primary body governing Non-Profit Organizations in the United States, and pursuant to its guidelines, all such organizations must conduct their business and finances in a responsible manner and comply at all times with such guidelines.

AS AND FOR FIRST CAUSE OF ACTION

8. The Plaintiff herein repeats and realleges paragraphs 1-7 of the Complaint herein with the same force and effect as if same were more fully set forth herein at length.

9. That on or about September of 2000, the Plaintiff herein made an initial private contribution to the Defendant The Ronald Reagan Presidential Foundation, in the sum of \$100,000 for the purpose of establishing a Presidential Learning Center.

10. The aforementioned donation was made by the Plaintiff after having been solicited within the State of New York by an individual affiliated with the Defendant and with authority to act on behalf of such Foundation.

11. Following this initial donation, the Defendant herein through its duly authorized board members and/or agents continued to solicit the Plaintiff for additional donations on behalf of such Presidential Learning Center.

12. As a direct result of such solicitations and/or fund-raising efforts made on behalf of the Defendant herein, the Plaintiff made additional donations totaling \$500,000.

13. The Plaintiff's two final donations of \$100,000 each, were made to the Defendant in August of 2004 and in July of 2005 after similar solicitations as referred to above.

14. Both prior to Plaintiff's initial donation and prior to Plaintiff's subsequent donations, Plaintiff directed of the Defendant, its officers and/or agents, that his financial donations be used for the sole purpose of establishing various educational programs within the Presidential Learning Center.

15. That in accordance with the Rules and Regulations promulgated by the Financial Standards Accounting Board and more specifically, Guideline Number 116, all not-for-profit organizations must account for any private donations received on its behalf and further, pursuant to Guideline Number 117, such not-for-profit organizations must provide a statement of its functional expenses.

16. More specifically, pursuant to FASB Guidelines 116 and 117, the Defendant herein was required to make available to the Plaintiff documentation substantiating the nature, amount and use of the Plaintiff's donations as said Plaintiff had stipulated with the Defendant that said donations be used for a specific educational purpose with regard to the Presidential Learning Center.

17. Although the Defendant herein previously provided the Plaintiff with a satisfactory accounting of its initial donations, said Defendant has to date failed to provide the Plaintiff with an accounting with respect to Plaintiff's final donations totaling \$200,000, despite his numerous demands for same.

18. By reason of the foregoing, the Plaintiff herein has been deprived of his legal rights and seeks a declaration from this Court requiring the Defendant, The Ronald Reagan Presidential Foundation, to forthwith provide Plaintiff with a full and accurate detailed accounting regarding Plaintiff's final donation of \$200,000, as required by the Rules and Regulations promulgated by the Financial Accounting Standards Board.

AS AND FOR SECOND CAUSE OF ACTION

19. The Plaintiff herein repeats and realleges paragraphs 1-17 of the Complaint herein with the same force and effect as if same were more fully set forth herein at length.

20. That the Plaintiff herein would not have made his final donations to the Defendant totaling \$200,000, if such Defendant, its officers and/or agents had not represented to such Plaintiff that his donations would be used for establishing educational programs at its Presidential Learning Center as the Plaintiff had requested and the Defendant had agreed to.

21. That the Plaintiff herein relied upon such representation for purposes of making such financial donations and expected the Defendant herein to earmark said monies solely for said purpose.

22. That upon information and belief, the Defendant herein failed to use Plaintiff's final donations totaling \$200,000 in the manner directed by Plaintiff and instead, used said funds for other general purposes on behalf of the Presidential Learning Center.

23. That due to the material misrepresentations made by such Defendant, its officers and/or agents, the Plaintiff herein has been damaged and demands an award of compensatory damages, as well as reimbursement for any and all costs and expenses associated with this litigation.

AS AND FOR THIRD CAUSE OF ACTION

24. The Plaintiff herein repeats and realleges paragraphs 1-22 of the Complaint herein with the same force and effect as if same were more fully set forth herein at length.

25. That as a result of having to commence and maintain the instant action for declaratory relief, Plaintiff has and will incur attorneys' fees and as such, demands compensatory damages in a sum not less than \$100,000.

WHEREFORE Plaintiff demands judgment against the Defendant as follows:

On the First Cause of Action:

A declaration from this Court requiring the Defendant, The Ronald Reagan Presidential Foundation, to forthwith provide Plaintiff with a full and accurate detailed accounting regarding Plaintiff's final donations totaling \$200,000 as required by the Rules and Regulations promulgated by the Financial Accounting Standards Board and any other applicable rules, regulations or laws;

On the Second Cause of Action:

An award of compensatory damages, as well as reimbursement for any and all costs and expenses associated with this litigation;

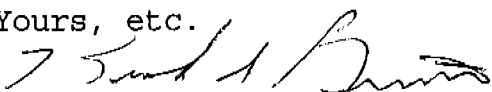
On the Third Cause of Action:

An award of Attorneys' fees in a sum not less than \$100,000;

together with any and all other relief that this Court may deem just proper and equitable.

Dated: New York, New York
October 2, 2008

Yours, etc.


KEITH S. BARNETT, ESQ.
Attorney for Plaintiff
321 Broadway, Suite 300
New York, New York 10007
(212) 227-0999

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

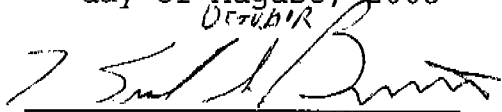
Richard Sills, being duly sworn, deposes and says to be true and correct, under the penalties of perjury, the following:

I am the named Plaintiff in the within action and have read the foregoing **Complaint** and know the contents thereof. The same are true and correct to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.



RICHARD SILLS

Sworn to before me this
2nd day of ~~August~~ ^{October}, 2008



Notary Public

KEITH S. BARNETT
NOTARY PUBLIC, State of New York
No. 02BA035578
Qualified in New York County 2010
Commission Expires November 7, 2010

SUPREME

COURT

NEW YORK

STATE OF NEW YORK, COUNTY OF

Index No.

Year

RICHARD SILLS,

Plaintiff,

-against-

THE RONALD REAGAN PRESIDENTIAL
FOUNDATION,

Defendant.

SUMMONS & COMPLAINT

Attorney(s) for

Office and Post Office Address, Telephone

KEITH S. BARNETT, ESQ.

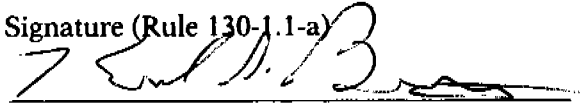
Attorney for Plaintiff

321 Broadway - Suite 300 New York, NY 10007

(212) 227 - 0999

To

Signature (Rule 130-1.1-a)



Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at

of which the within is a true copy
one of the judges of the

on _____ at _____ M.