

Town Clerk

From: Cayuga Operating <legal@cayuga-operating.com>
Sent: Friday, October 31, 2025 4:56 PM
To: Clerk's Office; Town Clerk
Cc: robert.alessi@us.dlapiper.com; Guy Krogh
Subject: Notice from Counsel to Town Attorney to be Included in the Public Record
Attachments: 10.31.25 Ltr. to Attorney Krogh.pdf

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Town Clerk,

Please find attached a notice to the Town Attorney from Counsel to TeraWulf Inc. and Cayuga Operating Company LLC. **Please include this notice in the public record.**

Respectfully,

Rebecca Francus, President
Cayuga Operating Company LLC



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October 31, 2025

Via Email

Guy K. Krogh, Esq.
Thaler and Thaler P.C.
309 N. Tioga St.
Ithaca, NY 14850
gkrogh@thalerandthaler.com

Re: Proposed Town of Lansing Local Law No. 7 of the Year 2025 and Related Matters

Dear Mr. Krogh:

This firm represents Cayuga Operating Company, LLC and TeraWulf Inc. (collectively, "Clients"). I am writing regarding the proposed Town of Lansing Local Law No. 7 of the Year 2025 ("Proposed Moratorium") and related matters – i.e., a Google Groups Listserv (Listserv") on which Town of Lansing Town Board members are participating illegally; violations of the New York State Open Meetings Law ("Open Meetings Law"); violations of the New York State Freedom of Law ("FOIL"); potential violations of the New York State Lobbying Act; pending requests made separately by Cayuga Operating Company, LLC and TeraWulf Inc. ("Pending FOIL Requests"); and the litigation hold request I made in my October 25, 2025 letter to you. By this letter, my Clients demand the immediate withdrawal of the Proposed Moratorium. The rights of my Clients have been violated repeatedly by Supervisor Groff and Mr. Wetmore, among others, and my Clients have suffered and continue to suffer damages from the egregious conduct of various Town of Lansing persons and others.

My Clients have become aware of a Listserv that is actively being used by Town Board members and select members of the public to discuss the Proposed Moratorium and the Cayuga Data Center. Participation in the Listserv apparently must be approved by its moderator, who we understand is the spouse of Town Board member Mr. Wetmore. The Listserv is rife with inaccuracies about and opposition to the Cayuga Data Center Project. And we understand persons who oppose the Proposed Moratorium and/or support my Clients are routinely "kicked off" the Listserv. This type of Listserv should not be supported by elected officials.

Moreover, this participation by Town Board members violates the Open Meetings Law for several reasons. There is a quorum of Town Board members participating in discussions about the Proposed Moratorium and Cayuga Data Center project, clearly "deliberations" about "public business" yet there is no record of compliance with Open Meetings Law requirements such as notice, minutes, etc.

In addition, this participation in this Listserv, one that is available only to those privileged to be approved for participation and clearly involving public deliberations, by Supervisor Groff and Mr. Wetmore is not only illegal, but it is antithetical to open government and betrays a commitment to transparency and fairness.

Also, it must be determined whether the lobbying in favor of the Proposed Moratorium and against the Cayuga Data Center violates the New York State Lobbying Act.

In all events, the participation on the Listserv by Supervisor Groff and Mr. Wetmore and any other Town of Lansing official in the Listserv is a record that must be produced under FOIL and is subject to the litigation hold I have requested on behalf of my Clients. This Listserv activity by Supervisor Groff and Mr. Wetmore, two persons who have prejudged the Proposed Moratorium, is yet another violation of the rights of my clients.

Similarly, we understand that Supervisor Groff and Mr. Wetmore have attempted to influence legally independent members of other boards, such as Mr. Jack Young of the Town of Lansing Zoning Board of Appeals, about matters pertaining to my Clients, for example, the Proposed Moratorium, zoning code interpretations, and applications before the Town Code Enforcement Officer, the Town Planning Board, and eventually the Town Zoning Board of Appeals. A large part of this activity by Supervisor Groff and Mr. Wetmore has extended them well beyond any claim of “legislative” action and squarely in the realm of the even more legally and individually exposed “administrative” action. We look forward to reviewing further records of such activity when the records from the FOIL request and litigation hold are produced.

The Town’s recent statement that it is unilaterally extending its production of records subject to the Pending FOIL Requests is equally troubling. We understand that the Town routinely produces records within a month of a FOIL request. Given that almost all records covered by the Pending FOIL Requests are in electronic form, there should be no reason for the extension. The conclusory statement that the work required by Town staff pertaining to the Pending FOIL Requests is significant does not satisfy the requirements of FOIL. We note that there was communication from the Town Clerk’s office to representatives of my Clients on October 29, 2025 that a substantial production of records in response to the Pending FOIL request was imminent, perhaps that day, only to have a six-week extension on the requests be imposed shortly thereafter. This is odd, at best. Please ensure that all non-exempt records of persons subject to FOIL – e.g., texts, Listservs, etc. – are produced. We repeat our requests that the records be produced forthwith -- and on a rolling basis, if necessary. The upcoming public hearing on the Proposed Moratorium and the elections only underscore the immediate need for the FOIL production.

Guy K. Krogh, Esq.
October 31, 2025
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Lastly, please confirm that a litigation hold has been placed on all documents pertaining to the Proposed Moratorium and my Clients, including those concerning Listservs or the like.

Sincerely,

A handwritten signature in blue ink, appearing to read "RJA" with a stylized flourish extending to the right.

Robert J. Alessi