

# HUSCH BLACKWELL

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August 3, 2021

Capitol West Towne, LLC  
c/o Capitol R.E. Mgmt., LLC  
ATTN: Felix Richgels  
123 North Blunt St. Ste. 604  
Madison, WI 53703

Re: Proposed Use at 7333 West Towne Way Property

Dear Mr. Richgels:

I am writing on behalf of my client, Madison Joint Venture, LLC, an affiliate of CBL & Associates Properties, Inc., owner and operator of the shopping center known as West Towne Mall, located at 66 West Towne Mall, Madison, WI 53719 (referred to herein as “West Towne Mall”).

It has come to West Towne Mall’s attention that an entity known as Lush Adult Entertainment LLC d/b/a Lush Adult Entertainment (“Lush”) has petitioned the Madison Alcohol License Review Committee for a Class B Combination Liquor & Beer License to operate an adult entertainment establishment at 7333 West Towne Way (“Property”). We are writing to inform you that operating such an establishment would be in direct contravention to the Easement, Restriction and Operating Agreement (“Agreement”) to which the Property is subject.

The Agreement governs the use of the Property and continues to bind successors to its terms. Specifically, the Agreement limits potential uses on the Property to those “consistent with a first-class retail department or specialty store in the regional malls or regional outparcels[.]” Agreement, Section 4.1. Any other use would require specific prior authorization and approval by West Towne Mall. West Towne Mall has not received any such request to depart from the Agreement’s designated uses at the Property.

Without question, operating an adult entertainment establishment does not fall within the uses permitted at the Property under the Agreement. Operating such an establishment would violate Section 4.1, among other terms of the Agreement.

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Please be advised that West Towne Mall will pursue any and all remedies available under the Agreement or otherwise by law to enforce its rights regarding this matter. Please immediately confirm, in writing, that you will continue to abide by the terms of the Agreement and will forego the proposed operations referenced above.

Finally, the information we have available to us shows that Capitol West Towne, LLC remains the owner of the Property. If ownership of the Property has transferred to Lush, we would appreciate being informed of that fact. As noted below, we have copied Lush and its apparent principal, Amarion James, on this letter.

Thank you in advance for your cooperation.

Regards,

HUSCH BLACKWELL LLP



Eric M. McLeod

cc: City of Madison Common Council  
City of Madison Alcohol License Review Committee  
City of Madison Attorney

Amarion James  
Lush Adult Entertainment LLC  
P.O. Box 46375  
7333 West Towne Way  
Madison, WI 53719