



Lawrence Kogan, Esq. NY, NJ, DC
Of Counsel:
James Wagner, Esq. MA
Fred B. Wilcon, Esq. MA

June 7, 2018

Mr. Edward Bair
8728 Spring Lake Road
Klamath Falls, OR 97603
etbfarm@aol.com

Mr. Ross Fleming
5351 Lombardy Lane
Klamath Falls, OR 97603
flemingfarmsaf@gmail.com

Mr. Jason Chapman
18704 N. Poe Valley Road
Klamath Falls, OR 97603
Chapman_23@msn.com

Mika N. Blain, Esq.
1151 Pine St.
Klamath Falls, OR 97601
attorneyblain@aol.com

Mika Blain
County Counsel, Klamath County
305 Main Street
Klamath Falls, OR 97601

Ms. Lacey Jarrell
Public Information Officer
Klamath Community College
7390 South 6th Street
Building 3 Room 301
Klamath Falls, OR 97603

Mr. Gerald O'Brien
Editor, Herald and News
2701 Foothills Blvd.
Klamath Falls, OR 97603
gobrien@heraldandnews.com

Mr. Mark Dobie
Publisher, Herald and News
2701 Foothills Blvd.
Klamath Falls, OR 97603
mdobie@heraldandnews.com

General Counsel
Herald and News
2701 Foothills Blvd.
Klamath Falls, OR 97603

General Counsel
Adams Publishing Group
103 West Summer Street
Greeneville, TN 37743

RE: Immediate Removal of Per Se Defamatory
Material From Sponsored Internet Website
KIDRecall.org

Ladies and Gentlemen:

This correspondence is intended to provide you individually and collectively with the opportunity to ensure the immediate removal of the internet website entitled "[Klamath Irrigation District Recall](#)" ("KIDRecall") and of those web pages comprising said website that intentionally contains and/or hyperlinks to information constituting *per se* defamation of the professional reputation of the undersigned, especially since such *per se* defamatory information has caused the undersigned to suffer actual damage to his professional reputation, resulting *inter alia* in the termination of at least two engagement agreements of legal representation the undersigned had entered into with third parties by reason of your tortious interference with such contracts.

The specific webpages of the KIDRecall website bearing the url "kidrecall.org" and containing *per se* defamatory material about the undersigned are entitled as follows: "[Another Study In Mismanagement: KID's Attorneys](#);" "[The Case Against New York City Attorney, Lawrence Kogan](#);" "[The C Flume Debacle](#);" "[Out of Control: Cheyne, Knoll and Smith](#);" "[Why We Need To Recall Three Directors From the KID Board](#);" "[Recall KID Board Members Brent Cheyne, Grant Knoll and Ken Smith](#);" "[Cheyne & Kogan Emailing Outside Influencers?](#)"; "[Kogan's Final Bill to KID](#);" "[Public Statement From the KID Recall Petitioners](#);" "[What-Ethics Matter?](#);" "[Signatures Delivered to KID District Office](#);" and "[Chairman Cheyne – It is A BIG God-D—Deal](#)."

Not only does the content of these webpages contain intentionally *per se* defamatory information about the undersigned, but these webpages also directly and indirectly hyperlink to the baseless [Oregon State Bar complaint](#) filed against the undersigned during May 2016 by former KID Board members David Cacka and Greg Carlton, which complaint has since been dismissed, as well as to defamatory *per se* media articles about the undersigned as identified by date, author and publisher below.

Had you individually and collectively engaged in the due diligence required of professional journalists (i.e., had you verified or validated the allegations contained in the Cacka-Carlton complaint and inquired about its current status), you would have discovered that the Oregon State Bar complaint filed by these persons was baseless and that it was dismissed with a finding of "no professional misconduct" approximately one month ago. (Ex. 1).

It is the undersigned's understanding that Mr. Edward Bair, Mr. Ross Fleming, Mr. Jason Chapman and Ms. Mika Blain are each individually and collectively identified on the "[About Us](#)" page of the "[KIDRecall](#)" internet website as the creators and operators of said website and of the *per se* defamatory information it contains about the undersigned. It is also the undersigned's understanding that each of these persons is individually and collectively identified as the "Chief Petitioners" and "Treasurer," respectively, of three former Klamath Irrigation District ("KID") Recall Political Action Committees ("PACs") formed during 2016 for the express purpose of unseating the then former majority faction of

the KID's Board of Directors. Indeed, a press release entitled "[Recall Signatures Certified by K.I.D.](#)" hyperlinked to this website identifies Mika Blain as the local "attorney representing the recall effort."

Based on the undersigned's information and belief, Mr. Edward Bair, Mr. Ross Fleming, Mr. Jason Chapman and Ms. Lacey Jarrell, a former "journalist" at the Herald and News, (Ex. 2) are responsible individually and collectively for developing the "creative" content placed on the KIDrecall website and webpages identified above, and for hyperlinking those pages to other sources of *per se* defamatory information about the undersigned. These other sources include articles authored by Ms. Lacey Jarrell and Gerald O'Brien and published by the Herald and News with the approval of Editor, Gerald O'Brien and Publisher, Mark Dobie, on [April 27, 2016](#), [July 7, 2016](#), [July 15, 2016](#), [July 21, 2016](#), [July 26, 2016](#), [August 24, 2016](#), and [August 31, 2016](#), which rise to the level of *per se* defamatory information about the undersigned. The KIDrecall website and webpages and each of these other sources of *per se* defamatory information were and are still intended to harm the undersigned's professional reputation, and have, in fact, harmed the undersigned's professional reputation and caused significant other damages as described above.

In addition, based on the undersigned's information and belief, Ms. Lacey Jarrell, Mr. Gerald O'Brien and Mr. Mark Dobie of the Herald and News, and the Adams Publishing Group, owner of the Herald and News, are each individually and collectively responsible for facilitating financially and/or logistically the acquisition and maintenance, since at least early June 2016, of the domain "domainsecrecy.net" to which the KIDRecall website is registered, and of the two servers on which the "domainsecrecy.net" domain has been placed – "ns1.safeukdns.net" and "ns2.safeukdns.net," which are hosted by registrar eNom, Inc. and technically supported by [UK2 Group](#) offices located in [Providence UT](#). (Ex. 3).

Each of you individually and collectively are hereby informed as follows: You will be held legally accountable in a court of law at a venue not of your own choosing, *if*:

- 1) you fail to remove by June 22, 2018, the *per se* defamatory information about the undersigned that is contained on this website overall and on the individual webpages comprising such website identified above which also hyperlink directly and indirectly to media articles authored and/or published by any one or more of you that contain *per se* defamatory information about the undersigned;
- 2) you fail to acknowledge and post online for the Klamath Falls community to view the Oregon Bar Association's determination set forth in Ex. 1 in response to the baseless complaint previously filed by Messieurs Cacka and Carlton during May 2016, namely, that the undersigned engaged in "no professional misconduct" while serving as specialized counsel for KID; *and*
- 3) you fail to make a public apology online to the undersigned that can be viewed by the Klamath Falls community admitting your misjudgment in developing and posting online the *per se* defamatory information about the undersigned contained and/or referred to on the KIDRecall website, webpages and other sources of *per se* defamatory information about the undersigned to which said website and webpages are hyperlinked.

We trust that each of you, individually and collectively, understand(s) that this correspondence serves as actual notice of potential litigation that provides you with a reasonable opportunity to avoid the potential litigation if the steps set forth above are taken.

Very truly yours,

Lawrence A. Kogan

Lawrence A. Kogan
Managing Principal

Cc: General Counsel,
UK2 Group Headquarters
517 West 100 North, Suite #225
Providence UT 84332

General Counsel,
eNom, Inc.
5808 Lake Washington Blvd. NE
Suite 201
Kirkland, WA 98033

EXHIBIT 1

----- Original Message -----

Subject: LDD 1600763

From: "Linn Davis" <LDavis@osbar.org>

Date: 5/17/18 4:11 pm

To: "lkogan@koganlawgroup.com" <lkogan@koganlawgroup.com>

You voicemail is full so I am emailing you instead. We did not receive any further information and consider the matter closed.



Linn D. Davis

Assistant General Counsel and CAO Attorney

503-431-6332

LDavis@osbar.org

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 • www.osbar.org

Please note: Your email communication may be subject to public disclosure. Written communications to or from the Oregon State Bar are public records that, with limited exceptions, must be made available to anyone upon request in accordance with Oregon's public records laws.

LDD 1600763

OSB CAO Intake [cao@osbar.org]

Sent: Apr 19, 2:32 pm

To: 'lkogan@koganlawgroup.com', 'david.elkanich@hklaw.com'

April 19, 2018

David A. Cacka
cackadac2c@aol.com

Greg Carleton
gcarcf@aol.com

Re: **Subject: LDD 1600763**
Lawrence Kogan (David A. Cacka/Greg Carleton)

Dear David Cacka and Greg Carleton:

The Oregon State Bar Client Assistance Office (CAO) is responsible for reviewing concerns regarding lawyers in Oregon. Under Bar Rule of Procedure 2.5 and as resources permit, CAO determines the manner and extent of review required to decide whether there is sufficient evidence to support a reasonable belief that lawyer misconduct may have occurred warranting a referral to Oregon State Bar Disciplinary Counsel. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

I apologize to you and to Mr. Kogan for the time that has passed since you notified us of your concerns and he responded to our requests for information regarding them. You also complained about Nathan Rietmann, an Oregon lawyer retained by the Board of Directors for the Klamath Irrigation District to serve as general counsel to the District. I address your concerns about Mr. Rietmann in a separate letter.

Mr. Kogan, a lawyer admitted to the practice of law in the State of New York and other jurisdictions, but not the State of Oregon, was retained by the Board of Directors of the Klamath Irrigation District to provide legal and consultative services in connection with land and water rights issues that included significant federal agency and intergovernmental components. You expressed concerns that Mr. Kogan may have practiced law unlawfully in Oregon. Because it appeared possible that your concerns might implicate our rules, we asked Mr. Kogan to respond to them. I have reviewed all the relevant materials submitted in connection with your complaint. I conclude that there is no sufficient basis to warrant a referral to Disciplinary Counsel.

Oregon Rules of Professional Conduct (RPC) 5.5(b) generally prohibits a lawyer not admitted to practice in Oregon from establishing an office or other systematic and continuous presence in Oregon for the practice of law, but it permits a lawyer to provide temporary services in Oregon, especially when those services are offered in association with an Oregon lawyer or they relate to services the lawyer may be otherwise permitted to provide, such as advocacy before a federal agency. Under the circumstances you and Mr. Kogan have described, we could not find sufficient evidence that Mr. Kogan's temporary practice in Oregon constituted a systematic and continuous presence in Oregon for the practice of law, in violation of RPC 5.5(b). To the extent Mr. Kogan may have offered advice or given direction to the District regarding issues of Oregon law, they appear to have been related to the matters for which he could assist the District on a temporary basis. Although you disagree with Mr. Kogan's statements to the Board regarding public meetings law, we could not find that Mr. Kogan's representation in the broad context showed a lack of professional knowledge and ability, in violation of RPC 1.1, the rule requiring competent representation.

You also expressed concerns that Mr. Kogan had improperly instructed you or other officers, agents or employees of the District to refrain from talking to others about particular District issues. RPC 3.1 prohibits a lawyer from taking positions that the lawyer knows have no factual or legal merit. Mr. Kogan's admonition not to speak of matters related to his representation and/or the representation of Mr. Rietmann did not lack a meritorious basis.

Because we find no professional misconduct, we will take no further action on this matter. If you disagree with this disposition, you may have the matter reviewed by General Counsel, provided we receive your request for review in writing no later than May 10, 2018. The decision of General Counsel is final.

I hope we have been of assistance in obtaining a response to your concerns. Thank you for bringing them to our attention.

Yours,
Linn D. Davis
Assistant General Counsel
Ext. 332

LDD/jmm

cc: Lawrence Kogan, Attorney at Law
David Elkanich, Attorney at Law

02j

Email submissions to: cao@osbar.org Use subject line: LDD 1600763



Client Assistance Office
503-620-0222
cao@osbar.org

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 • www.osbar.org

Please note: Your email communication may be subject to public disclosure. Written communications to or from the Oregon State Bar are public records that, with limited exceptions, must be made available to anyone upon request in accordance with Oregon's public records laws.

EXHIBIT 2

Question about KID works transfer

Lacey Jarrell [ljjarrell@heraldandnews.com]

Sent: 6/15/16 2:18 pm

To: lkogan@koganlawgroup.com

Mr. Kogan,

The KID water delivery works the district would like to receive title of was never clarified at last week's board meeting. Can you send me a list of what the district plans to request title of? My deadline is 3 p.m. today PST.

Thank you.

—

Lacey Jarrell
Herald and News
541-850-6205

ljjarrell@heraldandnews.com

On Twitter: [@LMJatHandN](https://twitter.com/LMJatHandN)

Interview for Herald and News

Lacey Jarrell [ljjarrell@heraldandnews.com]

Sent: 5/16/16 5:36 pm

To: lkogan@koganlawgroup.com

Mr. Kogan,

I'm working on a story about the C flume contract being re-evaluated, and I think it would be helpful for KID patrons to know what is being looked at and how those items may harm/benefit the district. I'm reaching out to you because you are in charge of the negotiations.

I left a message on your cell phone, but it may be easier and more timely for you to respond by email, so I'm sending the questions as well. Here they are:

What sections of the C flume repayment contract are you asking the Bureau of Reclamation to revise?

In what way are these sections, or the wording of the sections, detrimental to Klamath Irrigation District? (If referencing the 1954 contract, please specify the section.)

- How is KID asking these sections be revised to benefit or protect the district?

Are you asking for anything new to be added? If so, what?

How many times have you met with or spoken with David Murillo about revising the contract?

When do you expect to see a revised copy of the C flume contract?

Is the potential to delay construction a concern? Why or why not?

My deadline is noon Tuesday PST.

Thank you.

Lacey Jarrell
Herald and News
541-850-6205
ljjarrell@heraldandnews.com
On Twitter: [@LMJatHandN](https://twitter.com/LMJatHandN)

Interview for Herald and News

Lacey Jarrell [ljjarrell@heraldandnews.com]

Sent: 5/7/16 2:55 pm

To: lkogan@koganlawgroup.com

Lawrence,

I tried reaching you at both phone numbers listed on your business card, but both voicemail boxes are full. I would like to speak with you today (Saturday) about an ethics complaint that has been filed. Please call me at the office, 541-850-6205.

Thank you.

Lacey Jarrell
Herald and News
541-850-6205
ljarrell@heraldandnews.com
On Twitter: [@LMJatHandN](https://twitter.com/LMJatHandN)

EXHIBIT 3

Whois Record for KidRecall.org



Find out more about [Project Whois and DomainTools for Windows](#).


Related Domains For Sale or At Auction

[KidsWear.org](#) (\$3,999) [KidsFashion.org](#) (\$3,988) [KidsClothes.org](#) (\$1,788) [KidsBook.org](#) (\$2,299) [KarateKids.org](#) (\$588) [KarateKids.com](#) (\$9,999)

[1](#) [2](#) [3](#) [More >](#)

Domain Profile

Registrant Country	US
Registrar	eNom, Inc. IANA ID: 48 URL: http://www.enom.com Whois Server: whois.enom.com abuse@enom.com (p) 14252982646
Registrar Status	clientTransferProhibited
Dates	694 days old Created on 2016-07-13 Expires on 2018-07-13 Updated on 2017-07-06
Name Servers	NS14.MIDPHASE.COM (has 36,130 domains) NS15.MIDPHASE.COM (has 36,130 domains) NS16.MIDPHASE.COM (has 36,130 domains)
Tech Contact	—
IP Address	174.127.110.77 - 615 other sites hosted on this server
IP Location	 - Utah - Salt Lake City - Hosting Services Inc.
ASN	 AS29854 WESTHOST - WestHost, Inc., US (registered May 20, 2003)
Domain Status	Registered And Active Website
IP History	3 changes on 3 unique IP addresses over 2 years
Hosting History	3 changes on 3 unique name servers over 2 years
Website	

Website Title	 Klamath Irrigation District Recall - Put Klamath back in KID!
Server Type	Apache
Response Code	200
SEO Score	100%
Terms	418 (Unique: 209, Linked: 131)
Images	6 (Alt tags missing: 0)
Links	48 (Internal: 47, Outbound: 0)

Whois Record (last updated on 2018-06-07)

```


Domain Name: KIDRECALL.ORG
Registry Domain ID: D189361887-LROR
Registrar WHOIS Server: whois.enom.com
Registrar URL: http://www.enom.com
Updated Date: 2017-07-06T10:30:51Z
Creation Date: 2016-07-13T22:29:57Z
Registry Expiry Date: 2018-07-13T22:29:57Z
Registrar Registration Expiration Date:
Registrar: eNom, Inc.
Registrar IANA ID: 48

Registrar Abuse Contact Email: abuse@enom.com
Registrar Abuse Contact Phone: +1.4252982646
Reseller:
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registrant Organization:
Registrant State/Province: UT
Registrant Country: US
Name Server: NS14.MIDPHASE.COM
Name Server: NS15.MIDPHASE.COM
Name Server: NS16.MIDPHASE.COM
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: https://www.icann.org/wicf/

```

For more information on Whois status codes, please visit <https://icann.org/epp>


Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.

Verizon LTE 06:47 100% 

whois.com

DOMAINS HOSTING CLOUD WEBSITES EMAIL SECURITY WHOIS SUPPORT

kidrecall.org

Updated 13 hours ago 

DOMAIN INFORMATION

Domain: kidrecall.org
 Registrar: eNom, Inc.
 Registration Date: 2016-07-13
 Expiration Date: 2018-07-13
 Updated Date: 2017-07-06
 Status: clientTransferProhibited
 Name Servers: ns14.midphase.com
 ns15.midphase.com
 ns16.midphase.com

REGISTRANT CONTACT



Name: Domainsecrecy.net ...
 Street: DOMAIN SECRECY.NET
 PO Box 713
 City: Providence
 State: UT
 Postal Code: 84332
 Country: US
 Phone: +350.20042686
 Email: 1468449192@domainsecrecy.net

ADMINISTRATIVE CONTACT

Name: UK2 Group <http://www.uk2group.com/>
 Organization: UK2 Group <http://www.uk2group.com/>
 Street: 517 W 100 N, Suite 225
 SaintLouis
 City: Providence
 State: UT
 Postal Code: 84332
 Country: US
 Phone: +1.4357553433
 Email: domainmaster@uk2group.com

TECHNICAL CONTACT

Name: UK2 Group <http://www.uk2group.com/>

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 whois.com

DOMAINS HOSTING CLOUD ^{NEW} WEBSITES EMAIL SECURITY WHOIS SU

domainsecrecy.net

Updated 1 day ago 

DOMAIN INFORMATION

Domain: domainsecrecy.net
 Registrar: eNom, Inc.
 Registration Date: 2009-06-05
 Expiration Date: 2019-06-05
 Updated Date: 2018-05-07
 Status: clientTransferProhibited
 Name Servers: ns1.safeukdns.net
 ns2.safeukdns.net

REGISTRANT CONTACT

Name: TECHNICAL SUPPORT
 Organization: UK2 GROUP
 Street: 517 WEST 100 NORTH, SUITE #225
 City: PROVIDENCE
 State: UT
 Postal Code: 84332
 Country: US
 Phone: [+1.4357553433](tel:+14357553433)
 Fax: [+1.4357553449](tel:+14357553449)
 Email: DOMAINMASTER@UK2GROUP.COM

ADMINISTRATIVE CONTACT

Name: TECHNICAL SUPPORT
 Organization: UK2 GROUP
 Street: 517 WEST 100 NORTH, SUITE #225
 City: PROVIDENCE
 State: UT
 Postal Code: 84332
 Country: US
 Phone: [+1.4357553433](tel:+14357553433)
 Fax: [+1.4357553449](tel:+14357553449)
 Email: DOMAINMASTER@UK2GROUP.COM
www.reganlawgroup.com