



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

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June 7, 2018

Mr. Edward Bair  
8728 Spring Lake Road  
Klamath Falls, OR 97603  
[etbfarm@aol.com](mailto:etbfarm@aol.com)

Mr. Ross Fleming  
5351 Lombardy Lane  
Klamath Falls, OR 97603  
[flemingfarmsaf@gmail.com](mailto:flemingfarmsaf@gmail.com)

Mr. Jason Chapman  
18704 N. Poe Valley Road  
Klamath Falls, OR 97603  
[Chapman\\_23@msn.com](mailto:Chapman_23@msn.com)

Mika N. Blain, Esq.  
1151 Pine St.  
Klamath Falls, OR 97601  
[attorneyblain@aol.com](mailto: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](mailto:gobrien@heraldandnews.com)

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

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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](mailto:LDavis@osbar.org)

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 • [www.osbar.org](http://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.

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## LDD 1600763

OSB CAO Intake [[cao@osbar.org](mailto: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](mailto:cackadac2c@aol.com)

Greg Carleton  
[gcarcf@aol.com](mailto: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](mailto:cao@osbar.org)      Use subject line: LDD 1600763**



Client Assistance Office  
503-620-0222  
[cao@osbar.org](mailto:cao@osbar.org)

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 • [www.osbar.org](http://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](mailto: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](mailto:ljjarrell@heraldandnews.com)

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

### Interview for Herald and News

Lacey Jarrell [[ljjarrell@heraldandnews.com](mailto: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](mailto:ljjarrell@heraldandnews.com)**  
On Twitter: [@LMJatHandN](https://twitter.com/LMJatHandN)

## Interview for Herald and News

Lacey Jarrell [[ljjarrell@heraldandnews.com](mailto: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

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

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

●○○○○ Verizon LTE 06:47 100%    
 whois.com

DOMAINS HOSTING CLOUD <sup>NEW</sup> 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  
 Fax: +1.4357553449  
 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  
 Fax: +1.4357553449  
 Email: **DOMAINMASTER@UK2GROUP.COM**  
[www.reganlawgroup.com](http://www.reganlawgroup.com)