



The Conundrum Group, LLP

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INVOICE

Invoice # 2
Date: 09/01/2017
Due On: 10/01/2017

City of Salida
Jim LiVecchi, City of Salida Mayor
City Hall, Touber Building
448 E. First Street, Suite 112
Salida, CO 81201

00272-City of Salida

Elected Official Public Statements

Attorney	Date	Description	Quantity	Total
Benjamin Kahn	02/07/2017	Evaluate Councilmember Rogers' Work Session handout re City Attorney billing practices and confer with Mayor re same and related billing analysis needs; evaluate Councilmember Rogers' public comments re City Attorney practice and procedure (partial total time billed)	0.75	\$168.75
Benjamin Kahn	02/08/2017	Work on open municipal practice needs with Mayor based on Councilmember Rogers' public statements, including potential confidentiality, privilege and elected official public statement parameters (partial total time billed)	0.35	\$78.75
Benjamin Kahn	02/11/2017	Evaluate public postings of Councilmember Brown-Kovacik per request of Mayor for potential municipal admissions against interest, insurance coverage considerations, elected official ethical parameters, and breach of fiduciary and/or loyalty duty implications	0.20	\$45.00
Benjamin Kahn	02/14/2017	Evaluate Bomer LTE based on Councilmember Rogers' public statements, and work on related claims and insurance coverage implications with Mayor and Mayor Pro Tempore (half total time billed)	0.30	\$67.50

Benjamin Kahn	02/15/2017	Work on need for City Council advisement with Mayor and Mayor Pro Tempore re public statements of elected officials based on insurance coverage implications and potential claims and liability admissions in public statements of Councilmembers Rogers and Brown-Kovacik; work on related analysis of Executive Session recording and false public statement implications for City, City Attorney, City's elected officials and third parties and confer with Mayor, Mayor Pro Tempore and outside insurance defense counsel re same (partial time billed)	0.50	\$112.50
Benjamin Kahn	02/16/2017	Confer with CIRSA, outside defense counsel, Mayor and Mayor Pro Tempore re potential factual misstatements and admissions against interest in public statements of Councilmembers Rogers and Brown-Kovacik, implications re confidentiality and privileges associated with related Executive Sessions, and insurance coverage implications; work on transcription needs for 1/3/17 Executive Session	0.60	\$135.00
Benjamin Kahn	02/17/2017	Work on potential parameters for elected official public comments with Mayor and Mayor Pro Tempore in wake of liability admissions and factually incorrect public statements promoted by Councilmembers Rogers and Brown-Kovacik, for municipal defense and insurance purposes (partial time billed)	0.25	\$56.25
Benjamin Kahn	02/21/2017	Evaluate 2/21/16 City Council Meeting public comments of Councilmembers Brown-Kovacik and Rogers re City Attorney elected official dissemination and public release of privileged memorandum re Fish Miller complaints against City Attorney; confer with Mayor and Mayor Pro Tempore re 7/28/16 transmission of document in question to entire City Council, subsequent Executive Session discussion, and 1/3/17 Executive Session direction to release AC/WP memo; work on potential public misinformation, admission against interest, privilege and liability implications associated with false public statements about City Attorney disseminated and publicized by Councilmembers Brown-Kovacik and Rogers (partial total time billed)	1.50	\$337.50
Benjamin Kahn	02/22/2017	Work on municipal response to false public statements promulgated by Councilmember Brown-Kovacik during open City Council Meeting re City Attorney complaints filed by Fish/Miller with Mayor and Mayor Pro Tempore, including transcript needs and formal municipal request for production of document cited by Dr. Brown-Kovacik; outreach and conferral efforts with outside municipal counsel, CIRSA and CIRSA GC T. Tamoue re same and inaccurate public representations by Councilmember Rogers including specific identification of false statements and potential admissions; confer with Councilmember Hallet re appropriate boundaries of individual Councilmember response to public misrepresentations re City Council promoted by Councilmembers Rogers and Brown-Kovacik; evaluate Councilmember Rogers' MM article and false and exaggerated representations therein and confer	1.15	\$258.75

		with Mayor re same, related costs and risks of public misinformation and confusion(half time billed)		
Sandra Numedahl	02/22/2017	Work on compilation of false or misleading public statements by elected officials Eileen Rogers and Cheryl Brown-Kovacik for Executive Session purposes, including 2/7 and 2/21 City Council posturing efforts, related press articles, and CBK blog post (partial time billed)	0.75	\$82.50
Benjamin Kahn	02/23/2017	Work on potential municipal response, insurance implications and liability concerns related to false public statements by Councilmembers Rogers and Brown-Kovacik with Mayor and Mayor Pro Tempore, including potential 2/21/17 City Council Meeting transcript needs and MM response; evaluate Councilmember Brown-Kovacik MM article including false statements therein; telecon with Councilmember Hallett re same and City Council implications (half total time billed)	0.80	\$180.00
Benjamin Kahn	02/24/2017	Confer with Mayor and Mayor Pro Tempore re risks associated with false public statements by elected officials and municipal options forward; confer with City Administrator re same; work on advancing related Executive Session admonishment and CIRSA reporting needs (half total time billed)	0.45	\$101.25
Benjamin Kahn	02/25/2017	Work on risk and cost analysis and advisement needs for Mayor and Mayor Pro Tempore associated with fake news accounts by MM and public officials (half total time billed)	0.10	\$22.50
Benjamin Kahn	02/26/2017	Work on record of false public statements by elected officials for Mayor, including 2/7/17 CC Meeting, 2/11/17 blog posting, 2/21/17 CC Meeting, 2/22/17 MM article and 2/23/17 MM article; work on identification of misrepresentations and potential admissions against interest therein for liability, defense and insurance coverage purposes; ; confer with Councilmember Hallett re municipal liability and insurance coverage implications associated with public grandstanding and false statements by elected officials (partial total time billed)	0.65	\$146.25
Benjamin Kahn	02/27/2017	Evaluate false statements and admissions against municipal interest prepared and presented by Councilmember Brown-Kovacik at February 21, 2017 City Council Meeting as transcribed and to Mayor on February 23, 2017 in advance of municipal and City Attorney response and related Executive Session; related consult with Mayor and Mayor Pro Tempore re same, impacts on City Council and public information, and potential censure (partial total time billed)	0.50	\$112.50
Benjamin Kahn	02/28/2017	Work on record of advisement topics in 2016 and 2017 Executive Sessions with Deputy City Clerk, and confer with Mayor re same and related false statements by public officials (partial time billed)	0.10	\$22.50

Sandra Numedahl	03/01/2017	Work on record of false statements made by Ms. Rogers and Dr. Brown-Kovacik and Mr. Bomer in the Salida Mountain Mail and Salida Citizen for City Council advisement purposes (partial time billed)	0.75	\$82.50
Benjamin Kahn	03/01/2017	Evaluate false news Facebook and social media postings re reassignment of Mountain Mail local politics reporter, MacDonald threats, and Council process and procedure, and confer with Mayor and Mayor Pro Tempore re same; work on assembling false statements and potential admissions against interest by Councilmembers for reporting purposes to CIRSA and City Council (half time billed)	0.30	\$67.50
Benjamin Kahn	03/02/2017	Work on municipal response to false statements and potential admissions against interest by public officials with Mayor and Mayor Pro Tempore, including potential Executive Session and insurer advisement needs; evaluate record of 7/5, 9/6 and 1/3 ES for advisement history (partial total time billed)	0.65	\$146.25
Sandra Numedahl	03/02/2017	Work on record of false statements and related documents re Eileen Rogers for City Council consideration in Executive Session, including potential claims admissions against interest (partial time billed)	2.50	\$275.00
Sandra Numedahl	03/03/2017	Work on record of false statements and related documents re Cheryl Brown-Kovacik for City Council consideration in Executive Session, including potential claims admissions against interest (partial time billed)	2.65	\$291.50
Benjamin Kahn	03/03/2017	Work on consolidated packet for elected officials consideration in Executive Session re false statements and admissions against interest publicized by Councilmembers, potential conflicts involved in mixed loyalties to corporate and other outside interests, resultant "fake news" stories, and actual facts involved; confer with Mayor and Mayor Pro Tempore re same, claims and coverage implications, media inquiries and municipal options; correspondence with CIRSA General Counsel T. Tanoue re same, advisement needs, coverage implications, MacDonald claim considerations and competency concerns (half total time billed)	1.80	\$405.00
Benjamin Kahn	03/04/2017	Evaluate proposed ES handout re false statements and potential admissions against interest by Councilmember Brown-Kovacik for presentation to entire City Council in ES; confer with Mayor and Mayor Pro Tempore re same, related Executive Session needs, and MacDonald claims implications (half total time billed)	0.60	\$135.00
Benjamin Kahn	03/05/2017	Evaluate proposed ES handout re false statements and potential admissions against interest by Councilmember Rogers in preparation for ES; confer with Mayor and Mayor Pro Tempore re same, coverage implications, MacDonald claims defense impact and related Executive Session needs (half total time billed)	0.55	\$123.75

Benjamin Kahn	03/06/2017	Evaluate prior comments re ethics by Councilmember Rogers in advance of ES re her false statements and potential admissions against municipal interest; work on ES exhibit and record needs re same and public statements by Councilmember Brown-Kovacik with Deputy City Clerk; confer with Mayor and Mayor Pro Tempore re potential coverage, claims defense, fiduciary duty, loyalty duty, Treasurer tenure, censure/retraction/apology options and potential defamation/slander/libel implications related to false and damaging elected official public statements (half total time billed)	1.05	\$236.25
Benjamin Kahn	03/07/2017	Telecon CIRSA GC Tami Tanoue and Mayor Pro Tempore re public misstatements by Councilmembers Rogers and Brown-Kovacik, potential self-interest and/or third party interests and influence, prior written warning to Councilmember Brown-Kovacik, coverage implications and potential limitations for MacDonald claim; confer with Mayor, Mayor Pro Tempore and Deputy City Clerk re ES handout and advisement needs; Executive Session with involved Councilmembers, Mayor, remaining Councilmembers and City Administrator re liability and damages implications related to false statements, potential admissions against City interests, public misinformation campaigns, and fake news promulgation by public officials (partial total time billed)	2.00	\$450.00
Benjamin Kahn	03/08/2017	Work on post ES advisement efforts with Mayor, Mayor Pro Tempore and CIRSA re elected official false statements and admissions against interest including related telecon (partial time billed)	0.75	\$168.75
Benjamin Kahn	03/11/2017	Evaluate historic posts of Councilmember Brown-Kovacik for false statements, potential admissions against interest and coverage matters in light of prior advisement re SNRCDC COML claim and ongoing public social media postings of false statements and potential admissions against municipal interest; confer with Mayor and Mayor Pro Tempore re same (partial total time billed)	0.15	\$33.75
Benjamin Kahn	03/13/2017	Confer with Mayor and Mayor Pro Tempore re false statements and potential admissions against interest by Councilmember Rogers and MacDonald claims defense and coverage implications, and Councilmember Brown-Kovacik social media postings (half total time billed)	0.10	\$22.50
Benjamin Kahn	03/15/2017	Evaluate media coverage re Councilmember false statements and admissions against interest, and confer with Mayor and outside employment claims defense counsel re same	0.20	\$45.00
Benjamin Kahn	03/17/2017	Correspondence with CIRSA GC, Mayor and Mayor Pro Tempore re public officials false statements and admissions against interest and former City Administrator potential employment claims implications	0.45	\$101.25

Benjamin Kahn	03/19/2017	Confer with Mayor Pro Tempore re false statements by elected officials, related reporting, and public misinformation implications (partial time billed)	0.10	\$22.50
Benjamin Kahn	03/20/2017	Confer with Mayor and Mayor Pro Tempore re false statements and potential admissions against interest by elected officials, including insurance coverage issues and Executive Session issues related to actual or potential claims implications; work on advancing same (half total time billed)	0.95	\$213.75
Benjamin Kahn	03/21/2017	Evaluate Councilmember comments re false public statements and consider related municipal implications in consult with with Mayor (partial time billed)	0.25	\$56.25
Benjamin Kahn	03/29/2017	Evaluate Councilmember Brown-Kovacik return serve correspondence asserting COML violations associated with Executive Session related to her false statements and potential admissions against interest, and confer with Mayor, Mayor Pro Tempore and Councilmember Bowers re municipal response options and legal and insurance coverage implications associated with potential or actual COML claims (half total time billed)	0.90	\$202.50
Benjamin Kahn	03/30/2017	Confer with Mayor and Councilmember Hallett re defensive response and potential COML claim by Councilmember Brown-Kovacik in response to exposure of her false statements, potential admissions against interest, and memory/competency failings	0.20	\$45.00
Sandra Numedahl	03/31/2017	Work on updates to Councilmember false statement and admissions against interest files and record, including Dr. Brown-Kovacik COML claim re same (partial time billed)	0.25	\$27.50
Benjamin Kahn	04/03/2017	Evaluate correspondence from Councilmember Cheryl Brown-Kovacik alleging improprieties in scope and COML violations associated with Executive Session regarding her false statements and potential admissions against municipal interest and related legal authority, and work on municipal response options and claims implications with Mayor and Mayor Pro Tempore (half time billed)	0.90	\$202.50
Benjamin Kahn	04/04/2017	Evaluate Councilmember Roger's Work Session and City Council responses to exposure of her false statements, potential admissions against municipal interest and claims collusion, including efforts to undermine City Attorney, control municipal legal investigations and advance onerous procedural obstacles to municipal risk defense and management needs; confer with Mayor and Mayor Pro Tempore re same and municipal response options to Councilmember Brown-Kovacik COML and ES allegations and City Attorney attack campaign in response to exposure of her false statements and potential admissions against municipal interest (half total time billed)	0.95	\$213.75
Benjamin Kahn	04/26/2017	Confer with Mayor re response to Councilmember Brown-Kovacik demand correspondence re COML and ES re her false public	0.20	\$45.00

		statements and admissions against interest, and work on advancing municipal response (half time billed)		
Sandra Numedahl	04/28/2017	Work on file updates based on Councilmember Brown-Kovacik COML correspondence and related developments and response needs (half time billed)	0.10	\$11.00
Benjamin Kahn	05/05/2017	Work on response needs to Councilmember Brown-Kovacik re ES on false statements and admissions against municipal interest and related COML considerations, with Mayor and Mayor Pro Tempore (partial time billed)	0.10	\$22.50
Benjamin Kahn	05/30/2017	Work on municipal responses options to Councilmember Brown Kovacic COML allegations with Mayor and Mayor Pro Tempore (half time billed)	0.05	\$11.25
Benjamin Kahn	06/06/2017	Attention to add'l public false statements and admissions against municipal interest by Councilmember Rogers per direction of Mayor (partial time billed)	0.35	\$78.75
Benjamin Kahn	06/07/2017	Evaluate E. Rogers 6/6/17 City Council Meeting diatribe for false statements and admissions against municipal interest and work on related record needs; evaluate ethical implications associated with Rogers' efforts to undermine municipal interests after official notice and warning (partial total time billed)	0.75	\$168.75
Benjamin Kahn	06/08/2017	Work on efforts to secure and/or memorialize E. Rogers public false statements and admissions against interest during 6/6/17 City Council Meeting, including related correspondence with elected officials; evaluate implications associated with Rogers' falsehoods, attacks against City interest, claimant pawn role, retaliation and refusal to provide elected officials and municipality with record of written statement read into public record	0.80	\$180.00
Benjamin Kahn	06/09/2017	Confer with Mayor and Mayor Pro Tempore re attorney client communication and advisement implications associated with Rogers' public dissemination of truth bending admissions against interest; work on municipal efforts to secure copy of public statement from Councilmember Rogers in advance of transcription initiative; confer with Mayor re potential for E. Rogers' retaliation against Mayor and/or Mayor Pro Tempore and/or City Attorney for exposure of efforts by E. Rogers as elected official to disseminate fake news and false facts and/or undermine municipal legal defense and risk mitigation efforts and/or actively bolster adverse claims against the City by former employees or third parties (half total time billed)	0.45	\$101.25
Benjamin Kahn	06/10/2017	Work on client advisement summary of legal impacts associated with Councilmember Rogers 6/6/17 false statements and admissions against municipal interest, including related conferral with Mayor and Mayor Pro Tempore re transcript statement and lies and claims defense concessions therein (partial total time billed)	0.65	\$146.25

Benjamin Kahn	06/11/2017	Work on key highlighted false statement and admissions against interest exhibit for client advisement purposes associated with E. Rogers' false statements and admissions against municipal interest during 6/6 CC Mtg (partial time billed)	0.50	\$112.50
Benjamin Kahn	06/12/2017	Evaluate current public postings containing false statements and admissions against municipal interest post-notice by Councilmember Brown-Kovacic and related warning correspondence from Mayor; work on memorializing record re same; work on finalizing exhibit re false statements and admissions against interest by Councilmember Rogers for CC advisement (partial total time billed)	0.75	\$168.75
Benjamin Kahn	06/13/2017	Confer with Mayor and Mayor Pro Tempore re elected official public statements involving false statements and admissions against municipal interest and related ethical, fiduciary, collusion, attorney-client, claims defense, and public censure implications associated with same; record conferral with Mayor re potential for E. Rogers' retaliation reaction (partial time billed)	0.35	\$78.75
Sandra Numedahl	06/14/2017	Work on Exhibits for City Council advisement re public official false statements, admissions against interest, mea culpas, other incidents, risk and liability considerations, and post-advisement developments (half time billed)	1.20	\$132.00
Benjamin Kahn	06/14/2017	Work on City Council AC WP summary of status and impact of false statements and admissions against interest by Councilmember Brown-Kovacic, including post notice and warning public postings and related Exhibits (partial time billed)	1.00	\$225.00
Benjamin Kahn	06/15/2017	Work on City Council AC WP summary of status and impact of false statements and admissions against interest by Councilmember Rogers, including post notice and warning public statements and related Exhibits (half time billed)	1.10	\$247.50
Benjamin Kahn	06/16/2017	Work on City Council advisement memorandum re status and impact of false statements, fake news and admissions against interest by sitting Councilmembers and municipal options forward; confer with Mayor and Mayor Pro Tempore re same and CC presentation needs; work on potential postscript exhibits re CBK and ER false statements and admissions against municipal interest (half total time billed)	0.90	\$202.50
Benjamin Kahn	06/17/2017	Work on client group advisement Exhibits re sitting Councilmember public false statements and admissions against interest, including post-advisement developments (partial time billed)	0.50	\$112.50
Benjamin Kahn	06/19/2017	Work on CC summary memo section re CBK public false statements and admissions against interest in litigation and claims context, including notice and advisement record (half time billed)	1.05	\$236.25

Benjamin Kahn	06/20/2017	Work on CC summary memo section re ER public false statements and admissions against interest in litigation and claims context, including notice and advisement record (half time billed)	1.10	\$247.50
Benjamin Kahn	06/21/2017	Evaluate Councilmember Hallett written concerns and notice to Mayor re Councilmember Rogers' public statements and actions outside of Council direction and authority, and work on related mitigation needs with Mayor (partial time billed)	0.25	\$56.25
Benjamin Kahn	06/22/2017	Work on Exhibits for City Council consideration re CBK and ER false statements and admissions against interest; work on related AC/WP memo sections re potential collusion and retaliation by public officials as a result of municipal investigation (partial time billed)	0.65	\$146.25
Benjamin Kahn	06/23/2017	Work on Exhibits for City Council advisement re public official false statements and admissions against municipal interests (half time billed)	0.20	\$45.00
Benjamin Kahn	06/24/2017	Work on Exhibits re Councilmember Rogers' repeated false statements, admissions against municipal interest, dissemination of alternative facts, retaliation efforts and potential claims collusion for advisement to Mayor and City Council (partial time billed)	0.35	\$78.75
Benjamin Kahn	06/25/2017	Work on Exhibits re Councilmember Brown-Kovacic pattern of engaging in public false statements, admissions against City interest, instigation of fake news reports and potential collusion with claimants adverse to municipality for client advisement purposes (partial time billed)	0.35	\$78.75
Benjamin Kahn	06/26/2017	Work on response to Councilmember Cheryl Brown-Kovacic COML claims notice and demand re Executive Session involving her false public statements, admissions against municipal interest and dissemination of defamatory information adverse to City; confer with Mayor and Mayor Pro Tempore re same and implicated statutory provisions (half time billed)	1.10	\$247.50
Benjamin Kahn	06/27/2017	Work on completing City response to Councilmember Brown-Kovacic claims notice and demand pursuant to COML re Executive Session addressing municipal risk profile including public official lies, adverse admissions, and role of Dr. Brown-Kovacic in same; confer with Mayor and Mayor Pro Tempore re scope of representation, related disclaimers/limitations with respect to Councilmembers Brown-Kovacic and Rogers, position of former City Attorney re public officials acting in personal capacity adverse to City, and City Council advisement needs forward (partial total time billed)	1.75	\$393.75
Sandra Numedahl	06/27/2017	Work on and finalize client advisement exhibits for City Attorney memorandum re elected official false statements, admissions against interest and liability and net legal cost implications (partial total time billed)	1.00	\$110.00

Benjamin Kahn	06/28/2017	Finalize client conferral materials re false statements and admissions against municipal interest by public officials; related correspondence (partial total time billed)	0.50	\$112.50
Benjamin Kahn	07/06/2017	Confer with Mayor re status of municipal response to false and misleading C. Brown-Kovacik COML claims, and status of municipal analysis re litigation defense and settlement implications associated with public official false statements and admissions against interest	0.15	\$33.75
Benjamin Kahn	07/11/2017	Light touch conferral efforts with Mayor re status of false statements and admissions against interest response by City and closure potential (no charge)	0.05	\$0.00
Benjamin Kahn	07/18/2017	Evaluate E. Rogers CCM comments re employment environment and City Administrator, including involved admissions against municipal interest and potential claims implications	0.15	\$33.75
Benjamin Kahn	07/26/2017	Confer with Councilmember Hallett re open municipal needs forward re elected official false statements, admissions against interest and COML claims including self-eroding insurance and budget implications (partial time billed)	0.10	\$22.50
Benjamin Kahn	07/27/2017	Evaluate proposed Minutes in light of record created by E. Rogers' CCM admissions against interest and potential employment claim considerations (partial time billed)	0.10	\$22.50
Benjamin Kahn	08/04/2017	Confer with Mayor and Mayor Pro Tempore re Councilmember Rogers' potential claims admissions against interest in employment context based on 7/18/17 CCM Minutes and related warning and containment needs re same (partial time billed)	0.25	\$56.25
Sandra Numedahl	08/05/2017	Work on matter closure needs including file updates based on Summer 2017 developments re elected officials' false statements and admissions against municipal interest (half time)	0.20	\$22.00
Megan Kahn	08/31/2017	Reimbursable expense: CG Expense Fee	1.00	\$284.48

Time Keeper	Quantity	Rate	Total
Benjamin Kahn	37.55	\$225.00	\$8,448.75
Benjamin Kahn	0.05	\$0.00	\$0.00
Sandra Numedahl	9.4	\$110.00	\$1,034.00
		Total	\$9,767.23

Statement of Account

Outstanding Balance
\$0.00

+

New Charges
\$9,767.23

=

Total Balance
\$9,767.23

Please make all amounts payable to: The Conundrum Group, LLP

Please pay within 30 days.