

**Sara Bridgeforth**

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**From:** Kirstin Jahn <Kirstin@jahnlaw.com>  
**Sent:** Tuesday, October 18, 2016 9:16 AM  
**To:** Howard Bernstein  
**Subject:** Re: Open Studios and BoMA Settlement Conference

Howard,

I am unclear exactly what you consider disparaging, please be more specific.

As to any other matters, I find you, once again, overreaching and will not banter over semantics. You call it a "draft" settlement agreement; BOMA calls it a "proposal". The terms are synonyms!

Sincerely,

Kirstin

On 10/17/2016 9:57 AM, Howard Bernstein wrote:

Kirstin,

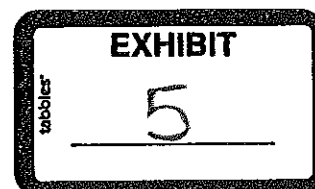
I had meetings most of the day on Friday, so I asked my legal assistant, Sara Bridgeforth, to contact you on my behalf. In the email that Sara sent to you, she began by saying, "Howard asked that I contact you." I have had Sara contact counsel in the past when I am not available, and I am accustomed to assistants for other counsel contacting me. In the latter case, I simply get back to the attorney if there is a reason to do so. Your reaction was a first for me: you refused to "conduct legal discussions with a non-lawyer" when all you had to do is respond to me. My office did not ask you to conduct any discussions with a non-lawyer. I showed your email to the managing partner of a major Denver law firm, and he said that he too had never seen a response like yours in all the years that he has practiced law. I hope that you will be more courteous to my staff in the future.

Regarding the substance of the email that Sara sent to you, there are two important matters I want to bring to your attention:

1. Beth Merckel published a derogatory post around the time that the settlement conference started. I am asking that it be taken down. I also expect that all of the other derogatory posts she has published about Open Studios will be taken down as part of the Final Settlement Agreement, which I believe is contemplated by the language of the Draft Settlement Agreement. If my request and/or my expectation present a problem for BoMA, please let me know so that the Open Studios Board can address this.
2. BoMA claimed on its website that the result of the Settlement Conference was "a proposal." According to the Minute Entry for Settlement filed by Magistrate Judge Mix, "a settlement was reached as to [a]ll claims in this action." That is more than a proposal. In addition, you and your client also signed a Draft Settlement Agreement, as did I and my client. Please have your client promptly correct its inaccurate post if they have not already done so.

Best Regards,

**Howard O. Bernstein, Esq.**  
Howard O. Bernstein, P.C.



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