



THENELL LAW GROUP, P.C.

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July 13, 2021

2021-21

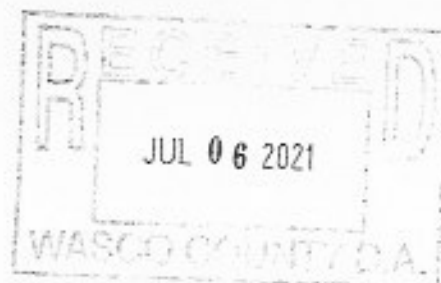
VIA US MAIL AND CERTIFIED MAIL

Julie Krueger, City Manager
City of The Dalles
313 Court Street
The Dalles, OR 97058

Chief of Police, Tom Worthy
The Dalles Police Department
401 Court St.
The Dalles, OR 97058

Department of Administrative Services
Katy Coba, Director
155 Cottage St. NE
Salem OR 97301

Wasco County District Attorney
Matthew Ellis
511 Washington St. #304
The Dalles, OR 97058
Fax: 541-506-2681



RE: Our Client: Jeffrey Kienlen
Tort Claim: City of The Dalles and its employees.

TORT CLAIMS NOTICE [ORS 30.275]
PRESERVATION AND PUBLIC RECORDS REQUEST

To Whom It May Concern:

My firm has been retained to represent the interests of Jeffrey Kienlen. Please be advised that pursuant to ORS 30.275, My client is providing this notice of his intent to bring suit and I hereby provide you with notice that this office has been retained regarding his claims against the City of The Dalles and its employees, and any agents or employees of those named for personal damages arising from claims of intentional interference, false light and unlawful termination.

These claims accrued on or about January 14, 2021, when he was notified of being placed on administrative leave and potentially being placed on the Brady List . If you require any additional information to determine the nature of my clients claims please contact my office at your immediate

Please send all correspondence to Portland office

PORTLAND OFFICE
12909 SW 68th Parkway, Suite 290
Portland, OR 97223

SEATTLE OFFICE
2200 6th Avenue, Suite 1250
Seattle, WA 98101

convenience.

The further purpose of this letter is to provide notice to those named above and any of its manager(s), agent(s), employer(s) and any other person(s), (collectively, "you" or "your") who are or may be responsible for the maintenance, storage, retention, including any retention policy, in any way relating to the preservation of documents, electronically stored information and tangible things which are or may be subject to the requirements of OREGON AND FED. R. CIV. P. 26 and/or 36 in relation to the above-referenced matter. For the purposes of the memorialization of this Notice, "documents," "electronically stored information" and/or "tangible things" (collectively, "documents") refers to, or may refer to any definition of the same provided in the FEDERAL or OREGON RULES OF CIVIL PROCEDURE in addition to, but not limited to, any or all of the following which are or may be in your client's possession, custody or control, or subject to your client's custody or control, whether drafts or unfinished versions, originals, or nonconforming copies thereof, however created, produced or stored (manually, mechanically, electronically or otherwise) from 1/1991 to present:

1. File servers;
2. Email servers;
3. Files, whether digital or not, and regardless of any technical classification;
4. Hard drives;
5. Removable media, regardless of form or format;
6. Peripherals;
7. Backup tapes;
8. PDAs;
9. Legacy systems;
10. Database systems;
11. Customer relationship management (CRM) systems and databases;
12. Electronic query systems, regardless of form or format;
13. Personal and home computers, including servers, desktop computers and laptops;
14. Cell phones;
15. Fax machines;
16. Digital cameras, including video-cameras;
17. Wires;
18. Telegrams;
19. Telexes;
20. Telephones and related logs;
21. Notes or records of conversations or meetings;
22. Contracts;
23. Agreements;
24. Calendars, whether digital or not;
25. Date books, whether digital or not;
26. Work sheets;
27. Invoices;
28. Bills;
29. Records of payments and receipt of payments;
30. Magnetic tape;
31. Tape recordings;
32. Disks;

33. Diskettes;
34. Disk packs;
35. Websites;
36. Microfilm;
37. Instant messages, regardless of form or format;
38. Microfiche;
39. Storage devices in any form or format;
40. Appointment books, whether digital or not;
41. Diaries, whether digital or not;
42. Notices, whether digital or not;
43. Message slips, whether digital or not;
44. Books;
45. Papers;
46. Minutes;
47. Summaries;
48. Records in any form or format;
49. Archives, whether digital or not;
50. Spillman and/or fatpot data and records;
51. Dispatch data, documents, recordings and records; and
52. Any and all other electronic media.

The aforementioned definition includes, or may include, without limitation, any information in electronic form stored in any computer file, PDA or remote communication device, including offsite computers and/or servers, "cloud" servers and/or external database systems, to include, without limitation, the preservation of any associated "metadata".

Specifically, my client demands that all documents, including but not limited to, correspondence, emails, texts and voicemail, related to allegations of misconduct, policy violations or investigations and discipline over the course of Mr. Kienlen's employment. Additionally, to the extent city employees sent text messages regarding this subject matter to any employee of the Wasco County District Attorney's Office is to be preserved and produced to my office. Both professional and personal communication devices need to be preserved.

It is hereby demanded that any of the aforementioned documents having any tendency to lead to the discovery of relevant information be preserved for the purposes of litigation, along with any and all discoverable evidence that may not have been expressly delineated herein. There may be other electronic evidence that should be protected and made available subject to discovery requests that will or may be promulgated in the future. You should make every effort to retrieve data that has been either inadvertently or purposefully deleted if there is *any* reasonable possibility that it relates to this matter in such a way that it may be discoverable. Failure to do so may result in stiff penalties and sanctions levied against your client. Reasonable preservation efforts may include imaging of hard drives, suspension of the overwriting of all data on any electronic system, including the overwriting of emails, retrieving and/or pulling backup tapes from rotation, the maintenance of any chain of custody procedures utilized by your client, and/or the suspension of document and data retention programs that do or may involve the routine destruction of data.

This letter is being sent to you via regular and Certified Mail. This notice is provided to you

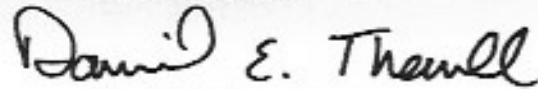
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pursuant to ORS 30.275 as formal notice that a claim for damages will be asserted against the individuals listed herein. If you need additional information regarding the nature of potential claims against the City of The Dalles, or the circumstances underlying those claims, please contact my office at your convenience.

Please direct any communication intended for my client in this matter to me, and not to my client directly.

Very truly yours,

A handwritten signature in black ink that reads "Daniel E. Thenell". The signature is written in a cursive, slightly slanted style.

Daniel E. Thenell

DT/EL/da
Kienlen.01 TCN