

# LDD 2301117: Ethics Complaint About Marc Mohan to CAO

## Introduction

Marc Mohan represented me in unethical and incompetent ways on case 23CV15424 in Multnomah County Circuit Court. In addition to the ethics complaint to the Oregon State Bar Client Assistance Office, I am filing a malpractice claim to the Oregon State Bar Professional Liability Fund.

The August 10th, 2023 declaration that I already submitted explains both Mr. Mohan's malpractice and ethical concerns about his behavior. His response has addressed many issues that I consider malpractice due to incompetence but not necessarily ethical issues. I will only address the ethical issues here and not the other malpractice concerns. Specifically, all of the ethical concerns are about the failures of Mr. Mohan to disclose to me a huge number of case documents or even to let me know in any way about aspects of the case related to those undisclosed documents.

As I explained previously, the biggest reason for an ethics complaint was because Mr. Mohan never notified me that he agreed to a protective order with Mr. Fuller and that Judge Skye approved the order, nor did he even notify me that it was something that he was negotiating with Mr. Fuller.

Additionally, since my initial filing of the ethics complaint on August 10th, it has come to my attention that Mr. Mohan failed to disclose to me the vast majority of the other things that he publicly filed in the case and that he served to the defense attorneys, until he sent over his electronic files on July 28th, 2023, the day that he withdrew from the case and I took over representing myself *pro se*. I will explain the impact of his failures to disclose a number of these other documents below, after explaining the impact of failing to disclose the protective order.

## Protective Order

In his response to the complaint Mr. Mohan states that he "considered the protective order a *pro forma* filing with no impact on the ability to pursue Mr. Koenig's claims." However, his argument is contradicted by the facts of the case.

The protective order is exactly what enabled Mr. Fuller to paint a false picture in Mr. Mohan's head that I did anything resembling witness tampering, fraud, or the waiving of attorney-client privilege in the short Facebook conversation I had with Terry Kang Rau on July 6th, 2023.

When Mr. Mohan threatened to withdraw from my case on July 7th, 2023 at 2:34 PM, he had not seen the conversation between Terry Kang Rau and me. (Exhibit G in the declaration) He had only seen Mr. Fuller's letter falsely accusing me of tampering, fraud, and waiving attorney-client privilege and Terry's email to the Clinchys (Exhibits E & F).

When Mr. Mohan spoke to me on the phone later that afternoon and then in person on the afternoon of Monday, July 10th, he would not show me either of the letters at Exhibits E & F, and

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furthermore he did not tell me about the existence of the May 25th protective order and that it was the reason he deemed he was unable to share the Terry Kang email with me.

Put yourself in my shoes. Your lawyer tells you he has to withdraw from your case, but he will not tell you why. Mr. Fuller conned him with a nonsensical and grotesque interpretation of Terry Kang's email and what it supposedly said about my behavior during the case, but I was not even allowed to see what she wrote nor given any opportunity to know who said something about me before Mr. Mohan threatened to withdraw from my case and notified the defense attorneys of his intent to do so. He literally emailed the defense attorneys *two minutes* after he emailed me before I could even read his email and have any dialog with him about it.

As additional evidence, I am submitting the emails that Mr. Mohan sent to me at 2:34 PM and then to the defense attorneys at 2:36 PM. I am including all of the attachments from Mr. Mohan's email to me, including the motion for withdrawal that he was intending to submit to the court the following Monday. (Filenames beginning "A") Note that Mr. Mohan did not end up submitting this withdrawal to the court. His actual withdrawal was three weeks later, on July 28th, and the withdrawal he submitted did not resemble this one.

When Mr. Mohan and I spoke face-to-face on Monday, July 10th, after I had already correctly guessed that the hubbub was about the Terry Kang conversation and had sent him a screenshot of it along with an explanation of what actually happened, he told me that he was deeply embarrassed, presumably because of how badly he had been fooled, and that he did not consider himself a good enough lawyer to continue representing me. He told me in that conversation that he did better in collaborative and cooperative working environments and could not handle how adversarial the pretrial communication had become.

I hired this man as my *prosecuting attorney* and he did not properly understand that he had an adversarial relationship with the defense attorney.

### Other Disclosure Failures

When Mr. Mohan withdrew as my counsel on July 28th, 2023, he gave me access to a Google Drive with the vast majority of his computer files from the case. It included most of the documents that he and the opposing counsels filed in court and served to each other, as well as Marc's email correspondence with me. However, he included only the attachments of emails from opposing counsels to him, and not the bodies of the emails between him and opposing counsels. So I still do not know what communication happened between him and those counsels via email, nor do I know exactly what documents he served to opposing counsels that were not also public court filings.

Nonetheless, after I began representing myself *pro se*, I made a best faith effort to figure out exactly what documents Mr. Mohan served to the opposing counsels. I also went to the court kiosks and read all of the public filings in the case. ***I learned that in the time that Mr. Mohan was representing me from April 10th to July 27th, 2023, he had not disclosed to me the***

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**vast majority of the documents that had been filed publicly in the case and that had been served from one counsel to the others.**

I am attaching as additional evidence two charts that show (1) all of the public filings in the case and (2) what I believe are all of the documents served between the counsels but not publicly filed. On each of those charts I have highlighted in yellow all of the documents which Mr. Mohan **never** shared with me prior to withdrawing as my counsel on July 28th. As you can see, the majority of rows of both charts are highlighted in yellow. (Filenames beginning "B")

A few of those documents, such as the summonses of the defendants, are ones that Mr. Mohan could argue were *pro forma* filings that were not that important to share with me. However, among the documents that were not shared with me were many that had a significant bearing on the case, and as such I was not able to even begin addressing them until after I had begun representing myself *pro se*. To a large extent, I had no idea what was going on in the case, because Mr. Mohan was keeping me in the dark.

Mr. Mohan's failure to disclose documents to me had numerous concrete and damaging effects on our case. I attempted to address some of these problems in the two and a half weeks that I represented myself *pro se* prior to the hearing that upheld the special motions to dismiss all claims, but I was unable to overcome the hole that he had put me into.

In the following subsections I will address a few of the bigger problems that were results of his failures. This is by no means a complete list.

### The Clinchys' Avoidance Of And Dishonest Answers To Requests For Admission

Mr. Mohan did share with me the 13 requests for admission from Jennifer Clinchy, filed in five separate documents between April 26th and May 9th. I provided him the information that he needed to respond to those requests for admission and also provided him several requests for admission that I wanted him to pose to both Jennifer Clinchy and Evans Clinchy.

Between May 15th and June 28th, there were 12 more documents filed in the court that related to the Clinchy's requests for admission to me or my requests for admission to them. Mr. Mohan only shared 3 of those 12 documents with me.

Date	Filer	Description	Shared?
23/05/16	Mohan	My responses to J. Clinchy's requests for admission	No
23/05/16	Mohan	My requests for admission to J. Clinchy	No*
23/05/16	Mohan	My requests for admission to E. Clinchy	No*
23/05/16	Fuller	E. Clinchy's requests for admission to me	No
23/05/16	Mohan	My responses to E. Clinchy's requests for admission	No

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23/06/08	Fuller	J. Clinchy's motion for protective order for RQAD 14**	Yes
23/06/08	Fuller	J. Clinchy's responses to my requests for admission	Yes***
23/06/08	Fuller	E. Clinchy's responses to my requests for admission	No
23/06/15	Mohan	Motion to determine sufficiency of J. Clinchy's responses	Yes
23/06/15	Mohan	Motion to determine sufficiency of E. Clinchy's responses	No
23/06/28	Fuller	J. Clinchy response to motion	No
23/06/28	Fuller	E. Clinchy response to motion	No

\* On 23/05/15 Mr. Mohan shared the first drafts of the documents containing my requests for admission to the Clinchys. However those drafts did not include all of the requests that we would end up sending to the defendants, and Mr. Mohan never shared the final versions of the documents while he was representing me.

\*\* This was a motion for a protective order limited to putting the answer to one request for admission under seal, different from the protective order of May 25th. Though this potential protective order was never granted by the court, Mr. Mohan did tell me about it. It was only the May 25th protective order that I never learned about from him.

\*\*\* Mr. Mohan did not even share Jennifer Clinchy's responses to my requests for admission with me when he first received them. He only shared them with me in a June 14th, 2023 email as an exhibit within the motion that he filed to determine sufficiency. Furthermore, his email including this file was in the middle of an email chain on a completely different topic, and the only thing he said about it was, "Here is the motion to determine the sufficiency of Jennifer's objections/responses. I will be filing & serving this later today, as well as a similar motion regarding Evans' responses."

While Mr. Mohan was still representing me, he would never share Evans Clinchy's responses to my requests for admission or his own motion to determine the sufficiency of Evans Clinchy's responses. He also never showed me the responses of either defendant Clinchy to the motions, and he never followed up with the court staff to schedule the hearings that he had requested in the motions that he filed on June 15th. I literally never heard another word from him on this entire topic beyond the two sentences quoted in the last paragraph.

Only after I began representing myself *pro se* and was able to read all of these public filings was my attention drawn to this aspect of the case and was I able to see how Jennifer Clinchy was engaging in bad faith litigation conduct to make spurious objections and give deceptive responses. **Furthermore, her tactics of making bad faith insinuations about me in her avoidant responses to the motion were very similar to the exact ways that she had defamed me that had made her a defendant in the first place.**

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In the first defamatory document written by Jennifer Clinchy (Exhibit C in the complaint) she had falsely insinuated that I followed Lola McKissen to Portland, even though I moved to Portland a year before defendant McKissen.

In the second defamatory document written by Jennifer Clinchy (her September 9th, 2022 response to my response to the incident report) she had falsely insinuated that a 2018 letter to Jason Idalski after the National Scrabble Championship had anything to do with me. That letter was about a sexual assault that she had experienced years before she met me and about a different player (Sam Kantimathi) whom she had refused to play at the tournament because of allegations about him. I was not even at the 2018 National Scrabble Championship.

In Jennifer Clinchy's June 28th, 2023 response to the motion to determine sufficiency, she falsely insinuated that she had complained about me to "federal officials" when the truth was that she had arranged with those officials to get gifts for me and take me on nice dates while she was working for the White House and we were in a romantic relationship.

On August 10th, 2023, I filed two documents that addressed Jennifer Clinchy's bad faith litigation conduct in her attempts to evade discovery on these issues. I am attaching them as additional evidence to this complaint. ([Declaration](#) & [Requests for Admission](#)) It is my opinion that if this case had gone to trial, the eventual outcome of these requests for admission would have played a significant role in convincing a jury of defendant Jennifer Clinchy's guilt, as she was demonstrating in her attempts to defend herself the same type of defamatory behavior toward me again.

However, I was unable to pursue this particular legal avenue while Mr. Mohan was representing me, because he had never shared the defendants' responses to the motions with me.

### Amendments To The Complaint

Mr. Mohan amended the original complaint twice, once on May 5th, 2023, and then again on May 22nd. He never told me anything about this during the entire month of May. The only reason I found out the complaint was amended at all was because I was considering including the original complaint in the June 15th public statement, entitled "The Scapegoat," that Mr. Mohan was helping me draft for the splenetic.net blog. In a June 14th email to me, Mr. Mohan wrote, "Instead of the initial complaint, you should attach the second amended complaint, which corrects a couple small factual errors and is the current operative complaint. I'm attaching a copy here."

In that email he included the second amended complaint, truncated so as not to include the exhibits. He never sent me the full second amended complaint document with exhibits, and he never sent me the first amended complaint in any form. This was the only time that Mr. Mohan mentioned an amendment to the complaint to me at all.

After Mr. Mohan was no longer representing me, I received the motions to strike from the defense counsels Ms. Vaughn and Mr. Fuller. Mr. Fuller argued in his motion that Mr. Mohan's

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repeated amendments of the complaint illustrated bad faith litigation conduct and an inherent weakness in our case. Ms. Vaughn argued that Mr. Mohan had failed to properly serve the amended complaints with summonses.

Perhaps the main reason that Judge Skye upheld the motions to strike, causing the case to be thrown out, was that the complaint included three claims of civil conspiracy, when civil conspiracy is not a recognized claim in Oregon law. This fundamental problem was in all three versions of the complaint.

To this day, I still have no idea why Mr. Mohan decided to amend the complaint twice and what problems with it he thought he was fixing. I strongly suspect that conversations with Mr. Fuller influenced Mr. Mohan to amend the complaint, but he never shared the content of those conversations with me. I was blindsided with the fact that there were problems with the complaint in the two week period before the hearing about the motions to strike, as I had never thought that there was an issue with the complaint before, ***because Mr. Mohan had never told me about the amendments to the complaint when they happened in May, and then only casually mentioned them once in mid-June as a matter of correcting a few factual errors.***

Some of the issues around the amendments to the complaint are more a matter of incompetence and malpractice than a matter of ethical violations. It is logical to assume that Mr. Mohan genuinely did not understand that he wrote three versions of a complaint with invalid claims and that he did not know how to properly serve the complaints and summonses to the defendants.

However, even if those malpractice issues had not been salient, Mr. Mohan still had an ethical obligation to let me know that some of his work time on the case had been devoted to amending the complaints and to send me copies of the new complaints. He billed me for work that I did not know that he was doing, and if he had shared the amended complaints with me sooner, I might have looked into the issues with the complaint sooner and not been so unprepared to address them in the short time I was representing myself *pro se*.

In retrospect, it is now my belief that making another amendment to the complaint to get rid of the invalid claims would have been the best way to avoid having the case thrown out by the special motions to strike. The judge's decision at the hearing addressed many of the problems with the complaint, and I am including a copy of the August 28th order granting the special motions to strike as additional evidence. (Filename beginning with "D")

### The Clinchys' Failure To Comply With Requests For Production

The Clinchys only served Mr. Mohan with two responses to requests for production on June 8th, 2023, but he never shared those documents with me while he was still representing me. Those two responses included no responsive documents and this phrasing in the response to almost every request, ***"Defendant's counsel is currently designating responsive documents according to the Court's protective order entered May 25, 2023, and expects to produce responsive documents with designations in compliance with the Court's order within 30 days."***

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One irony here is that if Mr. Mohan had shared the responses to requests for production with me, I would have learned about the May 25th, 2023 protective order. Part of me wonders if Mr. Mohan intentionally withheld those responses from me to prevent me from knowing about the protective order. However, even if there was no intentionality, failing to disclose these responses to me hurt the case in other ways.

The 30 day deadline that the defendants mentioned was on July 8th, 2023. The day before, July 7th, was when Mr. Mohan threatened to withdraw from my case, after being spooked by Mr. Fuller's letter with the email from Terry Kang. Although Mr. Mohan technically continued to represent me as counsel for the next three weeks, he became mentally checked out and did almost nothing for me, other than trying to arrange for another attorney to take over the case. In that three week period, Mr. Mohan agreed with Ms. Vaughn to extend the deadline on the motion to strike and postponed a hearing with Mr. Fuller, all in hopes that these issues would become somebody else's problem.

Mr. Mohan also did not follow up in any way with Mr. Fuller and the Clinchys failing to meet their July 8th deadline to comply with the requests for production, even though he was still my counsel until July 28th.

Aside from one document, my first response to requests for production from Jennifer Clinchy that was served to the defendants on May 22nd and emailed to me on May 25th, Mr. Mohan did not send any of the other responses to requests for production, from either side, to me. Therefore, I had no idea what had been submitted as evidence in the case and what had not been. I did not know until the first week of August, when I was representing myself *pro se*, that the Clinchys had never submitted any evidence and that they had failed to meet their July 8th deadline to do so. By that time, all of my energy and effort were spent on preparing for the hearing on the motions to strike.

There was nearly a month before that during which we could have said something to the court about the Clinchys' failing to comply with the requests for production. Not only did Mr. Mohan do nothing about this issue, but he also left me in the dark during the entire month of July that it was even happening.

I am including as evidence two excerpts from my Supplemental Response to the Clinchys' motions to strike, which was the only time I was able to address their failure to comply with the requests for production. (File names beginning "E") These were filed on August 15th, 2023, one day before the case was dismissed.

**Mr. Mohan's Failure To Send Any Requests For Admission Or Production To McKissen**  
Again, because Mr. Mohan did not share the vast majority of what was served and filed related to requests for admission and production with me, I had no idea where things stood with defendant Lola McKissen.

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On June 12th, 2023, Mr. Mohan wrote in an email to me, "I will be sending Requests for Admission and Production to Lola through her attorney in the next day or two." However, as far as I have been able to tell from the files he passed along to me after he withdrew from the case, he never wrote up any requests for admission and production for Lola McKissen, let alone served them to her attorney.

Furthermore, as I learned from Ms. Vaughn's assistant Emily Chung in an August 7th, 2023 email, Mr. Mohan also did not serve all of his responses to requests for production to defendant McKissen. The only one that he sent along was the Second Supplemental Response filed on June 29th. I ended up filling in the gaps myself by sending all of the previous responses to requests for production to their office. I am including as evidence the email chain between Emily Chung and me. (Filename beginning with "F")

### Mr. Mohan's Failure To Disclose To Me Our Responses To Requests For Production

Mr. Mohan only shared with me his very first response to requests for production from Jennifer Clinchy, served on May 22nd. While he was representing me, he did not share any of the later responses to requests for production that he served to the opposing counsel on May 23rd, June 1st, and June 29th. This left me in a position of having no idea what evidence we had submitted to the court.

I explained in the August 10th declaration that I submitted with the original ethics complaint to the CAO how I later discovered gaps in the evidence that Mr. Mohan had submitted, which in turn led to unfounded accusations from Mr. Fuller that I was withholding or destroying evidence. Much of my time while representing myself *pro se* was spent filling in these gaps, submitting additional responses to requests for production, and explaining that there was no bad faith conduct on my part when it came to evidence handling.

I do not doubt that the majority of the gaps in what Mr. Mohan submitted to discovery were due to his own disorganization and incompetence, rather than any ethical failure by him. However, his failure to disclose to me the majority of our own responses to requests for production was an ethical failure to keep his client properly informed of what was happening in the case, which left me unable to diagnose the gaps in the evidence and to help him address them appropriately.

### Conclusion

Prior to withdrawing from my case on July 28th, 2023, Mr. Mohan did not share with me the majority of documents which had been publicly filed in the case and which had been served between the counsels. I was left in the dark about a great deal of what was happening in the case and unable to help Mr. Mohan address the issues appropriately. When I took over representing myself *pro se*, I was able to obtain those missing documents and learn what Mr. Mohan had been withholding from me, and to see the many ways that it undermined my case. Beyond that, I believe that Mr. Mohan had many verbal conversations with Mr. Fuller that he also did not disclose to me, and those conversations enabled Mr. Fuller to manipulate him and to undermine our working relationship.



A: Email from Marc Mohan threatening withdrawal



Dave Koenig [REDACTED]

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**Withdrawal**

1 message

**Marc Mohan** <marc@veritelawcompany.com>

Fri, Jul 7, 2023 at 2:34 PM

To: Dave Koenig [REDACTED]

Dave,

Please see the attached documents.

Sincerely,

Marc

Marc Mohan  
Verite Law Company  
1525 SE 22nd Ave.  
Portland OR 97214  
(503) 754-1656


\*\*\*PLEASE NOTE NEW EMAIL ADDRESS\*\*\*

[marc@veritelawcompany.com](mailto:marc@veritelawcompany.com)

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**3 attachments** **Order granting withdrawal.pdf**  
89K **Motion to Withdraw.pdf**  
122K **23-07-07 letter.pdf**  
55K

David Koenig  
[REDACTED]  
[REDACTED]

Dave,

I'm writing because I have recently become aware of actions and communications on your part that require me to withdraw from representing you in the current action.

Under Oregon Rule of Professional Conduct (ORPC) 1.16(a)(1), an attorney must withdraw from representation of a client when the attorney has reason to believe that the representation will result in a violation of law or of the ORPC. Based on the history of our interactions and the information I recently received, I believe that continuing to represent you in this matter would likely involve me in activities that could constitute witness tampering, fraud, and harassment.

In addition, your actions and communications have affected my ability to pursue a meritorious case on your behalf, by having the effect of waiving attorney-client privilege and by failing to act with full candor to the court. See ORPC 3.1 and 3.3.

It is my strong recommendation that you voluntarily dismiss your current action against Jennifer Clinchy, Evans Clinchy, and Brianna (Lola) McKissen. Your chances of obtaining a judgment in your favor have been seriously tarnished.

Understand that, even if I withdraw from representing you, I do have a duty to preserve any remaining attorney-client confidentiality, as well as all documents and materials in my possession relating to your case. I will also assist you to the best of my ability to find another attorney, if you so desire, and provide to them or you any and all relevant documents or materials I possess.

I plan to file the attached motion to withdraw on Monday, and once it is granted, I will mail a check for the remaining funds in your retainer account to you. I am taking this step immediately in order to ensure that you have as much time as possible to find new counsel in time to prepare for the scheduled hearing regarding objections to your Requests for Admission, which is currently slated for July 25 at 1:00 p.m.

Thank you for choosing Verite Law Company to advise you in this matter, and I wish you the best of luck going forward.

Sincerely,

Marc Mohan  
Verite Law Company  
OSB #203325  
1525 SE 22<sup>nd</sup> Ave.  
Portland OR 97214  
marc@veritelawcompany.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

1 DAVID KOENIG, )

2 Plaintiff, )

3 v. )

4 )  
5 )  
6 EVANS CLINCHY, )  
7 JENNIFER CLINCHY, and )  
8 BRIANNA (LOLA) McKISSEN )

9 Defendants. )

Case No. 23CV15424

MOTION TO WITHDRAW AS  
COUNSEL FOR PLAINTIFF

10 **MOTION TO WITHDRAW AS COUNSEL**

11  
12 Comes now Marc Mohan, attorney of record for Plaintiff David Koenig in this matter,  
13 and respectfully notifies the court of a mandatory withdrawal under the provisions of the Oregon  
14 Rules of Professional Conduct.

15  
16 The situation is one in which withdrawal is mandatory under the Rules.

17 Plaintiff's next scheduled appearance is on July 25, allowing Plaintiff an opportunity to  
18 engage substitute counsel.

19  
20  
21 Respectfully,

22 /s/ Marc Mohan

23 Marc Mohan  
24 OSB #203325  
25 Verite Law Company  
26 1525 SE 22<sup>nd</sup> Ave.  
27 503-754-1656  
28 marc@veritelawcompany.com  
Attorney for Plaintiff

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**PROOF OF SERVICE**

I certify that I caused this document to be served via e-mail and first-class mail on:

Plaintiff David Koenig  
[Redacted]  
[Redacted]

Defendants Jennifer and Evans Clinchy  
c/o Atty: Michael Fuller  
OlsenDaines  
US Bancorp Tower  
111 SW 5th Ave., Suite 3150  
Portland, Oregon 97204  
[michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)

Defendant Brianna (Lola) McKissen  
c/o Atty: Ashley L. Vaughn  
Dumas & Vaughn  
3835 NE Hancock St., Suite GLB  
Portland, Oregon 97212  
[Ashley@DumasandVaughn.com](mailto:Ashley@DumasandVaughn.com)

\_\_\_\_\_, 2023.

/s/ Marc Mohan  
Marc Mohan, Verite Law Company  
OSB # 203325  
1525 SE 22<sup>nd</sup> Ave.  
Portland OR 97214  
502-754-1656  
[marc@veritelawcompany.com](mailto:marc@veritelawcompany.com)  
Attorney for Plaintiff



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**CERTIFICATE OF COMPLIANCE WITH UTCR 5.100**

I certify that this proposed order is ready for judicial signature because I have served a copy of this order on all parties entitled to service and no objection has been served on me.

\_\_\_\_\_, 2023.

/s/ Marc Mohan  
Marc Mohan, Verite Law Company  
OSB # 203325  
1525 SE 22<sup>nd</sup> Ave.  
Portland OR 97214  
502-754-1656  
marc@veritelawcompany.com  
Attorney for Plaintiff



Michael Fuller <michael@underdoglawyer.com>

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## Withdrawal

1 message

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**Marc Mohan** <marc@veritelawcompany.com>

Fri, Jul 7, 2023 at 2:36 PM

To: Michael Fuller <michael@underdoglawyer.com>, Ashley Vaughn <ashley@dumasandvaughn.com>

Michael and Ashley,

I'm writing to inform you that I have notified my client, David Koenig, that I am required to withdraw as his counsel under RPC 1.16(a). I will file the motion for withdrawal by Monday.

Thank you for professionalism and patience in this matter.

Sincerely,

Marc

Marc Mohan  
Verite Law Company  
[1525 SE 22nd Ave.](#)  
[Portland OR 97214](#)  
(503) 754-1656

\*\*\*PLEASE NOTE NEW EMAIL ADDRESS\*\*\*

[marc@veritelawcompany.com](mailto:marc@veritelawcompany.com)

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## B: Documents Marc Mohan never delivered to me while he represented me

Court's date	Mohan's date	Filer	Emailed to me by Mohan	Filename	Type	Abbr.	Description
23/04/14	23/04/14	Mohan	23/04/14	23-04-14 complaint wexhibits as filed.pdf	Complaint	CM	
23/04/18		Mohan		23-04-18 E Clinchy Summons	Summons	SM	
23/04/18		Mohan		23-04-18 J Clinchy Summons	Summons	SM	
23/04/18		Mohan		23-04-18 McKissen Summons	Summons	SM	
23/04/26	23/04/26	Fuller	23/04/26	23-04-26 Requests for Admission	Request - Admission	RQAD	J Clinchy -> Plaintiff 1-4
23/04/27	23/04/27	Fuller	23/05/15	23-04-27 Requests for Admission	Request - Admission	RQAD	J Clinchy -> Plaintiff 5
23/04/28	23/04/28	Fuller	23/05/15	23-04-28 Requests for Admission	Request - Admission	RQAD	J Clinchy -> Plaintiff 6-7
23/05/03	23/05/03	Fuller	23/05/15	23-05-03 Requests for Admission	Request - Admission	RQAD	J Clinchy -> Plaintiff 8 (misabeled 7)
23/05/05	23/05/05	Mohan		23-05-05 Amended Complaint	Complaint - Amended	CMAM	
23/05/09	23/05/09	Fuller	23/05/15	23-05-09 Requests for Admission	Request - Admission	RQAD	J Clinchy -> Plaintiff 9-13 (misabeled 8-12)
23/05/09	23/04/28	Fuller	23/04/30	23-04-28 Notice of Mental Examination	Notice	NO	
23/05/09		Fuller		23-05-09 Proposed Order	Order - Proposed	PPOR	Psychiatric Exam
23/05/10				23-05-10 Order Appointing Judge Skye	Order		
23/05/10	23/04/28	Fuller	23/04/30 Google Drive	23-04-28 Order Ex Parte	Order		Order on motion for commission (I think for Subpoena Duces Tecum)
23/05/10	23/04/28	Fuller	23/04/30 Google Drive	23-04-28 Motion for Commission	Motion		Motion for commission to authorize subpoena duces tecum of NASPA
23/05/10	23/04/28	Fuller	23/04/30 Google Drive	23-04-28 Declaration	Declaration		Declaration of necessity to subpoena duces tecum NASPA
23/05/15	23/05/09	Fuller	23/04/30 Google Drive	23-04-28 Subpoena to NASPA	Subpoena - Duces Tecum		23/04/28 version only has three items, this one has seven
	23/05/10	Fuller		23-05-10 Commission			Commission to subpoena documents
23/05/16	23/05/15	Mohan	first draft only 23/05/15	23-05-15 Requests for Admissions E Clinchy	Request - Admission	RQAD	Plaintiff -> E Clinchy 1-14
23/05/16	23/05/15	Mohan	first draft only 23/05/15	23-05-15 Requests for Admissions J Clinchy	Request - Admission	RQAD	Plaintiff -> J Clinchy 1-14
23/05/16	23/05/16	Fuller		23-05-16 Requests for Admission	Request - Admission	RQAD	E Clinchy -> Plaintiff 1-3
23/05/16	23/05/16	Mohan		23-05-16 Response to Requests for Admission E Clinchy	Response	RN	E Clinchy -> Plaintiff 1-3
23/05/16	23/05/16	Mohan		23-05-16 Response to Requests for Admission J Clinchy	Response	RN	J Clinchy -> Plaintiff 1-13
23/05/22		Mohan	23/06/14 sent w/o exhibits	23-05-22 second amended complaint	Complaint - Amended	CMAM	
23/05/25	23/05/25	Fuller		23-05-25 Stipulated Protective Order	Order - Protected		
23/05/26	23/05/22	Mohan		23-05-22 affidavit w exhibits signed-compressed	Affidavit	AF	
23/06/06		Vaughn		23-06-06 Notice of Representation	Notice - Representation	NORP	Ashley L. Vaughn represents McKissen
23/06/08	23/06/08	Fuller	23/06/12	23-06-08 Motion for Protective Order	Motion - Protective Order	MOPO	J Clinchy requests protective order to answer RQAD 14
23/06/08	23/06/08	Fuller		23-06-08 E Clinchy Response to RFA	Response	RN	Plaintiff -> E Clinchy 1-14
23/06/08	23/06/08	Fuller	23/06/14 (as exhibit)	23-06-08 J Clinchy Response to RFA	Response	RN	Plaintiff -> J Clinchy 1-14
23/06/15	23/06/14	Mohan	23/06/14	23-06-14 Motion to Determine Sufficiency w Exhibits J Clinchy	Motion - Compel Discovery	MOCD	
23/06/15	23/06/14	Mohan		23-06-14 Motion to Determine Sufficiency E Clinchy w exhibit	Motion - Compel Discovery	MOCD	
23/06/26	23/06/26	Mohan		23-06-26 Motion for Commission re NASPA	Motion	MO	Motion for commission to authorize subpoena duces tecum of NASPA, WGPO, CoCo
23/06/26	23/06/26	Mohan		23-06-26 Order on Motion for Commission	Order - Proposed	PPOR	Order for commission to subpoena duces tecum NASPA, WGPO, CoCo
23/06/26	23/06/26	Mohan		23-06-26 Declaration	Declaration	DD	Declaration of necessity to subpoena duces tecum NASPA, WGPO, CoCo
23/06/28	23/06/28	Fuller		23-06-28 Response to Motion Jennifer Clinchy.pdf	Response	RN	Response to Plaintiff Motion to Determine Sufficiency
23/06/28	23/06/28	Fuller		23-06-28 Response to Motion Evans Clinchy	Response	RN	Response to Plaintiff Motion to Determine Sufficiency
23/07/07		Fuller		23-07-07 Request for Admissions	Request - Admission	RQAD	E Clinchy -> Plaintiff 4-9 (misabeled 1-6)
23/07/11		Fuller		23-07-11 Motion for Attorney Fees	Motion - Attorney Fees	MOAF	
23/07/14		Vaughn		23-07-14 Motion for Time Extension	Motion - Time Extension	MOET	Attorneys Vaughn and Mohan agreed to extend time for Anti-SLAPP motion
23/07/25		Vaughn		23-07-25 Order to extend strike deadline	Order		
23/07/28		Mohan	23/07/28	23-07-28 Notice of Withdrawal	Notice - Withdrawal of Attorney	NOWA	Refiled on 23/08/02 to fix my address

B: Documents Marc Mohan never delivered to me while he represented me

Filename	Sender	Emailed to me by Mohan	Description
23-04-25 Letter	Fuller	23/04/26	Initial letter from Michael Fuller
23-04-25 Requests for Production Evans Clinchy	Fuller	23/04/26	initial RFP
23-04-25 Requests for Production Jennifer Clinchy	Fuller	23/04/26	initial RFP
23-04-26 Letter	Fuller	23/04/26 Google Drive	
23-04-26 Requests for Production First Supplemental Evans Clinchy	Fuller	23/04/27 Google Drive	
23-04-26 Requests for Production First Supplemental Jennifer Clinchy	Fuller	23/04/27 Google Drive	
23-04-27 Letter	Fuller	23/04/30 Google Drive	
23-04-27 Requests for Inspection Evans Clinchy	Fuller	23/04/30 Google Drive	trying to get my phone/computer
23-04-27 Requests for Inspection Jennifer Clinchy	Fuller	23/04/30 Google Drive	trying to get my phone/computer
23-04-28 Letter	Fuller	23/04/30 Google Drive	
23-04-28 Subpoena to NASPA	Fuller		Fuller's first draft of subpoena to NASPA, later one has more parts
23-05-09 stipulation	Fuller		agreeing to allow amended complaint
23-05-09 Request for Production E Clinchy	Mohan		
23-05-09 Request for Production J Clinchy	Mohan		
23-05-09 Response to Request for Production E Clinchy	Mohan		Similarly named file for J Clinchy is the wrong file
23-05-21 Response to Requests for Production E Clinchy w-docs-compressed	Mohan		
23-05-22 Response to Request for Production J Clinchy w-docs-compressed	Mohan	23/05/25	
23-05-23 Response to Requests for Production E Clinchy Supplemental-compressed_1	Mohan		
23-05-23 Response to Requests for Production E Clinchy Supplemental	Mohan		
23-06-01 2nd Response to Initial RFP E Clinchy w_docs	Mohan		
23-06-01 2nd Response to Initial RFP J Clinchy w_docs	Mohan		
23-06-08 E Clinchy Response to RFP	Fuller		
23-06-08 J Clinchy Response to RFP	Fuller		
23-06-08 Letter	Fuller		
23-06-16 Letter	Fuller	23/06/17	Letter accusing us of hiding documents
23-06-21 Vaughn to Mohan re conferral	Vaughn	23/06/26	First Ashley Vaughn letter to Mohan about settling
23-06-26 Subpoena to CoCo	Mohan		As far as I can tell, he didn't file these?
23-06-26 Subpoena to NASPA	Mohan		As far as I can tell, he didn't file these?
23-06-26 Subpoena to WGPO	Mohan		As far as I can tell, he didn't file these?
23-06-29 2nd Supp Response to RFPs E Clinchy	Mohan		"The Scapegoat"
23-06-29 2nd Supp Response to RFPs J Clinchy	Mohan		"The Scapegoat"
23-07-06 Letter	Fuller		Accusing me of tampering and fraud
23-07-06 Terry Kang Email	Fuller		
23-07-07 letter	Mohan	23/07/07	Mohan's letter to me telling me he has to withdraw
23-07-07 Mohan email to Fuller and Vaughn	Mohan		Mohan's email to Fuller and Vaughn saying he will withdraw
23-07-09 Requests For Production Evans Clinchy	Fuller	23/07/10	
23-07-12 Letter	Fuller	23/07/12	Trying to get me to withdraw all charges
23-07-12 Judgment as to Evans Clinchy	Fuller	23/07/12	Trying to get me to withdraw all charges
23-07-12 Judgment as to Jennifer Clinchy	Fuller	23/07/12	Trying to get me to withdraw all charges
23-07-24 Letter	Fuller	23/07/24	More intimidation in response to "The Conspiracy"
To Koenig 7.24.23	Vaughn	23/07/24	Response to "The Conspiracy"

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3  
4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR MULTNOMAH COUNTY  
6

7 DAVID KOENIG,

8 Plaintiff,

9 v.

10 EVANS CLINCHY, JENNIFER  
11 CLINCHY, and BRIANNA (LOLA)  
McKISSEN,

12 Defendants.  
13

Case No.: 23CV15424

**ORDER GRANTING DEFENDANTS'  
SPECIAL MOTIONS TO STRIKE  
UNDER ORS 31.150 AND DISMISSING  
PLAINTIFF'S CLAIMS IN FULL**

**(Hon. Kelly Skye)**

14 THIS MATTER came before the Court on Defendants Evan Clinchy and Jennifer  
15 Clinchy's Special Motion to Strike (ORS 31.150) and Defendant Brianna McKissen's Special  
16 Motion to Strike (ORS 31.150) on August 16, 2023.  
17

18 Plaintiff appeared in person *pro se*; the Clinchy Defendants appeared through their  
19 counsel of record Michael Fuller and Kelly Jones, also in person; and Defendant McKissen  
20 appeared through her counsel of record Ashley Vaughn via WebEx.

21 The Court, having reviewed and considered: the briefing and evidence in support,  
22 including documents filed by Plaintiff up to and including August 16, 2023; oral argument by all  
23 parties; and the Court records, being otherwise fully advised of all issues, and for the reasons  
24 stated by the Court on the record,  
25

26 ///

**THE COURT FINDS that:**

1  
2 1. All of Plaintiffs' claims (defamation, conspiracy, intentional infliction of  
3 emotional distress, and intentional interference with economic relations) alleged in the Second  
4 Amended Complaint arise from Defendants' conduct and statements that are protected under  
5 ORS 31.150(2)(d). Such protected conduct and statements include the conduct and statements  
6 alleged in the Second Amended Complaint, as well as the conduct and statements detailed in the  
7 Exhibits attached to the Second Amended Complaint. The Court's ruling encompasses the  
8 conduct and statements contained the Exhibits attached to the Second Amended Complaint.

9 2. Plaintiff failed to meet his burden under ORS 31.150(3) to establish a probability  
10 that he will prevail on every element of his claims for defamation, conspiracy, intentional  
11 infliction of emotional distress, intentional interference with economic relations, and for  
12 attorney's fees because he failed to meet his burden to present substantial evidence to support a  
13 *prima facie* case on every element of each claim. Specifically, the **Court further finds that:**

14  
15 a. **As to Plaintiff's defamation claim:** (1) Defendants' alleged conduct and  
16 statements are entitled to qualified immunity because they were made as part of a  
17 disciplinary process regarding an issue of public safety; and (2) Defendants' alleged  
18 statements are statements of opinion, which cannot form the basis of a defamation claim;

19 b. **As to Plaintiff's conspiracy claims:** civil conspiracy is not a recognized  
20 civil claim under Oregon law;

21 c. **As to Plaintiff's intentional infliction of emotional distress claim:**  
22 Defendants' alleged conduct and statements did not constitute an extraordinary  
23 transgression of the bounds of socially tolerable behavior; and

24 d. **As to Plaintiff's intentional interference with economic relations**  
25 **claim:** (1) Plaintiff did not maintain an enforceable contract with the alleged Scrabble  
26

1 entities; and (2) Plaintiff's alleged economic damages are purely speculative and, as such,  
2 cannot form the basis of a claim.

3 e. **As to Plaintiff's claim for attorney's fees:** Plaintiff has not alleged a  
4 recognized, independent basis for attorney's fees supported by Oregon law.

5 Based on these findings, as well as any additional findings made by the Court on the  
6 record, **IT IS HEREBY ORDERED that:**

7 1. Defendants' Special Motions to Strike under ORS 31.150 are **GRANTED**;

8 2. Plaintiff's Second Amended Complaint is **DISMISSED IN ITS ENTIRETY**  
9 without prejudice; and

10 3. Defendants' motion for reasonable attorney fees and costs, as mandated by ORS  
11 31.150(3) upon the granting of a Special Motion to Strike, is **GRANTED**. Defendants shall  
12 submit their fee petitions after entry of judgment in accordance with ORS 31.150(3) and ORCP  
13 68.  
14

15 **IT IS SO ORDERED.**

16  
17  
18  
19  
20 Respectfully submitted by:  
21 Ashley L. Vaughn, OSB No. 114691  
22 ashley@dumasandvaughn.com  
23 *Attorney for Brianna McKissen*  
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**UTCR 5.100 CERTIFICATE OF READINESS**

I certify that this proposed judgment or order is ready for judicial signature because:

- 1. [ ] Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party’s signature on the document being submitted.
- 2. [ ] Each party affected by this order or judgment has approved the order or judgment, as shown by each party’s signature on the document being submitted or by written confirmation of approval sent to me.
- 3. [X] I have served a copy of this order or judgment on each party entitled to service and:
  - a. [X] No objection has been served on me.
  - b. [ ] I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c. [ ] After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- 4. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims’ Assistance Section as required by subsection (5) of this rule.
- 6. [ ] Other: \_\_\_\_\_.

DATED this 28th day of August, 2023.

**DUMAS & VAUGHN, LLC**

/s/ Ashley L. Vaughn  
Ashley L. Vaughn, OSB No. 114691

**Subject:** Re: Koenig v. Clinchy, et al.--Proposed order granting motions to strike  
**Date:** Sunday, August 27, 2023 at 10:51:15 AM Pacific Daylight Time  
**From:** Dave Koenig  
**To:** Ashley Vaughn  
**CC:** Michael Fuller, Underdog Law Office, Kelly Jones Jones, Emily Templeton, Emily Chung

No objections.

On Fri, Aug 18, 2023 at 1:28 PM Ashley Vaughn <[ashley@dumasandvaughn.com](mailto:ashley@dumasandvaughn.com)> wrote:

Mr. Koenig,

Attached is a proposed order granting Defendants' Motions to Strike reflecting Judge Skye's findings and rulings at the hearing on August 16, 2023. We are also mailing you a hard copy. Please recall that at the conclusion of the hearing, Judge Skye asked defense counsel to prepare a proposed order, since she granted defendants' motions.

As you are aware, I do not represent you or your interests, and my client is opposed to you in this matter. I cannot give you legal advice, and I advise you to seek your own counsel on all issues pertaining to this case.

However, I can tell you that you have the right to object to the **form** of the order if you do not believe it accurately reflects the judge's rulings. We are required to attempt to resolve any objections or disagreements about the form of the order before asking the Court to resolve the issue(s). If we cannot resolve our differences, we can submit competing orders to the court, and Judge Skye will decide which is the appropriate version to enter into the court record.

Uniform Trial Court Rule (UTCRC) 5.100(1)(a) and (c) provide that all proposed orders submitted to the court must be served on counsel not less than 3 days prior to submission of the court and must be serve on self-represented parties, like yourself, not less than 7 days prior to submission to the court and be accompanied by notice of the time period to object. Therefore, in accordance with **UTCRC 5.100(1)(c) and Oregon Rule of Civil Procedure 10B**, I am notifying you that **you have 10 (ten) days during which to serve me with any objections you have to the attached proposed order.** If I do not receive your objections by **Monday, August 28, 2023**, I will submit the attached version of the proposed order to the court on **Tuesday, August 29, 2023** and indicate that I received no timely objections.

If you have no objections to the form of the order and **approve** the form of the order, please indicate your approval in writing in response to this email as required by UTCRC 5.100(2)(b)(2), and I will alert the court.

Thank you.

Ashley L. Vaughn

**Dumas & Vaughn, LLC**

3835 NE Hancock St., Ste. GLB

Portland, OR 97212

Direct: 503-616-5007, x. 103

[www.DumasandVaughn.com](http://www.DumasandVaughn.com)

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2023, I served the foregoing **[PROPOSED] ORDER GRANTING DEFENDANTS’ SPECIAL MOTIONS TO STRIKE UNDER ORS 31.150 AND DISMISSING PLAINTIFF’S SECOND AMENDED COMPLAINT** on:

Plaintiff David Koenig, *pro se*

[Redacted]

Michael Fuller  
111 SW 5<sup>th</sup> Avenue, Suite 3150  
Portland, OR 97204  
Telephone: (503) 222-2000  
[michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)

*Of Attorneys for Defendants Evans Clinchy  
and Jennifer Clinchy*

- by E-filing/ Electronic Mail
- by Facsimile
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery

/s/ Ashley L. Vaughn  
Ashley L. Vaughn, OSB #114691  
*Attorney for Defendant McKissen*

1 THE SUFFICIENCY OF JENNIFER CLINCHY’S RESPONSES AND OBJECTIONS TO  
2 REQUESTS FOR ADMISSION. (filed 8/10/2023)

3 As of today, plaintiff has served responses to defendants’ requests for production with  
4 460 pages of responsive documents. As of today, defendants have served responses to plaintiff’s  
5 requests for production with zero pages of responsive documents.

6 Defendants’ only two responses to requests for production, both served to Mr. Mohan on  
7 June 8th, 2023 included no responsive documents and this phrasing in the response to almost  
8 every request, “*Defendant’s counsel is currently designating responsive documents according to*  
9 *the Court’s protective order entered May 25, 2023, and expects to produce responsive documents*  
10 *with designations in compliance with the Court’s order within 30 days.*” (Exhibit F)

11 Mr. Mohan confirmed on August 12th, 2023 that he was not aware of any documents put  
12 under the May 25th, 2023 protective order aside from the one July 6, 2023 email from Terry  
13 Kang that Mr. Fuller sent to Mr. Mohan on that same day.<sup>2</sup>

14 It is more than two months past the June 8th, 2023 date on which Mr. Mohan was served  
15 those two responses to requests for production. I can only conclude that defendants have failed to  
16 meet a service deadline and have still not produced any evidence in response to requests for  
17 production.

18 Furthermore, as I explained in the DECLARATION OF DAVID KOENIG (filed August  
19 10, 2023) there is no merit to defendants’ accusations that I have “destroyed or withheld  
20 evidence,” “failed to comply with discovery rules,” “misled [my] counsel,” or “engaged in the  
21 falsification of records and tampering of witness statements.” (SPECIAL MOTION TO  
22 STRIKE, p.6, 1.22-p.7, 1.3) Mr. Fuller temporarily convinced Mr. Mohan that some of these  
23 things might have been possible, but Mr. Mohan does not believe them anymore.

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24 <sup>2</sup> DECLARATION OF DAVID KOENIG, exhibit F, filed August 10, 2023

1           **REQUEST NO. 3:** All information, documents, or things evidencing  
2  
3 communication between Defendant Evans Clinchy, Co-defendant Jennifer  
4 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the  
5 incidents and events described in Plaintiff's complaint and accompanying  
6 exhibits.  
7

8           **RESPONSE:** Defendant's counsel is currently designating responsive  
9 documents according to the Court's protective order entered May 25, 2023, and  
10 expects to produce responsive documents with designations in compliance with  
11 the Court's order within 30 days. To the extent these requests seek information  
12 that is privileged (marital privilege, attorney-client privilege, doctor-patient  
13 privilege, etc.) or work product or trial preparation materials, defendant  
14 respectfully objects and respectfully will not produce information that is  
15 privileged or work product or trial preparation materials.  
16  
17

18           **REQUEST NO. 4:** All information, documents, or things evidencing  
19 communication between Defendant Evans Clinchy, Co-defendant Jennifer  
20 Clinchy, and/or Co-defendant Brianna (Lola) McKissen relating to the  
21 incidents and events described in Exhibit B of Plaintiff's complaint.  
22  
23

24           **RESPONSE:** Defendant's counsel is currently designating responsive  
25 documents according to the Court's protective order entered May 25, 2023, and  
26 expects to produce responsive documents with designations in compliance with  
27 the Court's order within 30 days. To the extent these requests seek information  
28 that is privileged (marital privilege, attorney-client privilege, doctor-patient

This is a condensed one page example. Evans and Jennifer avoided answering almost all discovery questions with the same (highlighted) excuse. I included in my court filings and in documents to the CAO and PLF the full 25 pages of them using this excuse over and over.



F: Email chain with Emily Chung

Dave Koenig [REDACTED]

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**verification of requests for production received**

3 messages

**Dave Koenig** [REDACTED]

Mon, Aug 7, 2023 at 3:48 PM

To: Emily Chung &lt;emily@dumasandvaughn.com&gt;

Cc: Ashley Vaughn &lt;ashley@dumasandvaughn.com&gt;

Dear Ms. Chung,

In reference to case #23CV15424, David Koenig vs Evans Clinchy, Jennifer Clinchy and BriAnna (Lola) McKissen, of which I am the plaintiff, representing *pro se*:

Since taking over my own representation from Marc Mohan, I've been catching up on the files that he has passed along. In the form that I received the files there was a little bit of lack of clarity between responses to Requests For Production that had already been served to the defendants and ones that were a work in progress.

Can you please just verify for me that the evidence in the Requests For Production that your office has received from the Plaintiff side include Bates Numbers 000001 through 000417 and nothing else yet?

Thank you,  
David Koenig

---

**Emily Chung** <emily@dumasandvaughn.com>

Mon, Aug 7, 2023 at 4:18 PM

To: Dave Koenig [REDACTED]

Cc: Ashley Vaughn &lt;ashley@dumasandvaughn.com&gt;

Dear Mr. Koenig,

We received documents Bates numbered 000411-000417, which were included in the attached response. I believe the documents Bates numbered 000001-000410 were exchanged before we appeared in the case, and I don't see that Mr. Mohan produced those documents to us after our firm got involved. Please produce those documents to us at your earliest convenience.

Thank you,

--

Emily Chung

Legal Assistant

**Dumas & Vaughn, Attorneys at Law**[3835 NE Hancock St.](#), Ste. GLB

Portland, OR 97212

T: (503) 616-5007, Ext. 102

F: (503) 296-5952

F: Email chain with Emily Chung

[www.DumasandVaughn.com](http://www.DumasandVaughn.com)

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[Quoted text hidden]

---

 **PI Koenig's 2nd Supp Resp to E.Clinchy's RFPs 6.29.23.pdf**  
660K

---

**Dave Koenig** [REDACTED]  
To: Emily Chung <emily@dumasandvaughn.com>  
Cc: Ashley Vaughn <ashley@dumasandvaughn.com>

Tue, Aug 8, 2023 at 12:25 PM

 **23-05-23 Response to Requests for Production E ...**

Dear Ms. Chung,

Thank you for the explanation. I am attaching to this email prior Responses to Requests for Production that cover the missing Bates numbers for you. Note that Michael Fuller has often served the plaintiff almost identical copies of Requests for Production with only the name "Jennifer Clinchy" or "Evans Clinchy" distinguishing the document, and plaintiff has given almost identical responses with only the defendant's name being different. I'm just sending you one copy of the redundant documents here, but if you want the version with the other defendant's name to complete your records, let me know and I can send them along too.

I also served a new Plaintiff's 3rd Supplemental Response to Defendant Evans Clinchy's Requests for Production today that you should have received in the last hour. I believe that your office should now be in possession of all plaintiff evidence with Bates numbers 000001-000459, but if for any reason you are not, please let me know.

Sincerely,  
David Koenig

[Quoted text hidden]

---

## 2 attachments

 **23-05-21 Response to Requests for Production E Clinchy w-docs-compressed.pdf**  
20079K

 **23-06-01 2nd Response to Initial RFP E Clinchy w\_docs.pdf**  
1467K