

Lora Thomas

# JONES & KELLER

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January 22, 2013

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**ATTORNEY-CLIENT PRIVILEGE**

**FEDERAL EXPRESS OVERNIGHT DELIVERY**

Lance J. Ingalls, Esq.  
Douglas County Attorney  
100 Third Street  
Castle Rock, CO 80104

Re: Charles D. Brining

Dear Mr. Ingalls:

This law firm has been retained to represent Charles D. Brining in connection with his termination from employment as Chief Deputy for the Douglas County Coroner's Office ("Coroner's Office") on January 7, 2013.

Douglas County Coroner's Office hires Brining. Prior to employment with the Coroner's Office, Brining worked for many years as a forensic investigator in a Florida medical examiner's office. In the summer of 2011, he responded to a list serve ad posted by the Coroner's Office for a lead investigator position. Lora Thomas, the Douglas County Coroner ("Thomas" or "Coroner"), contacted Brining and recruited him to come to Colorado. Brining flew to Colorado to interview a number of times, at his own expense. Thomas offered Brining the position, and he accepted. He and his wife, who was employed at the time as a quality assurance manager at a tissue bank, sold their home at a loss (cashing out their 401ks in order to do so) and moved their family to Colorado. Brining has two children, ages 4 and 2. His oldest son has high-functioning autism and needs special attention. Brining commenced employment as a lead investigator with the Coroner's Office on October 3, 2011.

Chris Herndon and hostile work environment. When Brining commenced employment, the Coroner's Office already had a Chief Deputy Coroner, Chris Herndon. However, Thomas told Brining she needed a lead investigator because Herndon was not doing her job. At various times, Thomas would discuss Herndon's performance deficiencies with Brining, including, without limitation, that Thomas had to send Herndon home for a week in mid-2011 as a disciplinary action and that Herndon regularly left work at 1300 hours.

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Douglas County Attorney



Herndon was out of the office during Brining's first week on the job. On the Monday of Brining's second week, Herndon was back at work. Brining went on a call with an investigator, Erica, and they brought a decedent back to the office. The investigator was demonstrating to Brining how she moves remains from the stretcher to the exam table. While she was completing this task, Herndon came into the room and started screaming and cursing at her, only inches from her face. Herndon left the morgue and told Thomas she had stopped a potential workers' compensation claim. Brining subsequently spoke to Thomas about how inappropriate Herndon's interaction with Erica was. Thomas advised Brining that she would speak with Herndon about this incident, but Brining does not know whether she did so. However, Erica left employment with the Coroner's Office a few months later.

In October or November 2011, Herndon had an investigator bring a case to the office of a kind that Thomas had told Brining should not be brought in. When Brining raised that issue with Herndon, she said Thomas wanted this kind of case to come in. When Brining spoke to Thomas about it, however, Thomas said that was not correct. Thomas convened a meeting with Herndon and Brining to discuss the issue, and Brining believes that Herndon resented him for raising the issue with Thomas.

About that time, Herndon was demoted from Chief Deputy to investigator. Shortly thereafter, Herndon confronted Brining in the office one Friday. She was quite hostile and aggressive and said she has no use for liars and backstabbers. Brining understood that Herndon was accusing him of being responsible for her demotion. Brining requested a meeting with Thomas to discuss the matter, and they met one Saturday afternoon at a Starbucks in Highlands Ranch. Brining informed Thomas about Herndon's inappropriate, confrontational behavior, and Thomas said she could not do anything about it because she could not fire Herndon. Thomas said that in order to do so she would need lots of documentation regarding Herndon's poor performance. Brining was fearful about being put in a hostile situation and told Thomas he felt he needed to go to the Douglas County Human Resources Department ("HR") to protect himself. About that same time, Brining learned that Herndon had written a 4-page letter to another Colorado coroner regarding issues she had with Thomas.

Brining had a meeting with Laura Teague, Director of HR, regarding Herndon's inappropriate behavior. Brining informed Teague that he was being subjected to a hostile work environment and that something needed to change. Teague told Brining that Douglas County cannot terminate or otherwise discipline an employee without sufficient documentation. Brining understands that Teague then spoke with Thomas and requested the letter that Herndon had written. Brining also understands that Thomas sent the letter to Teague and that shortly thereafter it was determined that Herndon would be terminated or would resign in lieu of termination. Herndon left employment with the Coroner's Office in November or December 2011.

Office personnel and turnover. In October 2011, when Brining was hired, the staff of the Coroner's Office consisted of Thomas, Herndon, three investigators, and an office manager. As



noted above, one of the investigators and Herndon left shortly after Brining was hired. In December, the Coroner's Office hired three new investigators. One of those investigators, Stephanie Tulley, left within approximately 5 months. In late 2011 and early 2012, Thomas began documenting another investigator, Bruce Campbell, who had been hired in late September 2011. Campbell spoke with HR in February 2012 and subsequently left employment. Thomas expressed anger that he had gone to HR instead of to her.

Thomas' political activities. Thomas intertwined her political activities with county business. Following are examples:

- a. In December 2011, Thomas instructed Brining to attend a Christmas party at the home of one of her political supporters. Brining attempted to decline because he was on-call and driving a county vehicle. Thomas insisted that he attend. Thomas also attended and drove her county vehicle to the party. Brining felt he may have been instructed to engage in inappropriate behavior but, as a relatively new employee, he felt he had to comply.
- b. In 2012, Thomas requested several times that Brining help Leslie Hansen, who was running for District Attorney, at "honk and waves." Brining resisted until Thomas told him "if you do not help others with their campaigns, you cannot expect them to help you." Brining felt he was being pressured by Thomas to work on the political campaigns of other candidates so that Thomas would receive similar assistance from others in future campaigns. Thomas regularly had Brining attend political events. She told him that it would be in his best interest to attend because she had a plan where he would run for coroner and she would run for sheriff in an upcoming election. Brining told the office manager he was not interested in attending these political events but feared reprisal from Thomas if he refused to do so.
- c. In November 2012, Thomas was against Amendment 64 and had county employees working on anti-64 pamphlets on county time. One of the investigators came to Brining and complained about this. The investigator did not go to Thomas for fear of reprisal.

Thomas' relations with Douglas County Sheriff's Office. Brining soon learned that Thomas' relationship with the Douglas County Sheriff's Office, particularly the Douglas County Sheriff, was very hostile, and Thomas frequently bad-mouthed the Sheriff's Office in Brining's presence. Toward the end of 2011, the Sheriff's Office gave Brining a tour. This appeared to annoy Thomas who told Brining on several occasions that she never had been offered a tour of the Sheriff's Office. The Sheriff's Office also had sent e-mails to Thomas praising Brining's performance and interdepartmental relations, and this also appeared to irritate Thomas. Sometime during 2012, Thomas brought up the fact that someone in the county was saying she routinely went to bars and picked up men. Thomas also told Brining that Under Sheriff Tony Spurlock routinely tried to have sexual relations with her when she was with the Colorado State Patrol. This contributed to the hostile working environment to which Brining was subjected, particularly since the Coroner's Office staff is required to deal with the Sheriff's Office on



almost a daily basis, and Brining believed that Thomas was trying to turn him against the Sheriff's Office. In 2012, Thomas engaged in mediation with the Douglas County Sheriff. Afterward, Thomas reported to Brining that the Sheriff's Office repeatedly said it never had issues with Brining. Brining believes that Thomas harbored further resentment against him as a result.

Other hostile working environment. Thomas' conduct contributed to a hostile working environment for Brining and other employees in the Coroner's Office. Following are examples:

- a. Religious issues. Thomas routinely told people in Brining's presence that "God sent Brining to me." Brining had informed Thomas that he was an atheist, and Thomas' comments were offensive to Brining. In addition, in December 2012, Thomas gave Brining a religious-themed Christmas card even though she knew Brining is an atheist. Again, this action was offensive to Brining and exacerbated the hostile working environment. Brining expressed his objection to the office manager, but he did not say anything directly to Thomas for fear of reprisal.
- b. Anti-gay remarks. During 2012, Chick-Fil-A had an anti-gay appreciation day. An investigator reported to Brining that Thomas said: "Let's all get food from Chick-Fil-A -- it's my new favorite restaurant." This homophobic attitude exacerbated the hostile work environment. One of the investigators told Brining how offensive Thomas' conduct was as she has a close friend who is gay. Nobody said anything to Thomas for fear of being fired, but Brining understands that one of the investigators reported the issue to Teague. After Thomas learned that staff had found her comments offensive, she said that she had not made them do anything and that Chick-Fil-A was her favorite restaurant because of its "business model."
- c. Asperger's comments. Around the time of the Christmas lunch in December 2012, Thomas was speaking to everyone about the Connecticut shooting. It had come out that the shooter suffered from Asperger's Syndrome, a form of autism. Thomas said that all people like the shooter should be locked up in institutions like before the '70's. She said that after the '70's, "these people" were mainstreamed and that is when all these shootings started. Thomas is aware that Brining's son has autism -- as does the nephew of the Coroner's Office's office manager. Thomas' statements were highly insensitive and offensive and exacerbated the hostile working environment.
- d. Political views. At one point, Thomas and Brining had a conversation about Republicans. Thomas told Brining not to discuss his views in Douglas County because it was conservative Republican country. In July 2012, the Coroner's Office made a presentation to the South Metro Chamber of Commerce. An audience member asked about marijuana, and Brining mentioned that he never had seen it listed as a cause of death. Thomas was upset by this and told Brining that he should keep his views to himself. In commenting that he had never seen marijuana listed as a cause of death,



Brining was not expressing a personal view on marijuana but simply stating a fact regarding causes of death. Brining felt that Thomas was attempting to stifle his freedom of speech for fear that it might adversely affect her political position.

- e. Improprieties regarding the use of county vehicles. Thomas expressed the view that no one other than a county employee should be in a county vehicle. However, in mid to late 2012, the Coroner's Office did a "Night with the Coroner" at the Southridge Recreation Center. Thomas had a teenager of the family of a friend and political supporter working at the event and drove the teenager home in Thomas' county vehicle after the event. Brining believed that this set a bad example for staff and discussed the matter with the office manager.
- f. Thomas' other activities. In mid to late 2012, Thomas had another teenager work a day in the office answering telephones while staff was in training. At the end of the day, Thomas contacted the county payroll office about getting her paid. The payroll office was surprised that the teenager had worked in the office for a day without a work permit or other proper authorization. Thomas used her own money to pay the teenager and then reimbursed herself using the Coroner's Office petty cash fund. Then, Thomas instructed Brining to drive the teenager home in a county pickup truck, from Castle Rock to Highlands Ranch. Brining was disturbed by this but followed Thomas' instruction.
- g. Thomas' use of company facilities for non-county business. Thomas frequently did Colorado Coroner's Association (CCA) business in the office and on office equipment. She also frequently did CCA business in downtown Denver and drove her county vehicle. She also turned in her parking fees for such activities for county reimbursement. Brining felt this was inappropriate because Thomas herself had criticized Chris Herndon, the former Chief Deputy Coroner, who sat on the CCA board, for doing CCA business on county time and on the county computer.
- h. Intimidation of staff – no reporting of issues to HR. Around the time of a Victim's Advocate training in the fall of 2012, Thomas had a staff meeting at which she told staff to come to her with any issues instead of going to HR, as Teague and she were personal friends. The staff was very concerned about this and intimidated into feeling that they could not take issues to HR regarding the Coroner's Office, most particularly with respect to Thomas herself, for fear of reprisal.

Michelle Smith. In February 2012, Brining was promoted to the position of Chief Deputy Coroner. At that point, the Coroner's Office did not have a lead investigator because Brining had been promoted. In mid-2012, the Coroner's Office hired two additional investigators. Initially, Brining undertook to train both of these new investigators. One of the investigators, Michelle Smith, said it made her nervous for the Chief Deputy Coroner (Brining) to be present at scenes so Brining assigned Smith's fellow investigators to take over her training. However, Smith's performance did not improve. In November 2012, Brining had an open door



meeting with Smith and asked what could be done to make her more successful. Smith requested more exposure to scenes, and Brining accommodated her request by having her do two primary shifts in a row rather than a primary and a backup shift. However, Smith continued to experience difficulty. In December, Thomas talked to Teague about it, and a meeting was held with Smith, Thomas, Teague, and Brining. Thomas had prepared a memorandum of Smith's performance deficiencies, which were discussed at the meeting. At the conclusion of the meeting, Thomas informed Smith she would have 30 days in which to improve her performance. The first week in December, Thomas went to a teenage suicide scene with Smith and another investigator. Thomas was dissatisfied with Smith's handling of the case and further documented her performance issues.

The Coroner's Office had its annual Christmas party on December 8, 2012 at the home of one of the investigators. After Smith left the party, Thomas stated, in the presence of several staff, that she wanted Smith out "no matter what." The following Monday, Teague spoke with Smith and then came and told Thomas and Brining that Smith would be leaving employment with the Coroner's Office. Teague said Smith had been offered a severance package including payment through the rest of the current pay period, an additional severance payment, and the County's agreement not to contest an unemployment claim. Thomas said that Smith would be signing an agreement the following Tuesday, but she did not do so. Thomas told Brining that Smith had a lawyer and was looking to sue. Thomas also told Brining that Smith had a "notebook" and had written a several page letter to Teague regarding issues in the Coroner's Office. Brining asked Thomas if she had seen the letter, and Thomas said: "No, not yet." Smith did not return to employment with the Coroner's Office. Later, Brining was told that Smith had dropped her lawsuit.

Coroner's Office contract physician group/visiting doctor. The Coroner's Office contracts with a group of physicians to perform medical examinations. The contract physician group includes Drs. Michael Burson, Patrick Allen, and Charles Wilkerson IV. Allen and Wilkerson are from Larimer County. On several occasions, Brining raised with Thomas the fact that Burson is not board-certified in any pathology or forensic disciplines. Thomas appeared annoyed with Brining for doing so and routinely justified his lack of boards.

Thomas asked Brining several times if he became coroner what he would do for a doctor. Brining had mentioned a doctor from Florida who he would want to work with. Thomas said she did not think he would be able to make enough money in Douglas County, and it appeared to Brining that Thomas was attempting to protect her contract physician group from competition. Brining also told the contract physician group about the Florida doctor. Arrangements eventually were made for him to come to Colorado for a visit. The doctor had dinner with the contract physicians in Larimer County and, during that dinner, Dr. Wilkerson commented to the visiting doctor that the women in the Coroner's Office are sexy and that he would like to party with "the chubby blond woman." The visiting doctor was appalled. The next day, the visiting doctor traveled to Castle Rock, toured the Coroner's Office, attended the Christmas lunch, and met with Thomas. Thomas told the visiting doctor that if he thought he could come out here and



change the coroner system into a medical examiner system he was wrong. Brining felt this was intended to intimidate the visiting doctor from following up on a move to Colorado, in an effort to protect the contract physician group.

Brining was scheduled for vacation out-of-state the last week in December. Several days before he left on vacation, Thomas told him she could not get the visiting doctor to engage with her while he was out here -- that he did not seem interested in the practice. Brining told Thomas what Dr. Wilkerson had said about the women in the office. Thomas' only response was to ask whether the text message the visiting doctor sent to Brining reporting that conversation had been sent to his work phone or to his personal phone. Brining told her it had been sent to his personal phone, and Thomas said nothing more about the issue. However, after this, Thomas stopped communicating with Brining. Furthermore, Dr. Wilkerson was back in the office shortly thereafter, continuing to performing medical examinations with office staff.

Brinings close on their new home. Based upon his commitment to the Coroner's Office and Thomas' assurances of a long-term future, the Brinings decided to purchase a home in Castle Rock. The Brinings closed on the home on December 21<sup>st</sup>, the Friday before Christmas. Thomas did not communicate with Brining regarding the purchase. Brining found this strange as it ordinarily would have been a subject of conversation, and, in retrospect, Brining believes that Thomas already had made up her mind to get rid of him and had shut him off from communication.

Brining's trip to New York and Thomas' lack of contact. Brining was scheduled to be on leave the week of December 24-28 for a Christmas trip to Buffalo, New York to visit his wife's family. On December 22<sup>nd</sup> or 23<sup>rd</sup>, before he left, he responded to a staff e-mail from Thomas. Thomas did not reply. On December 24<sup>th</sup>, Brining and his family flew to New York.

Mid-week, Brining attempted to reach Thomas and left a voice mail. Thomas did not return the call. Brining tried to reach Thomas again the next day. After several attempts, Brining finally got through to Thomas. She seemed tense. Thinking that it may be about the visiting doctor situation which he had reported a few days before, Brining told her all he had done was to put the doctor in touch with the contract physician group and that the doctor did not appear to be interested in making the move to Colorado. Thomas stated that was good because the contract physicians had been very good to them. Thomas also told Brining that she and Brining "were good"; as it turned out, of course, this was not true. Brining was wondering how things were going in the office and, among other things, asked Thomas if she had read Smith's letter. Thomas said "just the first page," which, as discussed below, also was not true. Brining also attempted to call Thomas the next day and again received no response. Brining spoke to the office manager and was told that Thomas was in a meeting but would call him. She did not.

While Brining was in New York, staff members began calling him. They told him that Thomas was questioning them about things that Smith allegedly had reported about him. The allegations were untrue. Staff reported that Thomas was writing down their answers to her



questions and telling them that if they lied to her they would be fired. Staff also said that Thomas told them not to call him. Staff told Brining they were worried he would tell Thomas they had called him and they would be fired. Brining told them he would not do that.

Brining became quite alarmed and sent a text message to Thomas on December 28<sup>th</sup> asking her what is going on because he felt like she was avoiding him. Thomas replied that they would talk on Monday.

Brining's return to the office and placement on administrative leave. On Monday, December 31<sup>st</sup>, Brining reported back to work and went to Thomas' office. Thomas closed the door and told him that Michelle Smith had kept a notebook of things that allegedly had gone on in the office. Thomas asked Brining a number of questions about Smith's allegations, which she led Brining to believe were highly critical of him. However, Thomas said she did not have a copy of Smith's notebook. Brining defended himself as best he could without the benefit of the specifics. Thomas told him that the county had not heard from Smith yet and so she didn't know what the county's exposure was. Brining believed that Thomas' investigation was based upon Smith's notebook and expressed the concern that he was being scapegoated. At the end of the conversation, Thomas told Brining she was placing him on administrative leave effective immediately. Thomas requested the keys to Brining's county vehicle, his county credit card, and his county prox card. Brining also gave her his work cell phone. Brining cleared a few things out of the county truck and his desk and left.

Brining returned home and attempted to access his county e-mail. He found that his e-mail account had been disabled. He called HR and was informed that Thomas had contacted them earlier that morning and told them to place Brining on administrative leave.

Aware that Brining was no longer in the office, staff began contacting him to find out what had happened. They told Brining that Thomas had called a mandatory staff meeting to update staff on his leave. They said that Thomas had started interviewing them again, starting with Lilly. They said that Thomas sought Lilly out and told her that if she lied she would be fired. They said that Thomas put a recorder in front of her and asked if she had talked with Brining. This happened several more times over the next several days with other staff members. On each occasion, Thomas started the interrogation with a recorder in front of the staff member and a threat that if the staff member lied, they would be fired. Under such conditions, staff admitted to having contacted Brining. At no time did Thomas ever tell Brining not to talk to staff; she only instructed staff not to talk to Brining. Nonetheless, all but one had contacted Brining.

Wrongful termination. Late in the day on Sunday, January 6, 2013, Thomas contacted Brining and told him to attend a meeting at HR at 0900 hours on January 7, 2013. Teague attended the meeting as well. Thomas read a termination letter to Brining. Exhibit A attached hereto. The letter refers to unspecified information that allegedly was reported to Thomas in late



December 2012 concerning Brining's alleged "interactions with employees." The termination letter does not provide any specifics regarding the alleged interactions or any prior performance deficiencies. Thomas did not provide specifics to Brining at the meeting or an opportunity to respond to any specific allegations against him. Furthermore, unlike other employees, Brining received no prior warning or opportunity to address any of the alleged performance deficiencies.

At the conclusion of the meeting, Brining requested an opportunity to retrieve his personal belongings. Thomas refused, but she had no right to withhold Brining's personal belongings. Brining requested a copy of the letter Smith had written. To Brining's shock, Teague said there was no such letter and that Thomas knew there was no such letter. Brining was shocked because Thomas repeatedly had mentioned such a letter to Brining. Teague said Smith had conveyed information regarding issues in the Coroner's Office to Teague in an exit interview and that Teague had then verbally told Thomas about the exit interview. This was completely contrary to Thomas' previous statements to Brining and other staff on several occasions that Smith had written a letter detailing her concerns.

After Brining's termination, staff contacted him to inquire what was going on and how he was doing. They reported that Thomas had called a meeting with staff about his termination. She told them she had been in the Colorado State Patrol and had gone to a training session and taken off her coat. She said she had spilled soda on herself, and all the men had laughed. At that point, she told the staff, she vowed she would never let this happen again. A staff member asked her what was going to happen with Brining's position. Thomas said she didn't know. One of the investigators said it would be great for it to be left open so that there is a potential for leadership growth and so someone could move up. Thomas agreed. They reported that Thomas also told staff that Smith was not going to bring forth any legal action.

During his short tenure with the Coroner's Office, Brining received a number of merit raises and a promotion. Thomas consistently praised Brining's performance, both in the office, to others outside the office, and in public forums such as the "Thursday Night with the Coroner" programs. Brining never received any counseling, reprimand, or discipline regarding any performance deficiencies prior to his termination, and he was terminated without notice or an opportunity to be heard. Thomas brought Brining to Colorado from another State on promises of a long career in the Coroner's Office and then callously and abruptly terminated his employment a few days after he and his family bought a new home, after conducting a clandestine witch hunt against him. While employed, Brining was subjected to a hostile work environment. In his prior employment history, Brining had never been subjected to such treatment or disciplined, terminated, or forced to resign from a job.

At various points during his tenure, Brining raised issues regarding practices in the Coroner's Office and complained of the existence of a hostile work environment. He was terminated within days after bringing to Thomas' attention inappropriate, sexual comments made by a member of the Coroner's contract physician group about employees in the Coroner's Office. Thomas' investigation of Brining was underhanded and coercive, the purported justification for



his termination is false and pretextual, and Brining was not given notice or an opportunity to confront his accusers or the specifics of the accusations against him. No objective, independent investigation into the allegations against Brining was undertaken by HR, and he has been afforded different treatment from other employees of the Coroner's Office in personnel matters and the administration of discipline. He has been the subject of retaliation and wrongful discharge in violation of public policy.

Taken as a whole, moreover, the foregoing circumstances reflect a pattern and practice of deceptive, inconsistent, discriminatory, hostile, and abusive behavior by the Coroner, resulting in rampant turnover in a small office – 11 people in less than 2 years, harm to multiple county employees, and significant and unnecessary expense to the taxpayers of Douglas County. To make matters worse, it appears that the Coroner's actions have been facilitated by Teague, a personal friend of Thomas. This is particularly troubling, given Teague's role as Douglas County HR Director, in which role her actions should at all times be objectively reasonable and in the best interest of all county employees, not designed to further Thomas' own, personal objectives.

The circumstances leading up to and including Brining's termination give rise to a variety of potential claims against Thomas, Teague, and/or others responsible, including, without limitation, outrageous conduct, violation of Brining's rights under Title VII and 42 U.S.C. § 1983, intentional and/or negligent hiring and supervision, intentional and improper interference with contract, civil conspiracy, breach of express or implied contract, wrongful discharge in violation of public policy, retaliation, invasion of privacy, defamation, and common-law and/or statutory fraud (i.e., §§ 8-2-104 and 8-2-107, C.R.S. -- private right of action for all damages sustained as well as attorney fees).

Brining and his family have suffered and will continue to suffer economic and non-economic damages as a result of his termination; including, without limitation, loss of his employment; infliction of physical and mental pain and suffering, inconvenience, emotional stress, fear, anxiety, embarrassment, humiliation, public disgrace, indignity, and impairment of quality of life; loss of their home; costs of relocation and search for new employment; and injury to Brining's reputation and impairment.

Prospective employers. Due to Thomas' actions, Brining now must seek other employment. It is foreseeable that a prospective employer may request access to information concerning his employment with Douglas County. Pending resolution of this matter, Brining requests that Douglas County refrain from disclosing Thomas' termination letter to third parties, including, without limitation, prospective employers. If Douglas County discloses the termination letter to a prospective employer and the information disclosed is false and Douglas County knew or reasonably should have known that it was false, Douglas County is exposed to liability in civil damages pursuant to § 8-2-114, C.R.S. Brining does not object to the disclosure of relevant portions of his employment file other than the termination letter.



Preservation of evidence. In light of Brining's potential claims and the prospect of litigation, the Coroner's Office and Douglas County have an obligation to preserve all documents and other evidentiary material referring or relating to his employment and the termination of his employment. The term "document" as used in this letter includes documents as defined in Fed. R. Civ. P. and Colo. R. Civ. P 34(a) and includes, without limitation, any and all written or graphic material, however produced or reproduced, and of every kind or description. The term encompasses, without limitation, correspondence, notes, memoranda, facsimile transmissions, cellular or land-line telephone records, voice mails, accounting records, personnel records, administrative records, records of communications with federal, state, or local agencies, contracts, financing statements, and all other writings of any type whatsoever, photographs, slides, videotapes, video recordings, and films or other visual, audio, or electronic recordings, regardless of source or author. The term "document" also encompasses, without limitation, electronic data of any kind and on any storage media, including, without limitation, e-mail and other electronic communications, text messages, e-mail attachments, word processing documents, spreadsheets, databases, PDF documents, TIFF documents, QuickBooks documents or data, accounting or bookkeeping data, instant messages, calendars, telephone logs, contact manager information, Internet usage files, network access information, records on Personal Digital Assistants or cellular telephones, and in laptop or desktop computers.

Electronically-stored information is an important and irreplaceable source of discovery and/or evidence. Discovery requests that may be served in litigation against the Coroner's Office and Douglas County are likely to seek information from computer systems, removable electronic media, networked computers and servers, home or personal computers, laptop computers, and personal digital assistant devices.

Please take all reasonable steps to preserve the above information pending final resolution of Brining's matter, including, without limitation, discontinuing all data destruction and backup tape recycling policies and preserving all data stored on internal or external hard drives, CDs, DVDs, diskettes, USB drives, flash memory, other electronic storage devices, or other electronic media of any kind. If the Coroner's Office, Douglas County, or its employees make use of laptop or desktop computers, personal digital assistants, or cellular telephones, and intend to continue using such devices, please immediately create an archival copy of the data on those devices. Computers, servers, hard drives, and personal digital assistant devices have limited lifespans. Their failure or need for replacement is not only foreseeable but inevitable. Therefore, it is imperative that backup copies of the contents of all such media, documents, and other evidentiary materials be made now. Similarly, if documents or other evidentiary material, such as e-mail, is stored on computers controlled by third-parties such as an internet service provider (ISP), America On-Line, Yahoo, Google, Microsoft, or other such entity, please make copies of such documents or evidentiary material immediately, as loss of such material over time is foreseeable.



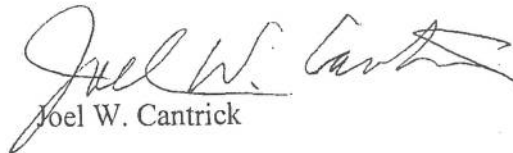
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Internet websites also may be the source of relevant information in litigation. If you plan to discontinue or make any changes to Web sites over which the Coroner's Office or Douglas County has control, please have an information technology specialist or website hosting company make an archival copy of the Web site beforehand.

Voluntary resolution. Brining is suffering immediate and continuing harm from the termination. Unless a mutually-acceptable resolution of this matter can be reached in short order, he has no alternative but to pursue his claims. However, before pursuing such claims, he has authorized me to inquire whether your clients wish to discuss a voluntary resolution of the matter. If they are interested in such a discussion, please contact me within ten (10) days of your receipt of this letter. If I do not hear from you, I will assume that your clients do not wish to discuss a resolution, and Brining will pursue any and all administrative and legal remedies available to him.

Very truly yours,

JONES & KELLER, P.C.



Joel W. Cantrick

JWC/cs

Enclosure

Cc: Charles D. Brining (w/o encl)





CORONER'S OFFICE

Lora L. Thomas, Coroner

TO: Charles Brining, Chief Deputy

FROM: Lora Thomas, Coroner *L. Thomas*

DATE: January 7, 2013

SUBJECT: The Role and Duties of the Chief Deputy

You assumed the role and duties of Chief Deputy on February 9, 2012, and in doing so, you committed to provide integrity and leadership to the Office of the Coroner, the employees and to me.

It was reported to me in late December, 2012, that your interactions with the employees were contrary to your commitment of loyalty and trustworthiness to this Office and to me. Upon interviewing employees about your actions, I learned that your exchanges with them placed them in a difficult situation of having to choose who deserved their loyalty: the Chief Deputy or the Coroner and the County. I am disheartened to discover that you failed to comply with the standard of excellence that I established for this Office.

When I met with you on Monday, December 31, 2012, I asked you several questions and I was disappointed to hear some of your answers; they were inconsistent from what I knew the truth to be. Your answers were dishonest and self-serving.

Furthermore, I learned that you not only encouraged but pressured employees to continue to fail to be truthful with me. This situation confirms that I can't trust you; you don't have the best interests of the employees, me, the Office of the Coroner or the County in mind. You have misused your position of authority to coerce the employees by dissuading them from being truthful with their employer. In doing so, you have created an environment for the employees that is confusing, fearful and uncomfortable. You have pitted the employees against me by not allowing them to serve the County in a neutral and unbiased fashion. I am unwilling to tolerate this type of behavior in my Chief Deputy.

I am clear in my commitment to the employees in the Coroner's Office as well as to the citizens of Douglas County. In keeping with that commitment, I have no other choice but to relieve you of your position of Chief Deputy and terminate your employment with Douglas County as of today.

A handwritten signature in dark ink, appearing to be 'L. Thomas', written over a horizontal line.