

**Lohman Jason**

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**From:** Smith James S  
**Sent:** Tuesday, October 26, 2021 4:13 PM  
**To:** Ballard Jackie  
**Subject:** FW: Estate of Finicum

Ex. 2

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**From:** Smith James S  
**Sent:** Tuesday, October 26, 2021 1:08 PM  
**To:** Morgan Philpot <jmorganphilpot@gmail.com>  
**Cc:** jpierce@piercebainbridge.com; 'Armosino@fdfirm.com' <Armosino@fdfirm.com>  
**Subject:** Estate of Finicum

Morgan:

After emailing you on 10/18 for conferral on a Rule 12(b)(6) motion against the Third Amended Complaint, I placed calls to your office on 10/22 at 3:30pm PDT and 10/26 at 11:30am PDT, and left voicemail messages both times. I have not heard from you in response. Accordingly, I plan to file the motions to dismiss described in my email of 10/18. Of course, please contact me if you want to discuss this further. Thanks.

James S. Smith  
Oregon DOJ  
Trial Division, Civil Litigation Section  
(971) 673-3891  
(503) 383-5315 (cell)