



O'CONNOR LAW | LLC

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April 20, 2023

VIA EMAIL

Joe Kellerman

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VIA EMAIL

Peter Carini

carinilaw@gmail.com

**RE: Andrew Pollack and Dr. Julie Phillips
Privileged and Confidential**

Dear Joe and Mr. Carini,

Below, we outlined a timeline of events related to Andrew Pollack and Dr. Julie Phillips (collectively the “Pollacks”), their properties, and Meagan and Keith Mapes (collectively the “Mapes”).

I have uploaded our files to Dropbox. You can view them at this link: www.dropbox.com/scl/fo/iw0ai4rq7ajb3sx4sz24x/h?dl=0&rlkey=gwlqprp19oylxfnswuisd40e . Please download the folder to your computers so that we can remove the documents from Dropbox.

Timeline

August 1, 2019, the Pollacks hire Holly Cannon, a Water Rights Examiner, to confirm their water rights. The Water Rights Determination is in the file.

December 2020, the Pollacks move onto their property at 8830 South Fork Little Butte Creek Road.

February 2021, Keith Mapes begins to remove the fence between the Pollack and Mapes properties. This initiates the boundary line dispute between the Pollacks and Mapes.

March 2021, the Mapes hire a surveyor to determine the property boundary.

April 16, 2021, the Pollacks file an Adverse Possession action against the Mapes. The Pollacks hire Jarvis, Glatte for litigation. Jackson County Circuit Court Case No. 21CV15076. The various depositions are in the file.

Around this time, we suspect the Mapes began to contact the Oregon Water Resources Department (“OWRD”) to complain about the Pollacks’ water usage. Water Master Shavon Haynes begins to make repeated visits to the properties over the next year. We suspect that Mr. Haynes may be friends with the Mapes or that a family member may be friends with them. Mr. Haynes appears to have gone onto the Pollack property and taken several photos. He may have also received additional photos from the Mapes because frequent photos of the water gauge were sent to him.

O’Connor Law filed a public records request with the OWRD. We suspect that Mr. Haynes had additional contact with the Mapes using his cell phone, but he did not deliver any such records in response to the public records request. There seems to be an incongruity between the number of visits he made, and the records produced. If we want a clear picture of how often the Mapes were contacting Mr. Haynes, it will be necessary to subpoena everyone’s cell phone records. Mr. Haynes eventually backed off visiting the property and scrutinizing the water usage after phone calls from Dan O’Connor explaining that he was placing himself in the middle of both the adverse possession case and a volatile neighbor situation.

Around spring/summer 2021, in the midst of litigation, the Mapes began to block access to the Pollacks’ irrigation point of diversion, which is located in the area disputed in the Adverse Possession case. The Mapes only created a point of access to the fish wheel by constructing a structurally dubious stepladder over the barbed wire surrounding the fish wheel. At the same time, they begin a campaign of regularly photographing and recording the Pollacks from the street and near the fence line. Some of the videos are in the file.

The Mapes may have made complaints to the Oregon Department of State Lands (“DSL”) and the Oregon Department of Fish and Wildlife (“ODFW”) in mid-2021. We do not have files relating to these complaints and recommend that comprehensive public records requests be made, or subpoenas be issued to both departments.

August 2021, we suspect the Mapes complained to Jackson County Code Enforcement concerning the Pollacks’ repair of an existing fence along the creek, and for having replaced an existing dwelling without authorization. Code Enforcement may have

issued the Warning of Violation without a site visit, as is becoming their modus operandi. Case No. 439-21-00574-COD. Code Enforcement eventually retracted a portion of the Warning of Violation in late 2022 when shown that the fence was authorized by the Jackson County Land Development Ordinance (“LDO”). Relevant documents are in the file including the Zoning Authorization Sheet, which serves as notice that the fence is lawful.

We did not file a public records request for the County’s files or the Mapes’ complaint but recommend that one be made with a specific request that the County’s archives be searched and that any voicemails or phone records from the Mapes be produced. In particular, Code Enforcement Officer Shelly Eich and Code Enforcement Manager Alicia Brown likely have records relating to various contacts from the Mapes. Code Enforcement has a history of picking sides in neighbor disputes and not producing all records upon request, so be prepared to subpoena and depose them.

October 2021, the Pollacks applied for a “relative farm dwelling” land use permit. This was to cure the remainder of the Warning of Violation and legalize a second dwelling on the Pollacks’ farm property so that they can get live-on assistance from their son. The Mapes intervened and got 1000 Friends of Oregon to lend significant resources to assist them in an appeal. We suspect that the Mapes are closely related to Jeff Mapes, a reporter with Oregon Public Broadcasting who covers land use, and who likely called in a favor with 1000 Friends. The Pollacks ultimately prevailed in 2022. The Mapes appealed to LUBA, but 1000 Friends eventually backed off and LUBA dismissed the appeal. All the relevant documents are in the file.

November 11, 2021, Jackson County Development Services staff visit the Pollack property and take several photos, which are located in the Jackson County Hearing Agenda & Packet dated April 18, 2022. It is unclear whether this was authorized by the Pollacks. However, it seems to be in line with the pattern of the Mapes using government agents to harass the Pollacks by taking photos of them and their property.

Early 2022, the Pollacks are informed that the Mapes have been stealing electricity from the former owners of the Mapes property. The Mapes never changed the power bill into their names when they purchased their property and the former owners had been paying the bill by mistake. This may be relevant evidence of the Mapes committing fraud. Relevant documents are in the file.

April 13, 2022, Shawn Kampmann and crew began to survey the disputed property boundary in Jackson County Case 21CV15076, with trial scheduled for April 19, 2022. Given the terrain, survey equipment was required to be positioned on the Mapes’ side of the fence. Shortly after Kampmann set up his equipment, Keith and Meagan Mapes arrived on an ATV and demanded Kampmann vacate their property.

The video of the encounter is in the file. Notice the shaking of the camera and the emotional instability of Meagan Mapes' voice.

Kampmann explained he was conducting the survey for the trial and that he had provided them with proper notice. The Mapes continued demanding his departure. Riley MacGraw spoke with the Mapes attorney, Carly Kruse, in an effort to allow the survey to continue, but she was uncooperative until late afternoon, when completing the survey was impossible. As a result, the Pollacks moved to continue the trial to afford Kampmann time to complete the survey. The motion was docketed on April 14, 2022, and was granted by the Court.

April 18, 2022, Jackson County Hearings Officer Pearce holds a public hearing concerning the Pollacks' relative farm dwelling. Meagan Mapes testifies. Dan O'Connor characterizes her as a very poor witness who is fragile. The County made a recording of the hearing, which can likely be viewed pursuant to a public records request.

Around July 2022, the Mapes began a new campaign to get Jackson County Animal Control to seize the Pollacks' livestock guardian dog, Glory. One citation was issued July 12, 2022, and another was issued August 15, 2022. These are listed as Jackson County Justice Court Case No. 22-J-005856 and Case No. 22-J-006154. Megan Mapes signed both complaints herself. Both citations were issued by Animal Control Officer Mike Slusarczyk to Julie. Officer Slusarczyk repeatedly texts Julie requests to meet her in person, likely at Mapes' urging, despite Julie's requests to only converse in writing or through attorneys. Officer Slusarczyk, likely at the Mapes' urging, repeatedly accused the Pollacks of having dogs roam around, including dogs that they did not own. O'Connor Law entered a not guilty plea on behalf of Julie before Judge Idiart.

Relevant discovery documents are in the file, including documentation of Mapes' complaints to the County and posts on Facebook (likely by Mapes) concerning the dog. They used photos of Andy together with the dog being in the rural road as a basis for the charge that the dog was out of control. The County eventually dropped the cases when Garrett West threatened to seek attorneys' fees pursuant to the Oregon Right to Farm Act given that the dog is a livestock guardian used primarily for protecting the goat herd.

August 2022 neighbor Daniel Wilkins threatens to shoot the Pollack dog. Mr. Wilkins wrote a letter against the Pollacks' dog in the animal control cases. Daniel Wilkins is married to Georgina Kennedy, who testified against Andy before the Grand Jury. O'Connor Law sent a cease and desist letter to Mr. Wilkins. Mr. Wilkins called O'Connor Law and threatened to report Garrett West to the State Bar in retaliation. Relevant documents are in the file. Both Georgina Kennedy and Mr. Wilkins will

need to be subpoenaed for their contact with the Mapes and government agencies, and likely deposed.

October 4, 2022, O'Connor Law files a code enforcement complaint against the Mapes for various violations to signal to the Mapes to back off their campaign of intimidation. The County declines to enforce the County Ordinances against the Mapes but instead forwards our complaint directly to the Mapes. The Complaint and follow-up public records requests are in the file. The Mapes appear to cease their activities for the next couple of months as they prepare for trial in the Adverse Possession case.

January 11, 2023, Judge Hoppe finds in favor of the Pollacks on the Adverse Possession claim in Jackson County Circuit Court Case No. 21CV15076. Carly Kruse, representing the Mapes, appeals to the Court of Appeals in Case No. A181004. The appeal is currently in the Settlement Conference Program, but it is unlikely to settle. If it proceeds to briefing, the appeal has a low likelihood of success for the Mapes.

In response to their loss in court, the Mapes began calling government agencies again. February 22, 2023, Animal Control Officer Mike Slusarczyk issues a third citation, this time to Andy, concerning their livestock guardian dog, Glory, saying it was a "dangerous dog". Officer Slusarczyk knows Andy is not the registered owner of the dog, which is why it was strange that he issued the citation to him. The citation documents are unclear as to what is being alleged but they implicitly threaten to euthanize the dog. The dog is not a dangerous dog. The Pollacks elect to pay the fine in lieu of going through a court case. We do not know what the assigned Jackson County Justice Court Case number was.

April 11, 2023, a Jackson County Grand Jury and the Deputy District Attorney issue an indictment against Andy for various counts. Jackson County Circuit Court Case No. 23CR16995. The Mapes appear at the arraignment, as well as various neighbors.

April 14, 2023, Meagan Mapes files a Petition for a Stalking Protective Order against Andy. Jackson County Circuit Court Case No. 23SK01410. Judge Bloom grants a temporary restraining order. The case is docketed for a hearing on May 22, 2023, before Judge Ravassipour.

Recommendations

Various government agencies and officials may have records relevant to the Mapes' activities. It may be prudent to issue letters of preservation to those agencies and accompanying public records requests.

Further, the Mapes regularly recorded the Pollacks using their cell phones, as shown in the Dropbox files. Did they show any of the alleged photographs or recordings to

the Grand Jury? The lack of either photos or recordings would seriously undermine the Mapes' claims.

Please let me know if you have any questions.

Yours most sincerely,

O'CONNOR LAW, LLC

/s/ Garrett West

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GKW:
Enclosure: