

From: Robinson, Destineigh
Sent: Tue, 23 Jun 2026 19:53:57 +0000
To: Morgan, Mark
Subject: Updated Notice of Preservation
Attachments: Notice of Preservation.docx

Attached and updated per your request. Let me know if you want me to edit the lists of document types, people, or places. I left as is for now. Thanks!

Destineigh Robinson

Executive Assistant

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June 22, 2026

To: Mr. Joseph Lewandowski.
708 Obrien Drive,
Durango, Colorado 81301

**Re: Notice of Preservation: Durango Herald Coverage of City Attorney Mark Morgan
and the No Secret Police Committee's No Mask Initiative**

Dear The Durango Herald:

We represent Mark C. Morgan in connection with the Durango Herald's publishing of a factually inaccurate and salacious editorial defaming Mr. Morgan titled "City Council silenced the voices of Durango residents" (the "**Action**"). It seems unlikely that we will resolve this dispute and anticipate that litigation will commence shortly. The purpose of this letter is to notify you of your obligation to take reasonable steps to preserve and retain all hard copies and electronically stored information ("ESI"), as defined by Rule 16 of the Colorado Rules of Civil Procedure relevant to this Action.

To fulfill your preservation obligation, you must take reasonable steps to preserve all hard copy documents and ESI relevant to this Action, including, but not limited to:

- a) Suspending your document and data destruction and backup tape recycling policies.
- b) Retaining software, hardware, or other information required to access or view the ESI, such as:
 - 1. identification codes;
 - 2. passwords;
 - 3. decryption applications;
 - 4. decompression software;
 - 5. reconstruction software;
 - 6. network access codes;
 - 7. manuals; and
 - 8. user instructions.

- c) Taking special action for:
 - 1. archived or deleted ESI;
 - 2. ESI stored in a database;
 - 3. computer logs; and
 - 4. metadata, including the date ESI was created, the date ESI was last modified, and the name of the individual who created the ESI.
- d) Taking any other reasonable steps necessary to prevent the destruction, loss, override, or modification of relevant data, either intentionally or inadvertently, such as through modification of your document retention policy and systems.

All ESI must be preserved intact and without modification.

We believe that, among other information, the following information is relevant to the case and must be preserved:

- a) All correspondence related to the No Secret Police Committee's No Mask Initiative ;
- b) Reporter notes, editor notes, and handwritten notes;
- c) All drafts of the editorial;
- d) Metadata associated with drafts and files;
- e) Communications between reporters, editors, and editorial board members;
- f) Communications with outside sources, including interviews, calls, messages, and emails;
- g) Research materials consulted in preparing the editorial;
- h) Fact-checking records or verification steps;
- i) Meeting notes, agendas, audio recordings, or transcripts involving discussion of the editorial;
- j) Communications with the City of Durango, city council members, or City Attorney's Office;
- k) All versions of the editorial as published online and printed, including updates, edits, or corrections;
- l) Website logs, CMS logs, and publication timestamps;
- m) Social media posts relating to the editorial, including official accounts and employee accounts used in the normal course of business;
- n) Reader feedback, comments, or internal responses to public reaction;

- o) Policies, procedures, or guidelines relating to editorial decision-making; and
- p) Any records of legal review or advice obtained about the editorial .

In addition, we believe that at least the following individuals possess, authored, or received relevant documents:

1. Ellen Stein, Opinion Editor -- The Durango Herald
Address: 3314 E 4th Avenue, Durango, Colorado, 81301;
2. Joseph Lewandowski, Columnist – The Durango Herald
Address: 708 Obrien Drive, Durango, Colorado, 81301;
3. Christian Burney, Head Journalist – The Durango Herald
Address: 6 Ferringway Circle, Apt 27, Durango, Colorado, 81301; and
4. John Blais, Chief Executive Officer – Ballantine Communications, Inc.
Address: 1275 Main Avenue, Durango, Colorado 81301.

The foregoing list is not exhaustive and you must preserve all information relevant to this Action.

In addition, you must take reasonable steps to preserve all hard copy documents and ESI relevant to this Action that are not in your possession or custody, but are in your custody or control. For example, documents may be in the possession of your:

{NONPARTY THAT MAY HAVE DOCUMENTS}.

As with documents in your possession or custody, all ESI in a nonparty's possession or custody must be preserved intact and without modification.

Potentially relevant ESI may include:

- a) active, archived, and deleted copies of ESI, such as emails, voicemails, text messages, instant messages (IMs), ephemeral messages, calendars, diaries, word processing files, spreadsheets, PDFs, JPEGs, PowerPoint presentations, database files, temporary internet files, cookies, .ZIP files, Internet of Things (IoT) generated data, stored correspondence from workplace collaboration tools (WCTs), among others;
- b) the ESI's metadata, including the date it was created, the date it was modified, and the name of the individual who created it whether stored online, offline, in a cloud-based

server or in other electronic storage, or on any computers, handheld devices, tablets, cell phones, or other devices over which you have possession, custody, or control.

We believe that relevant documents and information may exist at the following locations:

1. The Durango Herald
Address: 1199 Main Avenue, Durango, Colorado, 81301;
2. Ballantine Communications, Inc.
Address: 1275 Main Avenue, Durango, Colorado, 81301;
3. Ellen Stein's Residence 3314 E 4th Avenue, Durango, Colorado 81301;
4. Joseph Lewandowski's Residence 708 Obrien Drive, Durango, Colorado, 81301; and
5. Christian Burney's Residence 6 Ferringway Circle, Apt. 27, Durango, Colorado, 81301.

The foregoing list is not exhaustive and you must preserve all information relevant to this Action.

Your failure to preserve relevant data may constitute spoliation of evidence, which may subject you to sanctions. We trust that you will preserve for the duration of this Action all relevant hard copy documents and ESI. In the event of a dispute arising out of your failure to preserve documents, we will rely on this letter in court as evidence of our request and notice of your preservation obligations.

Thank you in advance for your cooperation.

Very truly yours,

{NAME}

Attorney for Mark C. Morgan