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"Never Give Up, Never Give In"

December 14, 2009

Scott W. Reed

Attorney at Law

Via Fax: 765-5117

Peter C. Erbland

Attorney at Law

Via Fax: 664-6338

RE: Election Contest

Dear Scott and Peter:

I have just spoken to Mike Gridley. He advised that in fact he was not authorized to accept service on behalf of Mr. Kennedy personally. As you know, and can glean from the content of my letter to Mr. Gridley, and Mr. Kennedy, I provided a separate copy of the Amended Complaint, Requests for Admission, and my cover letter to Mr. Gridley, for Mr. Kennedy. This was done with the understanding, at the time, that he had agreed to accept service for Mr. Kennedy. He stated that you two were going to be representing Mr. Kennedy.

I am thus corresponding with you to inquire whether you will accept service on behalf of Mr. Kennedy, or if you wish to have him personally served. Obviously Mr. Kennedy, and you, have already received and reviewed a copy of the Amended Complaint.

My discussion with Mr. Gridley also addressed the proposed meeting, and its purpose. As I discussed with him I was disappointed that my cover letter would

appear in the media, almost before the ink was dry. I certainly have no problem with the contents of the letter being provided to the media, because I stand behind everything that was stated in it. Having said that, in the context of a meeting such as I have proposed, it is my belief that an open and candid discussion between counsel could be of value. I offered this meeting, not out of a concern for any weakness, or as a show of strength, of the complaint. It was offered because I thought that such a meeting might be viewed as productive for all. Perhaps it was a novel, or naïve, thought that counsel might discuss a matter before running off to the media and formal court proceedings. If I was in err, I certainly make no apologies for my good faith effort.

As to a meeting, if one is held, I don't believe that it is in anyone's interest to have the substance, or alleged substance, of the meeting issued to the media. If the release of the substance, or alleged substance, of the meeting to the media is a desire it would seem to me to be nothing more than a vehicle for political posturing, and ultimately a waste of everyone's time. The complaint, after all, is not about personalities, or political posturing, but rather about substantive issues regarding the election process.

Mr. Gridley advised that he was unaware of how my letter came to be released to the Spokesman-Review's Huckleberries blog. This blog has been consistently pro Mr. Kennedy since the election process began. I can advise you as a result of this release, that a copy of my cover letter was provided to the Coeur d'Alene Press, because it was apparently not provided a copy by the person(s) who provided it to the Spokesman-Review. You both are certainly veterans of "trial by media", and while I have had my own "fifteen minutes of fame" I really don't wish to argue the merits of the complaint in the press, because such conduct generally only serves to polarize the parties and because there will certainly be enough quotes, and stories, for the press to print if the matter proceeds through formal Court proceedings.

In our conversation, Mr. Gridley advised that he concurs in the value of an open and candid discussion, between counsel, seeking to identify common ground. He also suggested that John Cafferty, who apparently represents the County on election issues, might be a person who should attend such a proposed meeting. I certainly have no objection to his inclusion in such a meeting, if everyone is in agreement.

Mr. Gridley also advised, given at least our two respective calendars, that Thursday the 17th except between 11:00 a.m. and 1:00 p.m. would be available for such a meeting.

In closing, I would appreciate hearing from you with regards to the issue of service on Mr. Kennedy, and your thoughts about a meeting of counsel. As I said in my now publicized letter, I view the voters as ultimately being all of our "clients" and hopefully, whichever way this proceeds, in the end the voters interests will be served.

Very truly yours,


Starr Kelso

C: Jim Brannon

Mike Gridley, 710 Mullan Ave., Coeur d'Alene, Idaho 83814