

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO 7325 S. Potomac Street Centennial, Colorado 80112	
STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL, Plaintiff, v.	
COLORADO HUMANE SOCIETY & S.P.C.A., INC.; MARY C. WARREN, an individual; ROBERT WARREN, an individual; and STEPHENIE L. GARDNER, an individual; Defendants.	▲ COURT USE ONLY ▲
Waverton Group, LLC as custodian Richard A. Block, Managing Member 4101 East Louisiana Avenue Suite 300 Denver, Colorado 80246 Office: 303-781-9900 Fax: 303-781-4311 Email: rblock@xpn.com	Case Number: 2008-CV-2659 Division: 202
CLAIM OF CREDITOR	

Comes now Pushkin Public Relations LLC

(the "Claimant" or the "Claimants" if more than one), whose coordinates are as follows:

address [*do not use Post Office Box*]: 5613 DTC Parkway Suite 590 Greenwood

telephone number: 303-733-3441

fax number: 303-779-0165

email address: jon@pushkinpr.cpm

being first duly sworn, deposes and says:

1. Colorado Humane Society & S.P.C.A., Inc., a Colorado nonprofit corporation (the "Company") was, on December 16, 2008, and still is, indebted or liable to this Claimant.

2. The total amount the Company owes to Claimant on this date, including Principal, Interest, and Additional Charges is \$ 1,067.00, (the "Claim")

3. The consideration, basis, or ground for this Claim is as follows: the Company obtained public relations services [please specify, e.g. goods, services, credit, money, etc.] by agreement [please specify how obtained, e.g. agreement, promissory note, etc.] and that the Company has refused or failed to pay the reasonable value thereof.

4. The Claim consists of the following Principal and Interest calculated to the date of this Claim:

Principal (on December 16, 2008)	\$ <u>1,000.00</u>
Interest (to December 16, 2008)	\$ _____
Interest Rate (to the date of default)	_____ %
Total amount of Principal and Interest	\$ _____
Penalties	\$ _____
Total of Claim	\$ <u>1,000.00</u>

5. Claimant Claims priority or preference from the assets in the hands of the custodian _____ [please specify authority for priority or preference, e.g. wages, taxes, etc.].

6. The Claim consists of \$ 67.00 in additional charges ("Additional Charges") for court fees [please specify, e.g. reasonable attorneys' fees, penalties, etc.]. The basis for claiming Additional Charges is small claims court costs and summons delive

7. True and correct copies of the documents supporting this Claim, including without limitation, subcontracts, invoices, and statements of account, are attached hereto.

8. This claim is filed as an unsecured Claim ~~a secured Claim~~ [please strike one]. Claimant Claims as its security the following:


Assets Encumbered _____
Security Instruments _____
County _____
State _____
Reception Number _____
Recorded Lien Statement _____
If Mechanic's Lien, Date of First Work _____
If Mechanic's Lien, Date of Last Work _____

9. True and correct duplicates of each and every instrument securing this Claim, including, without limitation UCC Financing Statements and Recorded Lien Statements, are attached hereto.

10. Claimant has filed a legal action against the Company as follows:
ARAPAHOE COUNTY COURT, SMALL CLAIMS JUDGEMENT AGAINST COMPANY 1/8/08
[please specify court and case number] and has not [please strike one] received a judgment against the Company.

11. Claimant has credited any and all payments made by the Company under this Claim and this Claim is not subject to any set-off, counterclaim, or right of recoupment in favor of the Company or in favor of the custodian as against the Claim.

12. Jon Pushkin [please print name of Claimant] being first duly sworn, states and affirms that Claimant has executed the foregoing Claim of Creditor in the space provided below, and that the information contained therein is true and correct to the best of Claimant's knowledge.


[Signature of Claimant]

State of Colorado)
County of ARAPAHOE) ss.

Subscribed and sworn to before me by Jon Pushkin, the Claimant, on the 23rd day of January, 2009. Witness my hand and official seal.

Witness my hand and official seal.

My commission expires: 11-03-2012



Patricia A. Martin
Notary Public

An original of this Claim must be submitted to the custodian, please do not submit this Claim to the Court—Mail directly to:

Waverton Group, LLC, custodian,
4101 East Louisiana Avenue
Suite 300
Denver, Colorado 80246

Arapahoe County Court

Division A
1790 West Littleton Blvd.
Littleton, Colorado 80120
303-798-4591

Division B
15400 East 14th Place
Aurora, Colorado 80011
303-363-8004

PLAINTIFF(S): PUSHKIN PUBLIC RELATIONS
Address: 5613 DTC PARKWAY SUITE 590
City/State/Zip: GREENWOOD VILLAGE, CO 80111
Phone: Home 303-733-5693 Work 303-733-3441

v.
DEFENDANT(S): COLORADO HUMANE SOCIETY
Address: 2760 S. RATTIE RIVER DR
City/State/Zip: ENGLEWOOD, CO 80110
Phone: Home _____ Work 303-781-9344

▲ COURT USE ONLY ▲

Case Number:

Division: **SMALL CLAIMS**

075574

MOTION FOR DEFAULT JUDGMENT

1. TODAY'S DATE 1/18/2008

2. I am the Plaintiff in this action, **OR**

My name is _____, I am related to the Plaintiff as its:

Full time employee or Officer with its authority to act on its behalf in this case, **OR**

Other (Explain) _____

3. JUDGMENT IS REQUESTED AGAINST:

All named Defendants **OR**

The following Defendant(s) only _____

4. The Defendant (check one)

lived worked Owned a place of business

Owned property was enrolled in higher education

in **Arapahoe County** on the date this case was originally filed.

5. JUDGMENT IS REQUESTED FOR THE FOLLOWING AMOUNTS:

(THIS COURT CANNOT AWARD YOU MORE THAN YOU LISTED IN YOUR ORIGINAL COMPLAINT)

\$ 1,000.00 Principal \$ 67.00 Costs (filing fee + service fee)

\$ _____ Interest (pre-judgment) _____ % post-judgment interest

(If you are requesting interest in an amount that exceeds the statutory amount, you must provide a contract for same.)

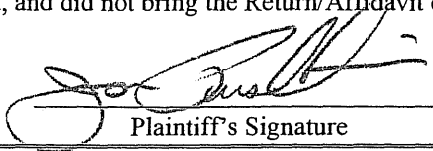
❖ You may wish to attach exhibits if you feel they are needed to substantiate your claim.

❖ If you are requesting treble damages on a security deposit or bad check case, you must attach an exhibit to substantiate the entry of the penalty per statute.

6. I have attached the Return of Affidavit of Service (providing the Defendant was served with a copy of the lawsuit), **OR**

I have personal knowledge that the Defendant was served, and did not bring the Return/Affidavit of Service, I will file it with the court within 10 days.

I SWEAR OR AFFIRM THE ABOVE IS CORRECT AND TRUE.

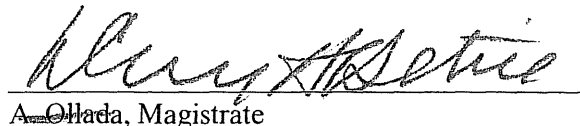


Plaintiff's Signature

ORDER

The foregoing Motion is made an Order of this Court.

Dated: 1/18/08


A. Olada, Magistrate

DATE : 11/19/2007
TIME : 16:05:32

RECEIPT #: 000041778
USER . . : SHAS61

ARAPAHOE COUNTY SHERIFF'S OFFICE
13101 E. BRONCOS PARKWAY
CENTENNIAL, COLORADO 80112

CIVIL PAPER #	TYPE	SERVICE NAME	AMOUNT
2007-00010092	SUMM&CLAIM	COLORADO HUMANE SOCIETY	37.00
			=====
CHECK :	37.00	CHECK#: 0001323	TOTAL PAID . . : 37.00
			AMOUNT TENDERED: 37.00
			CHANGE/REFUND : .00
RECEIVED FROM:	PUSHKIN PUBLIC RELATIONS	STILL OWES . . :	.00
5613 DTC PK #590			
GREENWOOD VILLAGE		CO 80111-3033	

To report a crime: 303-795-4711

Transaction:

11/13/2007 1:12 PM LRL TR180376
County Court, Arapahoe County-Littleto
1790 West Littleton Blvd
Littleton, CO 80120
303-798-4591

Payor:

Case #: 2007S -100574
PTF Party/Case record not on file.
VS
DEF Party/Case record not on file.
RCP #: 2007S -100574-0001

=====
Description Amount

Small Claims Filing Fee 23.00
Civil Action Tax 1.00
Stabilization Fund - USER 15.00
Court Security Cash Fund 5.00

=====
Receipt Total.....: \$44.00
Amount Tendered.....: \$44.00
Change Due.....: \$.00
Payment Type.....: CHCK
Account Receivable Due...: \$.00
=====

lrl/ptf pd w chck #1318 for scff 07s100574

Arapahoe County Small Claims Court
January 8, 2007

Pushkin Public Relations vs. Colorado Humane Society

Facts

We provided crisis communications services to Colorado Humane Society on a short term, last minute basis on September 24-25, 2007. We invoiced CHS for \$1,000 on September 26, 2007. We have to date not received payment for those services.

Timeline

Monday September 24, 2007

Approximately 2PM: I received a call from Lara Riggerbaugh, veterinary services coordinator at the Colorado Humane Society with an immediate need for crisis communications help. They had been referred to Pushkin Public Relations by another PR firm. They were anticipating a negative story on 7 News that evening and were desperate for help in mitigating the damage. I suggested they come to my office for a meeting to see if we could help them and called my colleague Dan Christopherson for assistance.

2:45PM: Lara and Mary Warren, the executive director of the Colorado Humane Society arrived at our office. Dan and I met with them until 5:15 to review the situation. They said the 7 News interviews had been conducted several weeks earlier and that they expected 7 News to air a negative 2-part story on September 24-25. They were very worried about the damage and wanted a PR firm to help them with damage control. **We asked Mary Warren for all the facts and asked her repeatedly and directly if there was anything she was not telling us and if there would be any surprises in the 7 News story.** She said no to both questions.

Based on this meeting we made the following recommendations:

- The first task was to send a letter by email to volunteers, donors and other stakeholders in advance of the 7 News story that evening detailing the CHS side of the story. After the meeting we drafted the letter and emailed it to Lara, CHS development director Bob Warren and Mary Warren so they could send it to CHS stakeholders, which they did. We also suggested they send it to 7 News.
- Second, we recommended that we watch the 7 News story that evening and then draft an official response for the media in the morning.
- Third, we wrote three different scripts for the CHS receptionist to follow in response to calls from viewers after the story aired and we provided that scripts to CHS.

Tuesday September 25, 2007

Dan and I met at our office at 7am We began to prepare an official response to the 7 News story, which made several serious allegations about CHS including the misuse of donations and disposing of euthanized animals in the dumpster rather than having them cremated.

We conferred with the client several times that morning as we prepared their official response to the story. During that morning we also received several disturbing calls from angry 7 News viewers who got our number from CHS even though the script we provided to the CHS receptionist specifically said to only refer media calls to us.

We drafted the official CHS response to the 7 News story and emailed it to CHS. We recommended that they put it on their letterhead, post it on their website and send it to 7 News, which they did. We recommended they do not send it to any other media unless they get an inquiry.

We then recommended that we watch part II of the 7 News story that night before responding any further. We again asked directly and repeatedly if there would be any surprises in part II and were told no.

Part II aired on 7 News on September 25 at 10PM. We were very surprised to learn that several CHS employees interviewed for the story said that Mary Warren had instructed them to dispose of euthanized animals in the dumpster rather than send them to be cremated. The 7 News reporter asked her directly to respond to these claims and she denied this was true. In spite of the fact that this interview was conducted several weeks before our first meeting Mary chose not to mention this very serious allegation when we asked her if there was anything she was not telling us.

This was a clear indication to us that the client was not being truthful with us at best and at worst was behaving deceitfully and unethically. Under the Public Relations Society of America's Code of Ethics, we were obligated to resign our services to the client.

Wednesday September 26, 2007

We evaluated the situation and determined we could no longer help this client. At 11am I sent an email to Lara, Bob Warren and Mary Warren to let them know. I also sent them an invoice for \$1,000, which included a donation of \$925 in billable hours because they had mentioned they were facing budget problems. This was also significantly less than the \$2,500 estimate Mary Warren agreed to at our initial meeting on September 24.

In this email we suggested that because the 7 News story implied that the CHS attorney had threatened legal action against 7 News, they do not do any further media interviews and that they use the official response we prepared for any additional media inquiries on the allegations raised in the 7 News stories.

To date we have not received payment for the services we provided. I called Mary Warren in November to ask when we could expect payment. In a vulgar manner she accused me of being unprofessional and said I abandoned her. I explained that was because she had lied to me and that I do not work for unethical clients. She said she had no intention of paying me.

On September 24 2007, when CHS called us at the last minute desperate for help, we dropped everything to help them. We provided a service for which we donated nearly half our fee and we expect CHS to meet its obligation to pay us for those services.
