

**KATE WARNER
CONSTRUCTION LAWYERS**

Lori M. Kidd

Gerald K. Carroll

Kelly Lynch Sperry

March 24, 2020

Dear Counsel, Colleagues, Clients and Friends:

To promote public health, and with the hope of doing our part to slow the spread of Coronavirus (Covid-19), our office is temporarily transitioning to remote work for Kelly Sperry, Lori Kidd, Jerry Carroll, LaRae Pearson and Nathaniel Downs, starting on Friday, March 20, 2020.

Because the office (*and for the most part building*) will otherwise be unoccupied, Kate Warner will strive to maintain a physical presence there (*working alone*), without the customary staff support.

This setup will no doubt complicate our usual workflow and response to incoming inquiries and demands in several ways, some foreseeable and some probably not.

One foreseeable challenge is that it will be extremely difficult to send physical correspondence, whether through the United States mail or by other private carrier. Nevertheless, we will strive to meet the deadlines set forth by the Code of Civil Procedure, but by using email.

Given the enormity of the impact of the Governmental Orders, obtaining the Code referenced stipulations separately from everyone with whom we engage is not feasible. This email is intended as a substitute for obtaining separate stipulations.

As a result, you may see a different Proof of Service accompanying our served and attached communications that may include the following new clause:

- *ONLY BY ELECTRONIC TRANSMISSION. Even in the absence of a stipulation consenting to same, and solely as a result of Governmental Orders requiring it, the above indicated item is served only by e-mailing the document(s) to the persons at the e-mail address(es) listed, based on notice provided on **March 24, 2020**, that, during the Coronavirus (Covid-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.*

Please consider this letter your office's notice of this adjusted policy. If you, your principals, clients or other real parties in interest you represent have any objections to our office following this policy, please let us know promptly by March 27, 2020.

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We will rely on and construe the absence of such notice as consent to it. If there is a timely objection, we will attempt - but cannot guarantee - to send physical mail for corresponding matters.

We expect that everyone receiving this notice is operating under similar limitations and to the extent reciprocation is needed from us, rest assured you have it.

Regardless of advocacy and the adversarial system we all work in, we trust we can find commonality in making accommodations that lessen the impact and show respect and compassion, not only for each other, but others far more impacted, and/or actually ill.

Sincerely,

Our team at KWCL