

**From:** Nancy M Dahl <[REDACTED]>  
**To:** Lawrence Krauss <[REDACTED]>, jeevacation@gmail.com  
**Subject:** Kim's error re 'letter' vs 'press statement'  
**Date:** Mon, 22 Oct 2018 00:21:47 +0000

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It's true, she does state that you released your retirement letter to the press and that's wrong. She's sloppy. Perhaps she meant your press statement, which has similar content, but her words do indicate that she's either confused or prone to making false or confusing statements herself. That's a fine thing. Just let her flop around for a while. It's not your role to help her get her facts straight. That's what cross-examination in the presence of impartial adjudicators is for.

On Oct 21, 2018, at 4:37 PM, Lawrence Krauss <[REDACTED]> wrote:

yes.. I agree completely.. I love to see them squirm for a change.. :)))

On Oct 21, 2018, at 6:34 PM, Nancy M Dahl <[REDACTED]> wrote:

You're statements are factual and you are making them to protect yourself and to protect others. Hold your ground. Let them rant. Wait for them to take legal action if they want to show their true colors. It all plays toward what you're trying to achieve.

On Oct 21, 2018, at 4:12 PM, Lawrence Krauss <[REDACTED]> wrote:

thanks.. I won't respond either.. If it ever comes to it, I will argue that these are statements of fact, without commentary, as allowed.... and I will argue that the environment I was talking about in the last point was my concern that students might feel uncomfortable with me.

ANyway, will speak to Jeffrey and Nancy. I understand your situation. It probably makes sense to call it a day now, but let me check.

I just sent the redactions.

On Oct 21, 2018, at 6:07 PM, Justin Dillon <[REDACTED]> wrote:

FYI re her response and my short, noncommittal one. I'm not planning to respond again. I'll be in meetings in Indiana all day tomorrow, but I'd like to figure out by tomorrow night where we stand. I'm not comfortable with half-representations, and there's not a lot of point keeping me around if you want to take over, which may well make sense now that the deal is inked. Why don't you talk to Jeffrey about it? I suspect he will agree that I should either be in or out, and he may well say that you don't really need me anymore.

Justin Dillon

KaiserDillon PLLC  
[REDACTED]

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**From:** Justin Dillon <[REDACTED]>  
**Sent:** Sunday, October 21, 2018 7:00 PM  
**To:** Kimberly Demarchi  
**Subject:** Re: Krauss - urgent re compliance with agreement

Thanks, Kim. I will communicate that to him.

Justin Dillon

KaiserDillon PLLC  
[REDACTED]

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**From:** Kimberly Demarchi <[REDACTED]>  
**Sent:** Sunday, October 21, 2018 6:42:28 PM  
**To:** Justin Dillon  
**Subject:** RE: Krauss - urgent re compliance with agreement

Justin,

So far, through his retirement letter (which he provided to the press) and his Twitter statements, Dr. Krauss has made at least the following disparaging statements:

- The University is not committed to a safe and productive working environment.
- During the processes of investigation, determinations, appeal and conciliation, the University violated due process, disregarded evidence, and engaged in discrimination, bias, violation of ABOR regulations, and conduct that was unprofessional, adversarial, hostile, disingenuous, and unresponsive.
- The review process included incomplete access to evidence and accusations during the investigation, no opportunity to cross-examine witnesses or be represented by a lawyer, and no option to directly appeal the determinations.
- He would only have the opportunity to directly challenge the credibility of his accusers or the veracity of their claims if he first agreed to be dismissed.
- Regardless of the outcome of the appeal process, he would not experience an environment conducive to continuing his teaching, research, and service activities.

His letter also seems to indicate he plans to make further statements in a second communication to the President.

Kim

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**From:** Justin Dillon <[REDACTED]>  
**Sent:** Sunday, October 21, 2018 2:37 PM  
**To:** Kimberly Demarchi <[REDACTED]>  
**Subject:** Re: Krauss - urgent re compliance with agreement  
**Importance:** High

Kim,

Thanks for sharing your concerns. Could you please be specific about what you believe constituted disparagement in violation of the Agreement, so I can communicate that to Professor Krauss?

Thanks,

Justin

Justin Dillon

KaiserDillon PLLC



On Oct 21, 2018, at 5:13 PM, Kimberly Demarchi <[REDACTED]> wrote:

Justin,

We have a serious problem, and I'm writing to ask for your help in resolving it before it becomes worse.

The retirement letter your client submitted yesterday (copy attached) did not simply announce his retirement, but instead made several disparaging statements about the University and the investigation process. He then released a statement on Twitter with additional commentary (see below) and contacted the State Press. He did this despite being aware that the University did not intend to make the agreed-upon, limited statement until Monday, a timing that we announced in order to accommodate his stated desire to request additional redactions of the public records that will be released pursuant to our legal obligations.

Dr. Krauss's statements violate the non-disparagement provisions of the agreement, and the timing and nature of the statements is a transparent attempt to do so before the University could release the limited and neutral statement to which the parties have agreed.

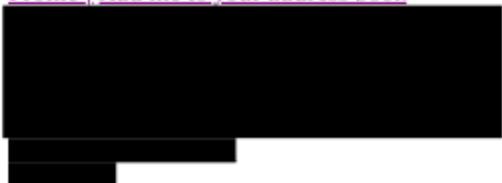
At this point, I've managed to convince my clients that it would be better to simply make their planned statements and document releases, answer any media questions consistent with their non-disparagement obligations, and move on. **But if your client continues with these kinds of disparaging public statements, we will have no choice but to deem Dr. Krauss in violation of the agreement and pursue all available remedies, which could include invalidating any obligation to make further payments of compensation and benefits or to consent to a return of donated funds.**

It would be better for both of our clients to put this behind them and go their separate ways. I implore you to reason with your client, before his conduct escalates and this dispute becomes worse.

Kim

**Kimberly A. Demarchi**

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TWITTER STATEMENT:

<image001.png>

<retirementlmk.pdf>

**Lawrence M. Krauss**

**Professor**

School of Earth & Space Exploration and Physics Department

[Redacted]

[Redacted]

[Redacted] | [Redacted]

**Lawrence M. Krauss**

**Professor**

School of Earth & Space Exploration and Physics Department

[Redacted]

[Redacted]

[Redacted] | [Redacted]