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**DISTRICT COURT, BOULDER COUNTY,
COLORADO**

Court Address: 1777 Sixth Street
Boulder, CO 80903

Plaintiffs:

RACHEL CARTER, a Colorado Citizen; and, LEHMAN COMMUNICATIONS CORPORATION, a Colorado corporation, doing business as the *Longmont Daily Times-Call*.

v.

Defendant:

THE CITY COUNCIL OF THE CITY OF LONGMONT, COLORADO

Attorneys for Plaintiffs:

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Case Number:

Division:

AFFIDAVIT OF RACHEL CARTER

I, Rachel Carter, do hereby swear under oath:

1. I am over eighteen years of age, and have personal knowledge of all of the facts stated herein. I am employed as a reporter by the *Longmont Daily Times-Call*. On June 23, 2009, acting in my capacity as a reporter for the *Longmont Daily Times-Call*, I attended the public meeting of the City Council for the City of Longmont, Colorado.

2. At that meeting, the City Council announced in public that it was going to convene in an executive session, pursuant to an exemption under the Colorado Open Meetings

EXHIBIT A

Law for meetings with an attorney to receive legal advice on specific legal questions regarding the Firestone annexation litigation.

3. Thereafter, the Longmont City Council adjourned its public meeting and went behind closed doors to conduct the executive session.

4. Approximately 75 minutes later, the doors to the room were opened, and council members began leaving that room. I walked in and approached Mayor Roger Lange, and asked him what had occurred in the course of the executive session meeting. Without hesitation, Mayor Lange stated to me "we think it's in the City's interest to appeal [the ruling] at this time."

5. On or about July 29, 2009, I spoke with City Councilwoman Mary Blue about the June 23, 2009 executive session. I asked Councilwoman Blue how the Council came to decide to appeal Judge Maus' ruling in the Firestone annexation litigation. In response, Councilwoman Blue stated, "We don't really take binding votes; it's kind of like a straw poll to find out if there's a majority opinion about something."

Further, the affiant saith not.

RACHEL CARTER

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing Affidavit was subscribed and sworn to before me on August 4, 2009, by Rachel Carter.

Witness my hand and official seal:

Notary Public



My commission expires: 12/4/2010

My Commission Expires 12/04/2010

EXHIBIT A