

April 24, 2025

Deborah S. Menkins
Counsel
Direct: +1 719 381 8433
deborah.menkins@bcplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
90 South Cascade Avenue
Suite 1300
Colorado Springs CO 80903 1615
T: +1 719 473 3800
F: +1 719 633 1518
bcplaw.com

Katherine Gayle, Esq.
Chief Legal Counsel, Integrity Matters
13790 Voyager Parkway
Colorado Springs, CO 80921
katlaw065@gmail.com

Dear Ms. Gayle:

We represent the Pikes Peak Library District ("PPLD"). We are reaching out because the actions of your clients, COS Reads and its representatives ("COS"), are causing PPLD patrons to mistakenly believe that the library operated by COS (the "COS Library") is affiliated with PPLD. In addition to the current confusion, we also believe that there is a high likelihood of future confusion due to some recent decisions by your clients, and as such, we request your cooperation to resolve these issues and to prevent further harm.

As you know, PPLD operated the Rockrimmon Library in Northwest Colorado Springs since 1989, and due to its exclusive and continuous use for 35+ years, the name "Rockrimmon Library" has acquired distinctiveness and is associated with PPLD's library services in the minds of Rockrimmon community members. Importantly, PPLD has not abandoned its search to re-establish a library in the same area nor has PPLD abandoned its rights to the name/trademark.

Nevertheless, COS is operating a library under the name "Rockrimmon Interim Library." Because the COS Library's name is nearly identical to PPLD's former library and because both entities provide identical services in the same areas, PPLD patrons have been confused (and are becoming confused) as to the relationship between the COS Library and PPLD and the source of the library services offered by COS. This confusion is further exacerbated by the following:

- Your clients requested PPLD's volunteer forms via the Colorado Open Records Act, and PPLD supplied these forms. PPLD is concerned that any use of these forms by COS may increase confusion as to affiliation between the entities. Additionally, COS does not have PPLD's permission to use its volunteer forms.
- Your clients contacted PPLD to request photographs of the Rockrimmon Library for the Grand Opening of the COS Library in its new location on May 10, 2025. Showing images of PPLD's Rockrimmon Library at an opening for a non-affiliated library gives the false impression that the COS Library is an extension of PPLD or at a minimum, connected to the Pikes Peak Library District – both of which are not true. We should be working together to clarify that PPLD is not related to the COS Library, and using images of the Rockrimmon Library at the Grand Opening will not achieve this goal.
- According to the <readingattherock.org> website, the COS Library plans to offer two programs using the exact same program title that PPLD uses: Paws to Read and Toddler Time. PPLD is concerned that COS patrons may mistakenly believe that the COS programs are run by PPLD

and/or meet the same stringent training and background check requirements as PPLD (*see* below) because the COS programs are identical in name.

- For all PPLD programs that involve children, the staff presenting the programs are required to go through a nationally-accredited early children's literacy training, along with a specific early literacy training. These trainings ensure that staff are knowledgeable about the developmental ages and stages of children, how to use supplemental educational materials (such as, puppets or music) in the programs, and "classroom" management techniques, etc.
- For all PPLD Paws to Read programs, the dogs are required to be therapy certified to ensure the dog can provide emotional support in diverse public settings. PPLD requires interviews for the handlers and assessments for the dogs. PPLD's early literacy staff trains the handlers to work with young children, and the handlers must also complete the PPLD program expectations training. The handlers are provided with a Paws to Read Handbook, which they are required to read, acknowledge and agree to follow prior to hosting a program.
- All PPLD staff and volunteers must pass criminal background checks before they can be involved in any PPLD program or event.

Moreover, PPLD is bound by Colorado and federal laws that provide a legal framework for library operations and responsibilities. By way of example, PPLD safeguards the privacy of its patrons' library records (C.R.S. § 24-90-119), has a statutory obligation to provide access to library resources that express all points of view (C.R.S. § 24-90-122), and uses Internet filters to restrict access to visual depictions of obscene materials, pornography, and/or any other material harmful to minors as required under the Children's Internet Protection Act (CIPA).

Because the COS Library is privately operated, it is unclear whether the COS Library is required to comply with these laws – and it is even more uncertain whether patrons of the COS Library will understand that they do not have the same legal protections that they would have from PPLD. Taken together, PPLD and your clients have a duty to inform the public that they are not affiliated, that the COS Library is not an extension of PPLD, and that the COS Library is not bound by the same staff/volunteer training standards, background check requirements, or legal obligations as PPLD.

As library supporters, we trust that you understand why we are reaching out and the importance of these issues. We believe that your cooperation will help resolve these issues faced by PPLD patrons and the COS Library patrons alike. To that end, PPLD requests that your clients take the following actions:

1. Add a non-affiliation statement to the websites controlled by COS (including, but not limited to the domain names <saverockrimmonlibrary.com> and <readingattherock.org>), public-facing signage and marketing materials. PPLD will add a non-affiliation statement to its own website. We propose the following simple language to clarify the relationship between the two entities, but we are open to changes:

[Party] is not affiliated, associated, or connected with [other Party].

2. Stop using the name "Rockrimmon Interim Library" for library services and/or any other confusingly similar name incorporating the words Rockrimmon and Library in close proximity. We note that there are alternatives already in use by COS that would likely not cause confusion for PPLD patrons, such as "Reading at the Rock" or "COS Reads Library."

3. Stop using the domain name <rockrimmoninterimlibrary.org> in connection with library services. The <readingattherock.org> domain is already owned by COS, so transitioning the COS Library website to this domain name should help to alleviate confusion.
4. Agree not to accept PPLD books or other PPLD returns at the COS Library. PPLD will do the same for any COS Library books or returns at PPLD locations.
5. Stop using the same titles for programs that PPLD uses (a list of program titles can be found on PPLD's website: <https://ppld.org/classes>).
6. Stop using PPLD's volunteer forms (or substantially similar forms) for COS Library volunteers.

Please contact Martha Kohlstrand (martha.kohlstrand@bcplaw.com) or me to discuss the COS Library's position on these issues by **May 7, 2025**. In the meantime, if you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Debbie S. Menkins