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Our File Number 15-1229292

VIA EMAIL ONLY

November 03, 2015

Elizabeth Fitzgerald
Deputy City Attorney, City of Los Angeles
200 N. Main St., City Hall East, 9th Floor
Los Angeles, CA 90012

Re: *LA Catholic Worker v. Los Angeles Downtown Industrial District*

Dear Counsel:

We are in receipt of a declaration from Leshon Frierson regarding the LAPD's capacity to produce documents responsive to our requests.

At our October 9, 2015 meeting to discuss defendant's responses, you represented that the City could not produce responsive documents from LAPD because LAPD deleted all emails after one year. Therefore, you represented that you could not produce any documents from prior to October 2014. We were incredulous and raised concerns about spoliation; you stated that you would provide us a declaration that attested to LAPD's policies.

What you produced yesterday does not support your contentions at our meeting. Instead, the declaration you provided speaks only to the "burden" of searching for email communications between LAPD and CCEA and suggests that a search for responsive documents is impossible and would take thousands of hours of time to do so.

We find hard to accept, especially because both Ms. Sweetser's firm and my firm have pending litigation against the City of Los Angeles where we have either received in discovery emails from LAPD going back as far as 2011 or have received representations from LAPD that they have the ability to produce emails going back to 2011. Moreover, LA CAN has received email communications from LAPD responsive to CPRA requests in other matters.

That said, before you represented in our meeting on October 9 that emails prior to October 2014 had been destroyed, we offered to limit the scope of the search for responsive emails within LAPD to the Central Division and other units and departments within LAPD that may have responsive emails. Although again, we do not believe that such a limitation is necessary, we are prepared to compromise in the interest of resolving this issue. We will agree to limit the departments searched to LAPD officers and chain of command within the Central Division at any time since March 2013, as well as emails from the Office of Operations and

Research and Planning departments. We are also willing to discuss search terms that can be used to conduct these searches. This will not waive our ability to request additional searches if the documents identify other responses, but this is a common and well-established practice for producing emails, and we believe it is a reasonable compromise at this point.

Please let us know by November 4, 2015 whether this is acceptable. We are also willing to discuss this and can do a call tomorrow afternoon. However, if you are not willing to agree to a compromise, and instead, stand by your position that it would be impossible for the City to produce responsive and highly relevant emails regarding this case, we will have no choice but to move to compel, and we will move for sanctions against the City.

Sincerely,

/s

Shayla Myers