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July 26, 2013

VIA ELECTRONIC MAIL ONLY

Ms. Lee Burdick
202 C Street, 11th Floor
San Diego, CA 92101

Documents Responsive to Recent Public Records Act Requests

Dear Ms. Burdick:

It has come to our attention that you have taken the position that your communications with others in the City, specifically notes taken in connection with those conversations are privileged attorney-client communication and work product. This position came in response to requests for public records related to Mr. Filner's alleged misconduct and sexual harassment.

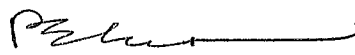
In addition, it has come to our attention that you may have interfered with our investigators efforts to serve a subpoena on Mr. Filner by giving directions to our investigator that were contrary to direction given by our office.

It is important that you understand that under the Charter you are not an attorney for the City of San Diego and have no authority to act as an attorney for the City, its departments, staff or officials. In addition, any and all communications by you with City staff are not protected by the attorney-client privilege and must be produced upon request by the City Attorney. Therefore, under the authority of Charter section 40, we are requesting that you deliver to our office the materials requested immediately. Withholding such information has the real potential of harming the City's interest as we prepare to defend the sexual harassment lawsuit recently filed against Mr. Filner and the City.

In addition, we are asking that you cease and desist from interfering in any way with our office and specifically with the investigation we are conducting in connection with this. You are not to give direction to our staff or attorneys in connection with this matter.

Sincerely yours,

JAN I. GOLDSMITH, City Attorney

By 
Paul E. Cooper
Assistant City Attorney

PEC:jdf