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November 15, 2021

VIA EMAIL AND MAIL

Johanna Kim
Deputy District Attorney
Office of the District Attorney for Orange County
300 North Flower Street
Santa Ana, CA 92703
Email: Johanna.Kim@da.ocgov.com

Re: California Public Records Act Request

Dear Johanna Kim:

I write in response to your August 19, 2021 letter regarding our CPRA Request. Thank you for your letter and for the documents you have produced so far.

Regarding the requested records (or portions of records) you have identified and asserted clear grounds for withholding, we would like to know if you would consider waiving any, or all, of the asserted exemptions. Exemptions, as you know, are permissive, not mandatory, and it is our goal – and yours, we imagine – to avoid unnecessary litigation, which can be costly and time consuming. If you are open to this possibility, please let us know. We would be happy to discuss this matter over the phone if you believe we may be able to find a solution that satisfies everyone. We would also be willing to provide further legal support and explanation for why we do not believe that the exemptions you have asserted are legally sound in this instance.

However, if you do not believe further discussions would be helpful and intend to deny some of our requests, please advise us of this position and tell us whether your office has adopted a formal process for an administrative appeal. Should we determine that we are entitled to documents you have refused to produce – whether before an administrative appeal or after – we may litigate to obtain them. In that event, we will seek all attorney's fees and costs for the litigation.¹

To the extent you have not yet produced any records for which you do not claim an exemption, please let us know the status of these records and produce them promptly and on a rolling basis.

¹ Gov't Code § 6259(d). We note that courts have awarded costs and fees if even a single document was improperly withheld. *See, e.g., Los Angeles Times v. Alameda Corridor Transp. Auth.*, 88 Cal. App. 4th 1381, 1391 (2001).

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Thank you again for your response to our earlier letter and, generally, for your assistance with our requests. We look forward to any further discussion and your production of records.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'E. Leonida', with a long horizontal flourish extending to the right.

Ellen V. Leonida