

**From:** [Josh Wilner](#)  
**To:** [Roth, Kimberly](#); [Winni Yan](#)  
**Cc:** [PRA Response](#)  
**Subject:** Re: California Public Records Act Request [PRA 21-104]  
**Date:** Friday, December 2, 2022 10:06:54 AM

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Ms. Roth,

Our experience with other counties indicates that an email search responsive to this request would produce hundreds of emails. You provided a single email. Are you claiming all other responsive emails are exempt as work product or deliberative material? If so, how did you make this determination?

Regards,

Joshua Wilner

**BRAUNHAGEY & BORDEN LLP**

**San Francisco**

351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: (415) 599-0210

**New York**

7 Times Square  
27<sup>th</sup> Floor  
New York, NY 10036-6524  
Tel: (646) 829-9403

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**From:** Roth, Kimberly <Kimberly.Roth@sdcca.org>  
**Sent:** Thursday, December 1, 2022 4:04 PM  
**To:** Josh Wilner <Wilner@braunhagey.com>; Winni Yan <yan@braunhagey.com>  
**Cc:** PRA Response <praresponse@braunhagey.com>  
**Subject:** RE: California Public Records Act Request [PRA 21-104]

**\*\*\* EXTERNAL MESSAGE \*\*\***

See PDF pages 157-158 of the records produced with the April 29<sup>th</sup> response.

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**From:** Josh Wilner <Wilner@braunhagey.com>  
**Sent:** Wednesday, November 30, 2022 4:13 PM  
**To:** Roth, Kimberly <Kimberly.Roth@sdcca.org>; Winni Yan <yan@braunhagey.com>  
**Cc:** PRA Response <praresponse@braunhagey.com>  
**Subject:** Re: California Public Records Act Request [PRA 21-104]

[EXTERNAL SENDER]

Ms. Roth,

Thank you for your response. Please inform us if an email search was performed and, if so, how many of the emails were withheld. No email communications were produced in your previous batches of documents.

Regards,

Joshua Wilner

**BRAUNHAGEY & BORDEN LLP**  
**San Francisco**

351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: (415) 599-0210

**New York**

7 Times Square  
27<sup>th</sup> Floor  
New York, NY 10036-6524  
Tel: (646) 829-9403

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**From:** Roth, Kimberly <[Kimberly.Roth@sdccda.org](mailto:Kimberly.Roth@sdccda.org)>

**Sent:** Wednesday, November 30, 2022 4:05 PM

**To:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>; Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>

**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** RE: California Public Records Act Request [PRA 21-104]

**\*\*\* EXTERNAL MESSAGE \*\*\***

Hello,

Part 1, Request 3, sought the following records:

Records concerning the Racial Justice Act:

- a. Implementation of and compliance with the RJA;
- b. Communications concerning the RJA; or
- c. Trainings related to the RJA.

At the time of this request, this office conducted a reasonable search for the requested records, and produced all non-exempt responsive records with our April 29, 2022 response. As noted in that response letter, to the extent certain records produced were exempt from disclosure, the District Attorney waived the applicable exemptions for those records only. However, there are additional responsive records that were not produced because they remain exempt from disclosure pursuant to the core work product privilege and deliberative process exemption.

Thank you,

Kimberly Roth

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**From:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>

**Sent:** Monday, November 28, 2022 10:19 AM

**To:** Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>; Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>

**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** Re: California Public Records Act Request [PRA 21-104]

[EXTERNAL SENDER]

Ms. Roth,

Please respond to the inquiries below. We are happy to speak with you on the phone, if that would be helpful.

Regards,

Joshua Wilner

**BRAUNHAGEY & BORDEN LLP**

**San Francisco**

351 California Street, 10<sup>th</sup> Floor

San Francisco, CA 94104

Tel: (415) 599-0210

**New York**

7 Times Square

27<sup>th</sup> Floor

New York, NY 10036-6524

Tel: (646) 829-9403

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**From:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>

**Sent:** Friday, November 18, 2022 4:18 PM

**To:** Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>; Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>

**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** Re: California Public Records Act Request [PRA 21-104]

Thank you, Ms. Roth. I reviewed the April production this morning and did not see any emails or other communications. Did your office run an email search? Are you in possession of any policies or directives regarding the RJA?

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**From:** Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>

**Sent:** Friday, November 18, 2022 4:14 PM

**To:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>; Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>  
**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** RE: California Public Records Act Request [PRA 21-104]

**\*\*\* EXTERNAL MESSAGE \*\*\***

Hello,

Records responsive to Part 1, Request 3, were provided with Response Letter #2, emailed on April 29, 2022. These records, along with additional responsive records, were provided in a single PDF file that contained 1684 pages. Per your email on October 26, 2022, you received this PDF file. However, here is a link to re-download the response and records: <https://transfer.sdcda.org/?ShareToken=5D0431AACDC302548E11AE8D96555444A0C973B3>

Thank you,

Kimberly Roth  
Deputy District Attorney  
Appellate and Training Division

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**From:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>  
**Sent:** Friday, November 18, 2022 3:26 PM  
**To:** Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>; Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>  
**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** Re: California Public Records Act Request [PRA 21-104]

**[EXTERNAL SENDER]**

Ms. Roth,

In the letter attached below, your office agreed to waive exemptions and produce records responsive to Category 3 of the request. We have still not received any communications regarding the Racial Justice Act or documents concerning the implementation of the Act. Please produce these records as soon as possible.

Regards,

Joshua Wilner  
**BRAUNHAGEY & BORDEN LLP**  
San Francisco  
351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: (415) 599-0210

New York  
7 Times Square  
27<sup>th</sup> Floor

New York, NY 10036-6524  
Tel: (646) 829-9403

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**From:** Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>  
**Sent:** Friday, April 29, 2022 4:18 PM  
**To:** Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>  
**Cc:** Ellen Leonida <[Leonida@braunhagey.com](mailto:Leonida@braunhagey.com)>; PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** RE: California Public Records Act Request [PRA 21-104]

**\*\*\* EXTERNAL MESSAGE \*\*\***

Hello,

Please see the attached response letter. Here is the link to download the records:  
<https://transfer.sdcdca.org/?ShareToken=C109A4D8290B71F7761A391BA5A4740859938335>

Please let me know if you have any difficulty accessing the records.

Thank you,

Kimberly Roth  
Deputy District Attorney  
Appellate and Training Division

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**From:** Roth, Kimberly  
**Sent:** Wednesday, April 13, 2022 4:39 PM  
**To:** Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>  
**Cc:** Ellen Leonida <[Leonida@braunhagey.com](mailto:Leonida@braunhagey.com)>; PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** RE: California Public Records Act Request

Hello,

This correspondence is to confirm receipt of your letter dated March 29, 2022, titled "2022-03-29 – Legal Argument Letter to San Diego (Policy)." This office is considering the legal arguments asserted in your letter and will provide a written response by April 29, 2022.

Thank you,

Kimberly Roth  
Deputy District Attorney  
Appellate & Training Division

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**From:** Winni Yan <[yan@braunhagey.com](mailto:yan@braunhagey.com)>

**Sent:** Tuesday, March 29, 2022 4:11 PM

**To:** San Diego DA <[SanDiegoDA@sdcdca.org](mailto:SanDiegoDA@sdcdca.org)>; San Diego DA <[SanDiegoDA@sdcdca.org](mailto:SanDiegoDA@sdcdca.org)>; Roth, Kimberly <[Kimberly.Roth@sdcdca.org](mailto:Kimberly.Roth@sdcdca.org)>

**Cc:** Ellen Leonida <[Leonida@braunhagey.com](mailto:Leonida@braunhagey.com)>; PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** California Public Records Act Request

**[EXTERNAL SENDER]**

Dear Counsel,

Please see attached correspondence on behalf of Ms. Leonida regarding our July 23, 2021 CPRA request.

Regards,

Winni Yan

Litigation Paralegal

**BRAUNHAGEY & BORDEN LLP**

Direct: (415) 256-7731

**San Francisco (Main Office)**

351 California Street, 10<sup>th</sup> Floor

San Francisco, CA 94104

Tel. & Fax: (415) 599-0210

**New York**

118 W 22nd Street, 12th Floor

New York, NY 10011

Tel. & Fax: (646) 829-9403

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