

Date: January 8, 2008

Item No. 7

File No. 07095

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Kimo Crossman v. City Attorney's Ofc.**
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

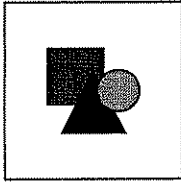
Completed by: Frank Darby

Date: January 2, 2008

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

DIRECT DIAL: (415) 554-4236  
E-MAIL: ernest.llorente@sfgov.org

December 28, 2007

Sue Cauthen, Chair  
Members of the Complaint Committee

Re: Kimo Crossman v. City Attorney's Office (07095)

Dear Chair Cauthen and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Kimo Crossman against the San Francisco City Attorney's Office.

### BACKGROUND

On September 18,, 2007, Kimo Crossman made a public records request with Matt Dorsey of the City Attorney's Office ("CAO") for all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request. In response to this request Alexis Thompson of the City Attorney's Office media section responded and provided documentation with redacted e-mails. In addition, the CAO provided summaries of the billable hours. The CAO representatives stated that the redactions were justified because disclosure would violate the Attorney-Client privilege against non-disclosure and because the Attorney Work Product Exemption from disclosure applies to this request.

### COMPLAINT

On November 29, 2007 Complainant Kimo Crossman filed a complaint against the City Attorney's Office alleging violations of the Sunshine Ordinance.

### SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under 67.21 of the Ordinance.

### DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

Letter to the Complaint Committee  
Page 2  
December 28, 2007

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code.

Section 67.21 generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests.

In this case Kimo Crossman alleges that he made several requests for all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request. The CAO responded and provided redacted documents. Kimo Crossman states that the redactions were unwarranted and violated the Sunshine Ordinance. The Task Force has subject matter jurisdiction over this complaint and will have to determine if the City Attorney's Office violated the Ordinance.



"Kimo Crossman"  
 <kimo@webnetic.net>  
 11/29/2007 10:04 PM

To "SOTF" <sotf@sfgov.org>  
 "Matt Dorsey" <Matt.Dorsey@sfgov.org>, "Alexis  
 cc Thompson" <Alexis.Thompson@sfgov.org>,  
 <home@prosf.org>, "Allen Grossman"  
 bcc  
 Subject Sunshine Complaint - Attorney Billing Records

Submitted on: 11/29/07

Department: City Attorney,

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date: n/A

Section(s)\_Violated:, 67.21 b, 67.21 l, 67.21-1, 6254?

Description: I requested City Attorney billing records surrounding the Newsom request for letters of resignation and they will not provide the detailed records, only a summary cost even though they invoked an extension alleging that they had to perform some redactions which they then never produced. So their extension was invalid if they were not going to provide these records.

I have included sample billing records from Ernie Llorente a attorney in their office to show that this request can be satisfied. I will include billing records that the City Attorney has produced previously.

I have also included references to a MA supreme court case regarding Attorney Work product and FOIA - as well as a Federal case regarding access to Attorney Billing records.

A federal court has observed that "the identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected" (Clarke v. American Commerce National Bank, 974 F.2d 127 (1992)).

MA Supreme Court reference  
 General Elec. Co. v. Department of Environmental Protection, 429 Mass. 798, 711 N.E.2d 589, Mass., Jun 24, 1999  
 Company sought information from DEP regarding proposed Superfund information on property they owned. Court held that materials that were subject to work product description were still subject to the FOIA, but that some materials could be withheld under a public policy exception.

Please include attached emails in the records for this complaint.

Hearing: Yes

Date: 11/29/07

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:



time1000.pdf

----- Message from "Kimo Crossman" <kimo@webnetic.net> on Thu, 15 Nov 2007 22:15:41 -0800 -----

**To:** "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
**cc:** "Allen Grossman" <grossman356@mac.com>, <home@prosf.org>, "Matt Dorsey"  
<Matt.Dorsey@sfgov.org>

**Subject:** RE: Immediate Disclosure Request - billing records

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Monday, November 12, 2007 7:58 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** Immediate Disclosure Request - billing records

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, November 09, 2007 2:38 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** RE: Immediate Disclosure Request

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Thursday, November 08, 2007 10:58 AM  
**To:** 'Alexis Thompson'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** RE: Immediate Disclosure Request

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, November 06, 2007 4:32 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** RE: Immediate Disclosure Request

Ms. Thompson/Mr. Dorsey - please respond to the prior precedent by your office

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, November 02, 2007 2:25 AM  
**To:** 'Alexis Thompson'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** RE: Immediate Disclosure Request

Please respond to the prior precedent provided by Mr. Holmer

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Wednesday, October 31, 2007 4:50 PM  
**To:** kimo@webnetic.net  
**Cc:** 'Alexis Thompson'; 'Allen Grossman'; 'home@prosf.org'; 'Matt Dorsey'  
**Subject:** Re: Immediate Disclosure Request

In response to your immediate disclosure request (see below), we adhere to our view, as previously stated in e-mails to you, that under the circumstances the only disclosable information is the total number of hours the Office as a whole has worked on this matter, which we have provided to you. Accordingly, we decline to provide you with redacted samples of records as you have requested.

Best,

ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

"Kimo Crossman"  
<kimo@webnetic.net>

10/29/2007 05:13 PM

To: "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
cc: "Matt Dorsey" <Matt.Dorsey@sfgov.org>, "Allen Grossman"  
<grossman356@mac.com>  
Subject: Immediate Disclosure Request  
t

Immediate Disclosure Request

Please provide one sample calendar, timesheet, and billing record with legal redactions.

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Saturday, October 27, 2007 12:27 AM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents 6

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 23, 2007 11:30 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents CINCO

Previously you claimed you were redacting them and invoking an extension. What was redacted?

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 23, 2007 12:44 PM  
**To:** kimo@webnetic.net  
**Cc:** 'Matt Dorsey'; home@prosf.org; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents CINCO

Hi Kimo,

Please see answer below. There are no additional documents we can provide.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

"Kimo Crossman"  
<kimo@webnetic.net>

10/23/2007 01:47 AM

To"Alexis Thompson" <Alexis.Thompson@sfgov.org>  
"Matt Dorsey" <Matt.Dorsey@sfgov.org>, <home@prosf.org>, "Allen Grossman"  
cc <grossman356@mac.com>  
Subject: RE: Requesting redacted documents CINCO  
t

Alexis/Matt – how about it?

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Saturday, October 20, 2007 9:48 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents (4 times now)  
**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 16, 2007 10:17 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** Requesting redacted documents (3 times now)

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Saturday, October 13, 2007 2:43 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'

**Subject:** RE: City Attorney: Sunshine and Press Requests, Week Ending Oct. 5, 2007  
**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 09, 2007 5:00 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'  
**Subject:** RE: City Attorney: Sunshine and Press Requests, Week Ending Oct. 5, 2007

Please provide the redacted documents

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM  
**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----



"Kimo Crossman" <kimo@webnetic.net>

10/02/2007 05:32 PM

To "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
Cc "Matt Dorsey" <Matt.Dorsey@sfgov.org>  
Subject RE: Response to your request of 9.18.2007

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM  
**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----

"Kimo Crossman" <kimo@webnetic.net>

10/02/2007 05:34 PM

To: "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
Cc: "Matt Dorsey" <Matt.Dorsey@sfgov.org>  
Subject: RE: Response to your request of 9.18.2007

Is should be Are below

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 02, 2007 5:33 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'  
**Subject:** RE: Response to your request of 9.18.2007

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM

**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Message from "Kimo Crossman" <kimo@webnetic.net> on Tue, 23 Oct 2007 22:29:50 -0800 -----

**To:** "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
"Matt Dorsey" <Matt.Dorsey@sfgov.org>, <home@prosf.org>, "Allen Grossman"  
**cc:** <grossman356@mac.com>

**Subject:** RE: Requesting redacted documents CINCO

Previously you claimed you were redacting them and invoking an extension. What was redacted?

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 23, 2007 12:44 PM  
**To:** kimo@webnetic.net  
**Cc:** 'Matt Dorsey'; home@prosf.org; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents CINCO

Hi Kimo,

Please see answer below. There are no additional documents we can provide.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

"Kimo Crossman"  
<kimo@webnetic.net>

10/23/2007 01:47 AM

To: "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
"Matt Dorsey" <Matt.Dorsey@sfgov.org>, <home@prosf.org>, "Allen Grossman"  
cc: <grossman356@mac.com>  
Subject: RE: Requesting redacted documents CINCO  
t

Alexis/Matt – how about it?

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Saturday, October 20, 2007 9:48 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** RE: Requesting redacted documents (4 times now)  
**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 16, 2007 10:17 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** Requesting redacted documents (3 times now)

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Saturday, October 13, 2007 2:43 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'; 'home@prosf.org'; 'Allen Grossman'  
**Subject:** RE: City Attorney: Sunshine and Press Requests, Week Ending Oct. 5, 2007  
**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 09, 2007 5:00 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'

**Subject:** RE: City Attorney: Sunshine and Press Requests, Week Ending Oct. 5, 2007

Please provide the redacted documents

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM  
**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----

"Kimo Crossman" <kimo@webnetic.net>

10/02/2007 05:32 PM

To "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
cc "Matt Dorsey" <Matt.Dorsey@sfgov.org>

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM  
**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct

(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----

"Kimo Crossman" <kimo@webnetic.net>

10/02/2007 05:34 PM

To "Alexis Thompson" <Alexis.Thompson@sfgov.org>  
cc "Matt Dorsey" <Matt.Dorsey@sfgov.org>  
Subject RE: Response to your request of 9.18.2007

Is should be Are below

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Tuesday, October 02, 2007 5:33 PM  
**To:** 'Alexis Thompson'  
**Cc:** 'Matt Dorsey'  
**Subject:** RE: Response to your request of 9.18.2007

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

**From:** Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
**Sent:** Tuesday, October 02, 2007 5:23 PM  
**To:** kimo@webnetic.net  
**Cc:** Matt Dorsey  
**Subject:** Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>



**For Review of  
Llorente, Ernest  
Time Verification Report covering September 2007**

Department: CITYWIDL Sunshine Task Force

Attorney: Llorente, Ernest

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	SUNSHINE TASK FORCE				
9/4/2007	Llorente, Ernest	Other	TC to Chief Assistant Terry Stewart re: request for legal opinion.	0.25	
9/4/2007	Llorente, Ernest	Research	Research cases in answer to questions from Task Force.	0.50	
9/4/2007	Llorente, Ernest	Client/Dept.	Consultation w/ Frank Darby re: new complaints to be heard on 9/11/07.	0.50	
9/5/2007	Llorente, Ernest	Letter	Drafted two jurisdictional letters in the Crossman 07053 and 07054 cases.	1.00	
9/5/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF administrator Darby re: upcoming complaint hearings.	0.50	
9/6/2007	Llorente, Ernest	Other	Discussion w/chief assistant Terry Stewart re: Task Force Request for written opinion.	1.50	
9/7/2007	Sanchez, Rosa	Review	rev of docs	0.25	
9/7/2007	Sanchez, Rosa	Phone	tel con w/ E. Llorente	0.50	
9/7/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: committee business.	0.50	
9/10/2007	Llorente, Ernest	Client/Dept.	Consultation SOTF Administrator Darby re: Warfield complaint and the cancellation of the complaint committee.	3.25	
9/10/2007	Sanchez, Rosa	Meeting (Board,	A&C Committee meeting	0.50	
9/10/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: Warfield complaints.	4.50	
9/10/2007	Sanchez, Rosa	Review	rev of docs; research	0.50	
9/11/2007	Llorente, Ernest	Review	Review SOTF Administrator's notes of the Warfield complaints.	0.50	
9/11/2007	Llorente, Ernest	Client/Dept.	Briefing w/SOTF Administrator Darby re: CAC meeting yesterday.	2.50	
9/11/2007	Llorente, Ernest	Review	rev of docs; filing	0.50	
9/11/2007	Sanchez, Rosa	Client/Dept.	Consultation w/SOTF Administrator re: legal opinion for the Task Force in the Myrna Lim case.	0.25	
9/12/2007	Llorente, Ernest	Other	Consultation w/Chief Assistant Terry Stewart re: legal opinion for the Task Force.	0.50	
9/13/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Sheppard re: his draft memo to TF requesting funding for full time DCA to legal opinions.	0.50	
9/13/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: upcoming task force hearings.	0.25	
9/13/2007	Llorente, Ernest	Other	Discussion w/Chief Assistant Stewart re: draft memo by member Harrison Sheppard.	1.50	
9/14/2007	Llorente, Ernest	Memo	Prepare instructional memos to the Task Force on the two Warfield cases.	0.50	
9/14/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator re: status of Mayoral and/or Clerk of BOS designees.	0.25	
9/17/2007	Llorente, Ernest	Client/Dept.	Answered questions from member Pipel.	2.00	
9/17/2007	Llorente, Ernest	Memo	Draft instructional memo on the two Warfield cases.	0.50	
9/18/2007	Llorente, Ernest	Memo	Finalize and file the instructional memos in the Warfield cases.	0.50	
9/18/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: new complaints.	0.25	

CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE - WORK PRODUCT PRIVILEGE  
Time Verification: covering September 2007

**Attorney: Llorente, Ernest**

Department: ... Hours: Expense

Date	Staff	Category / Payee	Remarks	Hours	Expense
<b>AS 9600241 SUNSHINE TASK FORCE</b>					
9/18/2007	Llorente, Ernest	Review	Review new complaints filed with the Task Force.	0.25	
9/19/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: upcoming hearing and issues to be heard.	0.50	
9/20/2007	Llorente, Ernest	Other	Discussion w/Chief Assistant Terry Stewart re Harrison Sheppard proposal to the SOTF.	0.25	
9/21/2007	Llorente, Ernest	Review	Review SOTF meeting packet.	0.50	
9/21/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: new complaints.	0.25	
9/24/2007	Llorente, Ernest	Review	Review Albano complaint and determined that due to conflict of interest I cannot handle.	0.25	
9/24/2007	Llorente, Ernest	Phone	E-mail to Chief Assistant Terry Stewart and DCA Rosa Sanchez re: conflict in the Albano case.	0.25	
9/24/2007	Llorente, Ernest	Review	Reviewed new complaints received.	0.50	
9/25/2007	Llorente, Ernest	Hearing	Advise the Sunshine Ordinance Task Force at its regular meeting.	4.00	
9/25/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: full task force meeting and the 12 new complaints.	0.50	
9/25/2007	Llorente, Ernest	Client/Dept.	Answer ethics question from member Bruce Wolfe.	0.25	
9/26/2007	Llorente, Ernest	Phone	TC and message to SOTF Administrator Darby re: report after the Task Force Meeting.	0.25	
9/27/2007	Llorente, Ernest	Letter	Work on the 10 jurisdictional letters on the 10 pending complaints.	1.00	
9/27/2007	Llorente, Ernest	Client/Dept.	Consultation and debriefing w/SOTF Administrator Darby re: the Full Task Force Meeting.	0.50	
9/27/2007	Llorente, Ernest	Client/Dept.	Consultations by e-mail to member Wolfe re: membership with community organization.	0.50	
9/28/2007	Sanchez, Rosa	Phone	if Llorente re CAC	0.25	
9/28/2007	Sanchez, Rosa	Review	rev of e-mails; complaints	1.50	
9/28/2007	Sanchez, Rosa	Phone	tel con w/ E. Llorente	0.25	
9/28/2007	Llorente, Ernest	Client/Dept.	E-mails to and from member Erica Craven re: memo on Section 6254 of the CPRA.	0.25	
9/28/2007	Llorente, Ernest	Other	Discussion w/Chief Assistant CA Terry Stewart re: TF request for legal memo.	0.25	
9/28/2007	Llorente, Ernest	Letter	Draft ten jurisdictional letters.	3.00	
				<b>40.00</b>	<b>Case Total</b>
				<b>40.00</b>	<b>Department Total</b>



For Review of  
**Llorente, Ernest**  
Time Verification Report covering August 2007

Department: CITYWIDL Sunshine Task Force

Attorney: Llorente, Ernest

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	<b>SUNSHINE TASK FORCE</b>				
8/1/2007	Llorente, Ernest	Letter	Draft jurisdictional letter in the Paul Graham v. SFFD (07059).	0.50	
8/1/2007	Llorente, Ernest	Letter	Draft jurisdictional letter in the Kim Crossman v. District Attorney's Office (07055)	0.50	
8/1/2007	Llorente, Ernest	Letter	Draft jurisdictional letter in the Myrna Lim v. Ethics Commission case (07056)	0.50	
8/1/2007	Llorente, Ernest	Letter	Draft jurisdictional letter in the Jeff Ente v. Supervisor Peskin case (07057)	0.50	
8/1/2007	Llorente, Ernest	Letter	Draft jurisdictional letter in the Hanley Chan v. SFPD (07058)	0.25	
8/1/2007	Llorente, Ernest	Review	Review SFPD response to the Hanley Chan complaint.	0.25	
8/1/2007	Llorente, Ernest	Review	Review response from the Ethics Commission re: Myrna Lim Complaint.	0.25	
8/1/2007	Llorente, Ernest	Review	Review revisions to draft letter to be sent to the Heath Commission.	0.50	
8/2/2007	Llorente, Ernest	Review	Consultation w/member Cauthen.	3.00	
8/2/2007	Llorente, Ernest	Client/Dept.	Finalize four jurisdiction letters.	0.50	
8/2/2007	Llorente, Ernest	Letter	Consultation w/SOTF Administrator Darby re: work to be done while he is away on vacation.	0.25	
8/3/2007	Llorente, Ernest	Client/Dept.	Review the referral letters that were revised by Vice Chair Craven.	0.50	
8/3/2007	Llorente, Ernest	Review	Revise and finalize for filing the Chan, Graham, and Ente jurisdictional letters.	0.25	
8/6/2007	Llorente, Ernest	Review	Review e-mails from Kim Crossman and James Chaffee re: Sunshine issues.	2.50	
8/8/2007	Llorente, Ernest	Hearing	Advising the Compliance and Amendments Committee.	0.25	
8/9/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: regarding commendatory action at a public hearing.	0.25	
8/10/2007	Llorente, Ernest	Client/Dept.	Answered Linda Wong's question about providing media services to complainants at SOTF hearings.	0.25	
8/13/2007	Llorente, Ernest	Client/Dept.	Advised BOS clerk on the proper response to a subpoena.	1.75	
8/14/2007	Llorente, Ernest	Hearing	Advising the Complaints Committee.	2.00	
8/15/2007	Llorente, Ernest	Memo	Begin work on the instructional memorandums in the Crossman, Ente, Lim and Grossman cases.	0.25	
8/16/2007	Llorente, Ernest	Phone	Discussion w/Deputy A.G. Krueger re: AG's position on SOTF referrals.	0.25	
8/17/2007	Llorente, Ernest	Phone	Fielded question about passive meeting notices and referred to DCA Miriam Morley who advises Mayor's Office	0.50	
8/20/2007	Llorente, Ernest	Memo	Finalized and filed memos with the SOTF.	0.25	
8/21/2007	Llorente, Ernest	Client/Dept.	Answered question posed by member Sue Cauthen re: upcoming hearings before full task force.	0.50	
8/22/2007	Llorente, Ernest	Review	Review and comment on the agenda for the full task force meeting.	0.50	
8/22/2007	Llorente, Ernest	Client/Dept.	Field questions from members Knee, Comstock and Craven regarding attendance at a social event.		

Attorney: Llorente, Ernest

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	<b>SUNSHINE TASK FORCE</b>				
8/22/2007	Llorente, Ernest	Review	Review various e-mails from Crossman, Lanier, and Grossman re: Sunshine issues that may result in complaints.	0.25	
8/24/2007	Llorente, Ernest	Review	Review new Sunshine books.	0.50	
8/24/2007	Llorente, Ernest	Review	Review e-mails from SOTF members re: meeting with the Clerk of the BOS.	0.25	
8/27/2007	Llorente, Ernest	Review	Review e-mails re: new mayoral appointment.	0.25	
8/27/2007	Llorente, Ernest	Review	Review agenda for the full task force meeting.	0.50	
8/28/2007	Llorente, Ernest	Hearing	Advising the SOTF at its regular meeting and hearings.	4.00	
8/31/2007	Llorente, Ernest	Phone	Fielded question from complainant Jeff Ente and responded by e-mail.	0.50	
8/31/2007	Llorente, Ernest	Client/Dept.	Fielded question from Chair Cornstock regarding ex officio members	0.50	
			<b>Case Total</b>	<b>24.25</b>	
			<b>Department Total</b>	<b>24.25</b>	





**For Review of  
Llorente, Ernest  
Time Verification Report covering July 2007**

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS	9600241	SUNSHINE TASK FORCE			
7/5/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: Complaint Committee Agenda.	0.25	\$0.00
7/6/2007	Llorente, Ernest	Review	Review draft O.D.'s and comment.	0.50	\$0.00
7/6/2007	Llorente, Ernest	Research	Research Charter and other ordinances per Request of Vice Chair Craven.	0.50	\$0.00
7/6/2007	Llorente, Ernest	Research	Research and retrieve cases that discuss "reasonableness in public records searches".	0.50	\$0.00
7/6/2007	Llorente, Ernest	Review	Review complaint committee agenda.	0.25	\$0.00
7/9/2007	Llorente, Ernest	Client/Dept.	E-mail to SOTF Administrator Darby re: Section 67.10.	0.25	\$0.00
7/9/2007	Llorente, Ernest	Client/Dept.	E-mailed to SOTF Administrator Darby for distribution to the CAC - the Charter & Admin. Code sec. on subpoenas	0.25	\$0.00
7/9/2007	Llorente, Ernest	Research	Research the Charter and the Administrative Code for powers of the Charter Commissions.	1.00	\$0.00
7/9/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: upcoming hearings.	0.50	\$0.00
7/9/2007	Llorente, Ernest	Review	Review Complaints Committee Agenda and supporting documents.	0.25	\$0.00
7/9/2007	Llorente, Ernest	Review	Review the numerous Kim Crossman e-mails re: pending complaints.	2.50	\$0.00
7/10/2007	Llorente, Ernest	Hearing	Advising the Complaints Committee.	2.50	\$0.00
7/11/2007	Llorente, Ernest	Hearing	Advising the CAC.	0.25	\$0.00
7/12/2007	Llorente, Ernest	Client/Dept.	E-mail response to SOTF Administrator Darby re: the minutes of the CAC meeting.	0.25	\$0.00
7/12/2007	Llorente, Ernest	Review	Reviewed and commented on the minutes of the CAC meeting.	0.50	\$0.00
7/13/2007	Llorente, Ernest	Memo	Draft e-mail memo answering questions posed by the CAC.	0.50	\$0.00
7/13/2007	Llorente, Ernest	Research	Research questions on taking oath, name change and standing to request AG opinion.	1.50	\$0.00
7/13/2007	Llorente, Ernest	Memo	Draft instructional memorandum in the Monette-Shaw v. DPH case.	0.25	\$0.00
7/16/2007	Llorente, Ernest	Client/Dept.	Discussed instructional memo in the Monette-Shaw v. SF Health Commission case.	0.25	\$0.00
7/18/2007	Llorente, Ernest	Other	Discussion w/Matt Dorsey re: status of the Warfield complaints.	0.25	\$0.00
7/18/2007	Llorente, Ernest	Phone	Provide to complainant Lim general information on procedures.	0.25	\$0.00
7/18/2007	Llorente, Ernest	Review	Reviewed e-mails from Kim Crossman and Peter Warfield re: complaints about the Library and Mayor's Office.	0.50	\$0.00
7/19/2007	Llorente, Ernest	Review	Review AG refusal to take the Kim Crossman v. Mayor's Office case following referral by SOTF.	0.25	\$0.00
7/19/2007	Llorente, Ernest	Review	Review SOTF agenda and documents.	0.50	\$0.00
7/23/2007	Llorente, Ernest	Review	Review e-mail from SOTF Administrator re: coverage for the August 14, 2007 complaint committee hearing.	0.25	\$0.00

Attorney: **Liorente, Ernest**

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	SUNSHINE TASK FORCE				
7/24/2007	Liorente, Ernest	Hearing	Advising the SOTF at its regular meeting.	3.00	\$0.00
7/24/2007	Liorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: SOTF meeting tonight.	0.25	\$0.00
7/25/2007	Liorente, Ernest	Review	Reviewed e-mails from Kim Crossman and replies from SOTF Administrator Darby re: pending complaints.	0.25	\$0.00
7/25/2007	Liorente, Ernest	Review	Reviewed e-mails from Kim Crossman to Vice Chair Craven re: refusal to send case to AG.	0.50	\$0.00
7/26/2007	Liorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: new complaints and his vacation in August to September.	0.50	\$0.00
7/27/2007	Liorente, Ernest	Letter	Prepare jurisdictional letters in the Crossman, Lim, and Erte cases.	1.50	\$0.00
7/27/2007	Liorente, Ernest	Client/Dept.	Field question from SOTF Administrator regarding passive meeting body social event. Prepare memo on issue.	0.50	\$0.00
7/30/2007	Liorente, Ernest	Review	Review e-mails regarding Crossman complaints and comments from Wayne Lanier regarding non-ref to AG.	0.25	\$0.00
7/31/2007	Liorente, Ernest	Review	Review new complaint 07059 (Paul Graham) and begin jurisdictional letter.	0.50	\$0.00
7/31/2007	Liorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: current complaints and need for jurisdictional letters.	0.25	\$0.00
7/31/2007	Liorente, Ernest	Review	Review draft letter following hearing on the Monette-Shaw v. Health Commission case.	0.25	\$0.00
				<b>22.75</b>	<b>\$0.00</b>
				<b>22.75</b>	<b>\$0.00</b>

**Case Total**  
**Department Total**

CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE - WORK PRODUCT PRIVILEGE  
Time Verification Form covering July 2007

For Review of

**Llorente, Ernest**

Time Verification Report covering June 2007

## Department: CITYWIDL Sunshine Task Force

Attorney: Llorente, Ernest

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	SUNSHINE TASK FORCE				
6/6/2007	Sanchez, Rosa	Review	rev of e-mails; rev of agenda	0.50	\$0.00
6/11/2007	Llorente, Ernest	Review	Review the agendas for the Complaint Committee and the Compliance and Amendments Committee.	0.50	\$0.00
6/11/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Sue Cauthen.	0.25	\$0.00
6/11/2007	Llorente, Ernest	Phone	TC to SOTF Administrator Darby re: complaints to be decided on Tuesday.	0.25	\$0.00
6/12/2007	Llorente, Ernest	Hearing	Advising the Complaints Committee.	1.50	\$0.00
6/12/2007	Llorente, Ernest	Review	Review e-mails re: letter to Mayor's Office following OD's.	0.25	\$0.00
6/13/2007	Llorente, Ernest	Hearing	Advising the SOTF at its special meeting.	2.00	\$0.00
6/13/2007	Llorente, Ernest	Hearing	Advising the CAC.	2.00	\$0.00
6/14/2007	Llorente, Ernest	Memo	Draft instructional memorandums.	2.25	\$0.00
6/15/2007	Llorente, Ernest	Phone	TC's w/DCA's Smith, Stewart, and Delventhal re: request by SOTF for Subpoena power.	0.50	\$0.00
6/15/2007	Llorente, Ernest	Memo	Draft instructional memos in 9 cases before the SOTF. f	2.75	\$0.00
6/18/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: instructional memos.	0.25	\$0.00
6/18/2007	Llorente, Ernest	Client/Dept.	Respond to e-mail inquiry by member Cauthen re: instructional memos.	0.25	\$0.00
6/18/2007	Llorente, Ernest	Memo	Finalize the 12 instructional memos to the Task Force.1	3.00	\$0.00
6/18/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: instructional memos.	0.25	\$0.00
6/19/2007	Owen, Thomas	Review	rev memo from A. Grossman; cw E. Llorente	0.50	\$0.00
6/19/2007	Llorente, Ernest	Review	Reviewed legal memorandum authored by Alan Grossman on the voting of substantive matters.	0.50	\$0.00
6/21/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator Darby re: new complaints.	0.50	\$0.00
6/22/2007	Llorente, Ernest	Review	Review agenda and supporting documents.	0.50	\$0.00
6/25/2007	Llorente, Ernest	Client/Dept.	Field and answer questions from member Cauthen.	0.50	\$0.00
6/25/2007	Llorente, Ernest	Research	Research whether the Municipal Executives Association's MOU with the City is still in effect.	0.25	\$0.00
6/26/2007	Llorente, Ernest	Phone	TC from DCA Salverson re: Executive Committee MOU still in effect.	0.25	\$0.00
6/26/2007	Llorente, Ernest	Hearing	Advising the SOTF at its general meeting.	7.00	\$0.00
6/26/2007	Llorente, Ernest	Client/Dept.	Consultation w/SOTF Administrator re: new complaints.	0.50	\$0.00
6/26/2007	Llorente, Ernest	Client/Dept.	Consultation w/member Cauthen re: proposed OD's and research in the question of Controller's draft reports.	0.50	\$0.00
6/27/2007	Llorente, Ernest	Client/Dept.	Debriefing the SOTF meeting w/SOTF Administrator Darby.	0.50	\$0.00
6/27/2007	Delventhal, Buck	Conference (Client/Opp.	questions.	1.00	\$0.00

**Attorney: Liorente, Ernest**

Date	Staff	Category / Payee	Remarks	Hours	Expense
AS 9600241	SUNSHINE TASK FORCE				
6/28/2007	Liorente, Ernest	Letter	Draft Jurisdictional Letter in the Kimmo Crossman cases.	1.50	\$0.00
6/29/2007	Liorente, Ernest	Letter	Prepare 10 jurisdictional letters for the SOTF Complaints Committee.	3.00	\$0.00
			<b>Case Total</b>	<b>33.50</b>	<b>\$0.00</b>
			<b>Department Total</b>	<b>33.50</b>	<b>\$0.00</b>

CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE - WORK PRODUCT PRIVILEGE

Time Verification Report covering June 2007

CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE - WORK PRODUCT PRIVILEGE

Time Verification Report covering June 2007





"Kimo Crossman"  
 <kimo@webnetic.net>  
 11/30/2007 11:36 AM

To "SOTF" <sotf@sfgov.org>  
 "Matt Dorsey" <Matt.Dorsey@sfgov.org>, "Alexis  
 Thompson" <Alexis.Thompson@sfgov.org>,  
 <home@prosf.org>, "Allen Grossman"  
 bcc  
 Subject RE: Sunshine Complaint - Attorney Billing Records

Please include the attached email as well and it's attachments showing actual billing records produced

-----Original Message-----

From: Kimo Crossman [mailto:kimo@webnetic.net]  
 Sent: Thursday, November 29, 2007 10:05 PM  
 To: 'SOTF'  
 Cc: 'Matt Dorsey'; 'Alexis Thompson'; 'home@prosf.org'; 'Allen Grossman';  
 'home@prosf.org'; 'Cityattorney'; 'Wayne Lanier';  
 'Pmonette-shaw@earthlink.net'; 'Joe Lynn'; 'Oliver Luby'; 'Dougcoms@aol.com';  
 'rak0408@earthlink.net'; 'elc@lrolaw.com'; 'Bruce Wolfe MSW'  
 Subject: Sunshine Complaint - Attorney Billing Records  
 Importance: High

Submitted on: 11/29/07

Department: City Attorney,

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date: n/A

Section(s)\_Violated:, 67.21 b, 67.21 l, 67.21-1, 6254?

Description: I requested City Attorney billing records surrounding the Newsom request for letters of resignation and they will not provide the detailed records, only a summary cost even though they invoked an extension alleging that they had to perform some redactions which they then never produced. So their extension was invalid if they were not going to provide these records.

I have included sample billing records from Ernie Llorente a attorney in their office to show that this request can be satisfied. I will include billing records that the City Attorney has produced previously.

I have also included references to a MA supreme court case regarding Attorney Work product and FOIA - as well as a Federal case regarding access to Attorney Billing records.

A federal court has observed that "the identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected" (Clarke v. American Commerce National Bank, 974 F.2d 127 (1992)).

MA Supreme Court reference  
 General Elec. Co. v. Department of Environmental Protection, 429 Mass. 798, 711 N.E.2d 589, Mass., Jun 24, 1999 Company sought information from DEP regarding proposed Superfund information on property they owned. Court held that materials that were subject to work product description were still subject to the FOIA, but that some materials could be withheld under a public policy exception.

Please include attached emails in the records for this complaint.

Hearing: Yes

Date: 11/29/07

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:

----- Message from "Christian Holmer" <mail@csrsf.com> on Fri, 30 Nov 2007 10:11:37 -0800 -----

**To:** "Kimo Crossman" <kimo@webnetic.net>

**Subj** City Attorney: Precedent Already Set By CAO: Redacted Billing Records for City  
**ect:** Attorneys By Staff / Client / Date: Immediate Disclosure Request

**From:** Christian Holmer [mailto:mail@csrsf.com]

**Sent:** Thursday, November 01, 2007 11:30 AM

**To:** 'Alexis Thompson'; 'kimo@webnetic.net'; 'linda.ross@sfgov.org'; 'Paul (Room 207) Henderson DA  
PIO'

**Cc:** 'Allen Grossman'; 'Matt.Dorsey@sfgov.org'; 'Wayne Lanier'; 'Marc Salomon';  
'Pmonette-shaw@earthlink.net'; 'staff@sf5.info'; 'Mystery Press List'; 'home@prosf.org';  
'Lholmesformayor@yahoo.com'; 'vote4mayorsf@yahoo.com'; 'asumchai@hotmail.com';  
'tonyhall@tonyformayor.org'; 'campaign@unplugthemachine.org'; 'panasiansf@yahoo.com';  
'Mike@Powerexchange.com'; 'chickenjohn@chickenjohn.com'; 'billybobwr@sbcglobal.net';  
'wolfformayor@145joshwolf.net'; 'quintin3@earthlink.net'; 'James Chaffee'; 'MARTIN L MACINTYRE';  
'MPetrelis@aol.com'; 'frandacosta@att.net'; 'Peter Warfield'; 'ndmedia@ispwest.net'

**Subject:** City Attorney: Precedent Already Set By CAO: Redacted Billing Records for City Attorneys By  
Staff / Client / Date: Immediate Disclosure Request

Alexis -

CAO Precedent and Practice: The CAO Provided Us The Attached Billing Records Files In November / December of  
2006 For DCA's Buck Delventhal, Mariam Morley, Cheryl Adams, Paul Zarefsky, Dorji Roberts Part of the CAO's  
Government Team.

I'm Particularly Interested in Linda Ross (Mayors Office DCA) Redacted Billing Records for City Attorneys By Staff /  
Client / Date  
for the Same Period Specified By Mr. Crossman. Linda Ross Advises The Mayors Office, Mayors Staff, MOC, MONS,  
MOCD Etc.

Note that The First 5 PDF's Are Not Simply Summaries of Total Hours *But* DCA Time By (Variably) Subject / Staff /  
Client / Date.

The Second File Matt Sent Includes Sample Redaction Notations. WP = Work Product Etc.

Has the City Attorney Adopted A New Formal Policy With Regard to Releasing Staff Time Summaries?  
If So May We Review A Copy?

Thanks,

Christian Holmer  
SFSM Information Clearinghouse

SFSM 2006 Sunshine Data Request Related Correspondence

Pursuant to BOS Resolution #040694

P: 415-387-7405

C: 415-336-5329

F: 415-387-5904

E: [mail@csrsf.com](mailto:mail@csrsf.com)

---

From: Alexis Thompson [<mailto:Alexis.Thompson@sfgov.org>]  
Sent: Wednesday, October 31, 2007 4:50 PM  
To: [kimo%SFGOV@sfgov.org](mailto:kimo%SFGOV@sfgov.org)  
Cc: 'Alexis Thompson'; 'Allen Grossman'; [home@prosf.org](mailto:home@prosf.org) ; 'Matt Dorsey'  
Subject: Re: Immediate Disclosure Request

In response to your immediate disclosure request (see below), we adhere to our view, as previously stated in e-mails to you, that under the circumstances the only disclosable information is the total number of hours the Office as a whole has worked on this matter, which we have provided to you. Accordingly, we decline to provide you with redacted samples of records as you have requested.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

---

From: "Kimo Crossman" [kimo@webnetic.net](mailto:kimo@webnetic.net)  
To: Alexis Thompson" <[Alexis.Thompson@sfgov.org](mailto:Alexis.Thompson@sfgov.org)>  
cc: Matt Dorsey" <[Matt.Dorsey@sfgov.org](mailto:Matt.Dorsey@sfgov.org)> , <[home@prosf.org](mailto:home@prosf.org)> , "Allen Grossman" <[grossman356@mac.com](mailto:grossman356@mac.com)>  
Subject: Immediate Disclosure Request

Immediate Disclosure Request

Please provide one sample calendar, timesheet, and billing record with legal redactions.

From: Kimo Crossman [<mailto:kimo@webnetic.net>]  
Sent: Saturday, October 27, 2007 12:27 AM  
To: 'Alexis Thompson'  
Cc: 'Matt Dorsey'; [home@prosf.org](mailto:home@prosf.org) ; 'Allen Grossman'  
Subject: RE: Requesting redacted documents 6

From: Kimo Crossman [<mailto:kimo@webnetic.net>]  
Sent: Tuesday, October 23, 2007 11:30 PM  
To: 'Alexis Thompson'  
Cc: 'Matt Dorsey'; [home@prosf.org](mailto:home@prosf.org) ; 'Allen Grossman'  
Subject: RE: Requesting redacted documents CINCO

Previously you claimed you were redacting them and invoking an extension. What was redacted?

From: Alexis Thompson [<mailto:Alexis.Thompson@sfgov.org>]  
Sent: Tuesday, October 23, 2007 12:44 PM

To: [kimo@webnetic.net](mailto:kimo@webnetic.net)  
Cc: 'Matt Dorsey'; [home@prosf.org](mailto:home@prosf.org); 'Allen Grossman'  
Subject: RE: Requesting redacted documents CINCO

Hi Kimo,

Please see answer below. There are no additional documents we can provide.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

From: Kimo Crossman [kimo@webnetic.net](mailto:kimo@webnetic.net)  
To: 'Alexis Thompson' [Alexis.Thompson@sfgov.org](mailto:Alexis.Thompson@sfgov.org)  
Sent: 10/23/2007 01:47 AM  
Cc: Matt Dorsey [Matt.Dorsey@sfgov.org](mailto:Matt.Dorsey@sfgov.org) , [home@prosf.org](mailto:home@prosf.org) , "Allen Grossman" [grossman356@mac.com](mailto:grossman356@mac.com)  
Subject  
RE: Requesting redacted documents CINCO

Alexis/Matt - how about it?

From: Kimo Crossman [<mailto:kimo@webnetic.net>]  
Sent: Saturday, October 20, 2007 9:48 PM  
Tuesday, October 16, 2007 10:17 PM  
Saturday, October 13, 2007 2:43 PM  
Sent: Tuesday, October 09, 2007 5:00 PM  
To: 'Alexis Thompson'  
Cc: 'Matt Dorsey'  
Subject: RE: City Attorney: Sunshine and Press Requests, Week Ending Oct. 5, 2007

Please provide the redacted documents

From: Alexis Thompson [<mailto:Alexis.Thompson@sfgov.org>]  
Sent: Tuesday, October 02, 2007 5:23 PM  
To: [kimo@webnetic.net](mailto:kimo@webnetic.net)  
Cc: Matt Dorsey  
Subject: Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----  
"Kimo Crossman" <kimo@webnetic.net>  
10/02/2007 05:32 PM

To  
"Alexis Thompson" <Alexis.Thompson@sfgov.org>  
cc  
"Matt Dorsey" <Matt.Dorsey@sfgov.org>  
Subject  
RE: Response to your request of 9.18.2007

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

From: Alexis Thompson [mailto:Alexis.Thompson@sfgov.org]  
Sent: Tuesday, October 02, 2007 5:23 PM  
To: kimo@webnetic.net  
Cc: Matt Dorsey  
Subject: Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon, I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege

(see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal. Code Civ. Pro. Sec. 2018.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>

----- Forwarded by Matt Dorsey/CTYATT on 10/08/2007 09:29 AM -----

From: Kimo Crossman [<mailto:kimo@webnetic.net>]  
Sent: Tuesday, October 02, 2007 5:33 PM  
To: 'Alexis Thompson'  
Cc: 'Matt Dorsey'  
Subject: RE: Response to your request of 9.18.2007

Why is the names of attorney's and clients redactable? I don't believe that is valid.

Also please provide relevant redacted calendars of attorney's involved in this issue.

From: Alexis Thompson [<mailto:Alexis.Thompson@sfgov.org>]  
Sent: Tuesday, October 02, 2007 5:23 PM  
To: [kimo@webnetic.net](mailto:kimo@webnetic.net)  
Cc: Matt Dorsey  
Subject: Response to your request of 9.18.2007

Dear Kimo,

Because Matt is out this afternoon I am responding on behalf of our Office.

This e-mail responds to your e-mail of September 18, 2007 seeking "all legally redacted calendars, e-mails, time sheets and billing records regarding the Newsom mass resignation request." We are in the process of reviewing our records from September 10, 2007 through the present date reflecting this Office's work and advice on the "Newsom mass resignation request."

With respect to your request for e-mails, we have withheld all e-mails pertaining to your request on the basis either of attorney-client privilege (see Cal. Evid Code Sec. 954) or the attorney work product doctrine (see Cal.

Code Civ. Pro. Sec. 2019.030) See generally Cal. Gov. Code Sec. 6254(k).

With respect to your request for calendars, time sheets and billing records, we are withholding the individual records because under the circumstances, disclosure of individual calendar entries, time sheets and billing records would reveal which departments or officials sought legal advice from this Office on this matter and would thereby compromise the attorney client privilege. In addition, some aspects of the billing records constitute attorney work product.

Given that we must redact the names of the attorney and the department or official on each billing record, the only disclosable information is the number of hours worked on this matter. Accordingly, we are in the process of compiling a comprehensive summary of the number of hours this Office has spent on its work and advice concerning "the Newsom mass resignation request." Unfortunately, this process is not complete today but we anticipate that it will be completed tomorrow.

Best,  
ALEXIS THOMPSON  
Deputy Press Secretary

-----  
OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4653 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY



<http://www.sfgov.org/cityattorney/>

BD.PDF MM.PDF CA.PDF FZ.PDF DR.PDF

----- Message from "Christian Holmer" <mail@csrsf.com> on Wed, 31 Oct 2007 16:56:12 -0800 -----

**To:** <home@prosf.org>

**Subject:** City Attorney: Requested Redaction Notations - Samples

**From:** Matt Dorsey [mailto:Matt.Dorsey@sfgov.org]

**Sent:** Friday, December 01, 2006 4:19 PM

**To:** mail@csrsf.com

**Subject:** Requested redaction notations

Hey Christian,

Regarding the redacted time billing information that we provided to you on November 21, 2006, you have asked for a notation or specific exemption for each redaction pursuant to Administrative Code Section 67.26.

Several of the redactions we made were based solely on the attorney work product privilege. California Code of Civil Procedure Section 2018.030 protects from disclosure the work product of an attorney. In another instance, we relied on San Francisco Charter Section C 3.699-13 (providing for the confidentiality of Ethics Commission investigations). We have enclosed copies of the records that contain these redactions, with the basis for each redaction noted. Please note that "WP" indicates the attorney work product privilege.

Except as just described, all of the items redacted are protected from disclosure under the attorney-client privilege. As we noted in the email message sent to you on November 1, 2006 when the redacted time billing records were electronically transmitted, the Public Records Act permits public agencies to refuse to

disclose records the disclosure of which is exempted or prohibited pursuant to federal or state law, including provisions of the Evidence Code relating to privilege. California Government Code Section 6254(k). California Evidence Code Section 954 protects from disclosure communications between attorneys and their clients. In many cases, the information redacted may also be protected by the attorney work product privilege.

I'm going to give you a call to follow up on your other questions. Cool?

Thanks!

Best,  
MATT DORSEY

---

OFFICE OF CITY ATTORNEY DENNIS HERRERA  
San Francisco City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4682

(415) 554-4662 Direct  
(415) 554-4700 Reception  
(415) 554-4715 Facsimile  
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>



REDACT.PDF





"Kimo Crossman"  
 <kimo@webnetic.net>  
 11/30/2007 11:38 AM

To "Kimo Crossman" <kimo@webnetic.net>, "SOTF"  
 <soff@sfgov.org>  
 "Matt Dorsey" <Matt.Dorsey@sfgov.org>, "Alexis  
 Thompson" <Alexis.Thompson@sfgov.org>,  
 <home@prosf.org>, "Allen Grossman"  
 bcc  
 Subject RE: Sunshine Complaint - Attorney Billing Records

And this attached email with attachments as well.

-----Original Message-----

From: Kimo Crossman [mailto:kimo@webnetic.net]  
 Sent: Friday, November 30, 2007 11:37 AM  
 To: 'SOTF'  
 Cc: 'Matt Dorsey'; 'Alexis Thompson'; 'home@prosf.org'; 'Allen Grossman';  
 'home@prosf.org'; 'Cityattorney'; 'Wayne Lanier';  
 'Pmonette-shaw@earthlink.net'; 'Joe Lynn'; 'Oliver Luby'; 'Dougcoms@aol.com';  
 'rak0408@earthlink.net'; 'elc@lrolaw.com'; 'Bruce Wolfe MSW'; 'Thomas Peele'  
 Subject: RE: Sunshine Complaint - Attorney Billing Records

Please include the attached email as well and it's attachments showing actual  
 billing records produced

-----Original Message-----

From: Kimo Crossman [mailto:kimo@webnetic.net]  
 Sent: Thursday, November 29, 2007 10:05 PM  
 To: 'SOTF'  
 Cc: 'Matt Dorsey'; 'Alexis Thompson'; 'home@prosf.org'; 'Allen Grossman';  
 'home@prosf.org'; 'Cityattorney'; 'Wayne Lanier';  
 'Pmonette-shaw@earthlink.net'; 'Joe Lynn'; 'Oliver Luby'; 'Dougcoms@aol.com';  
 'rak0408@earthlink.net'; 'elc@lrolaw.com'; 'Bruce Wolfe MSW'  
 Subject: Sunshine Complaint - Attorney Billing Records  
 Importance: High

Submitted on: 11/29/07

Department: City Attorney,

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date: n/A

Section(s)\_Violated:, 67.21 b, 67.21 l, 67.21-1, 6254?

Description: I requested City Attorney billing records surrounding the Newsom  
 request for letters of resignation and they will not provide the detailed  
 records, only a summary cost even though they invoked an extension alleging  
 that they had to perform some redactions which they then never produced. So  
 their extension was invalid if they were not going to provide these records.

I have included sample billing records from Ernie Llorente a attorney in their  
 office to show that this request can be satisfied. I will include billing  
 records that the City Attorney has produced previously.

I have also included references to a MA supreme court case regarding Attorney  
 Work product and FOIA - as well as a Federal case regarding access to Attorney  
 Billing records.

A federal court has observed that "the identity of the client, the amount of  
 the fee, the identification of payment by case file name, and the general  
 purpose of the work performed are usually not protected"  
 (Clarke v. American Commerce National Bank, 974 F.2d 127 (1992)).

MA Supreme Court reference

General Elec. Co. v. Department of Environmental Protection, 429 Mass. 798, 711 N.E.2d 589, Mass., Jun 24, 1999 Company sought information from DEP regarding proposed Superfund information on property they owned. Court held that materials that were subject to work product description were still subject to the FOIA, but that some materials could be withheld under a public policy exception.

Please include attached emails in the records for this complaint.

Hearing: Yes

Date: 11/29/07

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:

----- Message from "Ernest Llorente" <Ernest.Llorente@sfgov.org> on Fri, 30 Nov 2007 09:37:49 -0800 -----

**To:** <kimo@webnetic.net>

<Dougcoms@aol.com>, "Allen Grossman" <grossman356@mac.com>,

<home@prosf.org>, <info@whatsrightwithlawyers.com>, <rak0408@earthlink.net>,

**cc:** <rosa.sanchez@sfgov.org>, "Sue Cauthen" <SCau1321@aol.com>, "Bruce Wolfe MSW" <sof@brucewolfe.net>, "SOTF" <sof@sfgov.org>

**Subj Re:** STILL OVERDUE: Immediate Disclosure Request - Billing records and Timesheet

**ect:** info for Sunshine Task Force legal counsel

Mr. Crossman,

I just received my time verification report for the month of October yesterday from the IS division. The report has been reviewed by my office and we are releasing it without any redactions. Thank you for your patience in this matter.

Ernie Llorente

Ernest H. Llorente  
Deputy City Attorney  
Tel: (415) 554-4236  
Fax: (415) 437-4644

"Kimo Crossman"  
<kimo@webnetic.net>

To "Ernest Llorente" <Ernest.Llorente@sfgov.org>, <rosa.sanchez@sfgov.org>  
cc "Allen Grossman" <grossman356@mac.com>, <home@prosf.org>, <Dougcoms@aol.com>,

11/29/2007 12:10 AM

<info@whatsrightwithlawyers.com>, <rak0408@earthlink.net>, "Sue Cauthen"  
<SCau1321@aol.com>, "SOTF" <sotf@sfgov.org>, "Bruce Wolfe MSW"  
<sotf@brucewolfe.net>

Subject STILL OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for  
Sunshine Task Force legal counsel

Still awaiting the October report, attached is for prior months

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, November 16, 2007 5:28 PM  
**To:** 'Ernest Llorente'  
**Cc:** 'Allen Grossman'; 'home@prosf.org'  
**Subject:** RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine  
Task Force legal counsel

Mr. Llorente:

Thank you for the update. How long does it usually take to get an end of month report? It is now 11/16

**From:** Ernest Llorente [mailto:Ernest.Llorente@sfgov.org]  
**Sent:** Friday, November 16, 2007 11:35 AM  
**To:** kimo@webnetic.net  
**Subject:** RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine  
Task Force legal counsel

Hi Mr. Crossman,  
I still haven't received the October report. I wish to advise you that I will not be in the office on Monday,  
November 19th and Tuesday, November 20th. I plan to be in the office on Wednesday, November 21st  
and will be out for Thanksgiving on November 22nd and 23rd. I have to take care of personal medical  
issues. I plan to have my instructional memos to the Task Force reviewed by DCA Sanchez and go out in  
the regular course of business.

Ernie

Ernest H. Llorente  
Deputy City Attorney  
Tel: (415) 554-4236  
Fax: (415) 437-4644

"Kimo Crossman"  
<kimo@webnetic.net>

To "Ernest Llorente" <Ernest.Llorente@sfgov.org>

cc

11/15/2007 07:02 PM

Subject RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for  
Sunshine Task Force legal counsel

Have you gotten the October report?

thanks

**From:** Ernest Llorente [mailto:Ernest.Llorente@sfgov.org]  
**Sent:** Tuesday, November 06, 2007 2:42 PM  
**To:** kimo@webnetic.net  
**Subject:** RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine Task Force legal counsel

Mr. Crossman,

Attached are my time verification reports from June 2007 through September 2007. For your information, nothing in my reports were redacted. The October reports are still being compiled and I hope to receive them in the next few days. I do not have a time sheet records that do not require end of the month processing. Once I get the October report, I will have them reviewed and released to you.

Ernie

Ernest H. Llorente  
Deputy City Attorney  
Tel: (415) 554-4236  
Fax: (415) 437-4644

"Kimo Crossman"  
<kimo@webnetic.net>

11/05/2007 07:31 PM

To "Ernest Llorente" <Ernest.Llorente@sfgov.org>  
cc  
Subjec RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for  
t Sunshine Task Force legal counsel

Please provide your timesheet records that do not require end of month processing

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Monday, November 05, 2007 5:33 PM  
**To:** 'Ernest Llorente'  
**Subject:** RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine Task Force legal counsel

Please provide information on a daily incremental basis

**From:** Ernest Llorente [mailto:Ernest.Llorente@sfgov.org]  
**Sent:** Monday, November 05, 2007 4:29 PM  
**To:** kimo@webnetic.net  
**Subject:** RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine Task Force legal counsel

Mr. Crossman,  
My time billing entries are being extracted and reviewed for possible redactions and legal justifications for any redactions. I hope to have most of the data for you tomorrow. Please be advised that the October billing statements are still being generally processed and will have to go through a review process once I received them.  
Ernie

Ernest H. Llorente  
Deputy City Attorney  
Tel: (415) 554-4236  
Fax: (415) 437-4644

"Kimo Crossman"  
<kimo@webnetic.net>

11/02/2007 04:13 PM

To "Ernest Llorente" <Ernest.Llorente@sfgov.org>  
cc "SOTF" <sotf@sfgov.org>  
Subject RE: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for t Sunshine Task Force legal counsel

OK

**From:** Ernest Llorente [mailto:Ernest.Llorente@sfgov.org]  
**Sent:** Friday, November 02, 2007 2:04 PM  
**To:** kimo@webnetic.net  
**Cc:** 'SOTF'  
**Subject:** Re: OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for Sunshine Task Force legal counsel

Mr. Crossman,  
Although you send this as an over due request, this 11/2/07 request is the first one that I have seen. I will have an answer for you by the end of the business day on Monday, 11/5/07. Thanks.  
Ernie

Ernest H. Llorente  
Deputy City Attorney  
Tel: (415) 554-4236  
Fax: (415) 437-4644

"Kimo Crossman"  
<kimo@webnetic.net>

11/02/2007 02:13 AM

To "Ernest Llorente" <Ernest.Llorente@sfgov.org>  
cc "SOTF" <soft@sfgov.org>  
Subjec OVERDUE: Immediate Disclosure Request - Billing records and Timesheet info for  
t Sunshine Task Force legal counsel

**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Monday, October 29, 2007 10:13 PM  
**To:** 'Ernest Llorente'  
**Cc:** 'SOTF'  
**Subject:** Immediate Disclosure Request - Billing records and Timesheet info for Sunshine Task Force legal counsel

Immediate Disclosure Request

I am interested in determining how much time is spent by the City Attorney's office supporting Sunshine matters.

Under Sunshine, CPRA and Prop 59.

I am requesting billing records, timesheets and other records which would document any time spent by Ernie Llorente or counsel working in place of him on Sunshine Taskforce matters from June of 2007 through October 25, 2007. I am not interested in email or paper correspondence.

Please footnote all legal redactions per Sunshine. Please provide records in their original electronic format or as scanned PDF if only exists in paper. Please provide records on a daily incremental basis per Sunshine.



timel000.pdf



timelist2.pdf

# SUNSHINE ORDINANCE TASK FORCE

## Support Documents Replacement Form

The documents this form replaces exceeds 75 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

: **File #07095** – **Kimo Crossman** **vs.** **City Attorney**

FROM: **Kimo Crossman (On CD)**

- BD**
- CA**
- DR**
- MM**
- PZ**
- Redact**
- Timel000**
- Timelist2**

( 117 pgs )

This list reflects the explanatory documents provided.

Completed by: Frank Darby

Date: December 12, 2007



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA  
City Attorney

PAUL ZAREFSKY  
Deputy City Attorney

DIRECT DIAL: (415) 554-4652  
E-MAIL: paul.zarefsky@sfgov.org

December 31, 2007

Honorable Members, Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Administrator  
Office of the Clerk, Board of Supervisors  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Re: Complaint No. 07095  
Kimo Crossman v. City Attorney's Office


Dear Task Force Members:

This letter addresses the jurisdiction of the Task Force over the subject complaint. We acknowledge that the Task Force has jurisdiction. However, in our view, this complaint should be dismissed on the merits. We will supplement this letter with a subsequent letter addressing the merits of the complaint.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
PAUL ZAREFSKY  
Deputy City Attorney

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2007 DEC 31 PM 3:17  
BY 



kimo <kimo@webnetic.net>  
Sent by:  
kimocrossman@gmail.com

12/27/2007 08:00 PM

Please respond to  
kimo@webnetic.net

To SOTF <sotf@sfgov.org>, "Dougcoms@aol.com"  
<Dougcoms@aol.com>, "Richard A. Knee"  
<rak0408@earthlink.net>, "Erica Craven"  
"Allen Grossman" <grossman356@mac.com>, "Peter  
cc Warfield" <libraryusers2004@yahoo.com>, "Wayne Lanier"  
<w\_lanier@pacbell.net>, "Christian Holmer"  
bcc  
Subject SOTF Hearing Reminder: January 8, 2008 - Crossman  
attendance limited Please Advise

SOTF Administrator and SOTF members

I have a doctors appointment that cannot be rescheduled at 5:30 on 1/8/07 so I am asking that any items that require my participation be completed by 5pm otherwise I am asking for a continuance on those matters. Also I would be free later in the evening, I could address matters before you from 7:30pm on as well.

Please advise so that I can prepare for items of mine that will be heard that evening.