

LARA WEISIGER

From: Michael Roush
Sent: Tuesday, August 21, 2018 5:28 PM
To: LARA WEISIGER
Subject: FW: James Howley Sunshine Ordinance Complaint, Filed July 11, 2018: City of Alameda Open Government Commission Case No. 18-01

Lara, Not sure whether you were going to attend tonight's meeting but would you alert the OGC that the Howley complaint has been withdrawn (without prejudice) so tonight's meeting can be cancelled (see email string below). I still plan on showing up at 7 in case not everyone gets the message. Thanks Michael

From: Alan Cohen
Sent: Tuesday, August 21, 2018 5:24 PM
To: Michael Roush <mroush@alamedacityattorney.org>
Subject: FW: James Howley Sunshine Ordinance Complaint, Filed July 11, 2018: City of Alameda Open Government Commission Case No. 18-01

Hi Michael,

As discussed, we have resolved Mr. Howley's Complaint.

From: Alan Cohen
Sent: Tuesday, August 21, 2018 5:22 PM
To: 'Kevin Hubbard' <khubbard@medinaorthwein.com>
Cc: Felicia Medina <fmedina@medinaorthwein.com>; Jennifer Orthwein <jorthwein@medinaorthwein.com>; Elizabeth Connely <econnely@medinaorthwein.com>
Subject: RE: James Howley Sunshine Ordinance Complaint, Filed July 11, 2018: City of Alameda Open Government Commission Case No. 18-01

I am confirming that your understanding of our agreement is correct. We will notify the Commission that Mr. Howley has withdrawn his sunshine ordinance complaint without prejudice. I will prepare a confidentiality agreement based upon the terms described in your email and look forward to meeting with you in the near future.

From: Kevin Hubbard [<mailto:khubbard@medinaorthwein.com>]
Sent: Tuesday, August 21, 2018 5:18 PM
To: Alan Cohen <acohen@alamedacityattorney.org>
Cc: Felicia Medina <fmedina@medinaorthwein.com>; Jennifer Orthwein <jorthwein@medinaorthwein.com>; Elizabeth Connely <econnely@medinaorthwein.com>
Subject: James Howley Sunshine Ordinance Complaint, Filed July 11, 2018: City of Alameda Open Government Commission Case No. 18-01

Dear Mr. Cohen,

Thank you for speaking with me earlier this afternoon. As we discussed, my firm represents James Howley, for whom the City of Alameda Open Government Commission has a hearing scheduled tonight with respect to his Sunshine Ordinance Complaint Filed July 11, 2018.

Per our discussion, Mr. Howley agrees to withdraw his Sunshine Ordinance Complaint, without prejudice to its renewal, on the following terms:

The City of Alameda, through the Alameda City Attorney's Office, will allow Mr. Howley and his attorneys to review the first category of information sought in his Sunshine Ordinance complaint related to his arrest on February 18, 2018, including any body camera footage, only in an effort to resolve Mr. Howley's California Tort Claim Act claims. In order to review the information, Mr. Howley will agree to sign a confidentiality agreement, provided that such an agreement does not limit Mr. Howley's ability to use the information in litigation if the matter does not resolve. Mr. Howley understands that the second category of his Sunshine Ordinance Request, the *Pitchess* information regarding officers' personnel files, will not be produced as part of this agreement nor will he have the opportunity to review such information at this time.

In light of this agreement with the Alameda City Attorney, Mr. Howley agrees that his Sunshine Ordinance hearing before the Open Government Commission tonight should be taken off calendar, provided that the City will not later contend that his Sunshine Ordinance Complaint is untimely or has otherwise been waived in the event the parties are unable to finalize the agreement.

If you agree with the above characterization of our agreement, please send me a short email to confirm. Upon receipt of that email, we will inform our client that he should not attend the Open Government Commission meeting this evening.

Thank you,
Kevin

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