

Jill E. Clark

From: Jill E. Clark
Sent: Friday, September 04, 2009 7:52 AM
To: sara.lathrop@ci.minneapolis.mn.us
Cc: Moore, James A.
Subject: Communications

Plaintiffs have continued to analyze the issues surrounding Sgt. Ritschel's representation to Dale Hanson that he could go ahead and peruse the 2 disks that contained Stepnes' imaged hard-drives.

I am sure you appreciate that serious issues are involved in this matter. Under the circumstances, Plaintiffs deem it appropriate to request communications between Ritschel and the Minneapolis City Attorney's Office – on this issue. (For example, Ritschel's communication to Ms. Lathrop that Judge Porter had approved the MPD perusal of the disks (in all of its iterations), and communications by counsel to ensure that the court order was being followed.

We need this information to be able to analyze the issue fully, and we believe the court(s) will need it as well.

This is not "normal" discovery, but information of this type has been ordered in discovery, for example when courts are dealing with spoliation issues. See, e.g., Major Tours, Inc. v. Colorel, 2009 WL 2413631 (D.N.J. 2009). In that case, the "hold" communications from lawyer to client were ordered disclosed, in furtherance of a spoliation motion. By analogy, Plaintiffs are requesting this information in furtherance of their motion for sanctions for viewing contents of the hard-drives in violation of a standing state court order.

If you have questions, please let me know. We would like to obtain these documents by September 9, 2009, as we have a September 10, 2009 filing deadline.

Thank you,

Jill Clark
Jill Clark, P.A.
(O) 763 417-9102
From home computer

Exhibit 24