

Jill E. Clark

From: Jill E. Clark
Sent: Sunday, September 06, 2009 7:29 AM
To: sara.lathrop@ci.minneapolis.mn.us
Cc: 'Michael Sullivan'; 'Borger, John P.'; Moore, James A.
Subject: Attorney-client privilege violated

Ms. Lathrop,

We spent about 12 hours yesterday reviewing the "Forensic report." Due to the high volume of data obtained illegally by the MPD, we were only able to perform a cursory review. **Even this cursory review netted about 45 attorney-client privileged emails.** There are numerous other emails between Stepnes and his attorneys, which would need to be analyzed in order to determine whether he would assert a privilege.

By just going ahead and using the imaging disks, the MPD deprived Stepnes from being able to make that review and make argument as to privilege.

Further, numerous emails are not discoverable. The City-defendants and their counsel have invaded Mr. Stepnes' privacy, and the privacy of numerous other individuals.

You must immediately cease and desist any review, viewing or use of any emails or other data from Stepnes' hard-drives. (My thanks to the CBS attorneys for putting the disk(s) that they received away and not viewing them.)

Ms. Lathrop, you further made a misrepresentation to me that Judge Porter had reviewed the disks and authorized their perusal by the MPD. My client relied on this to his detriment. Mr. Stepnes needs to know who told you that Judge Porter had released the disks, and what due diligence you did to ensure that he had – particularly in light of the red flags that I was raising.

Finally, please immediately respond to my emails of September 3 & 4, 2009, including but not limited to the request (now a demand) that the City Attorney's Office collect all of the versions of the Stepnes computer hard-drives that the MPD has (whether disk, external hard-drive or online).

Jill Clark

Jill Clark, P.A.

(O) 763 417-9102

From home computer

Exhibit 26