

Jill E. Clark

From: Jill E. Clark
Sent: Wednesday, September 09, 2009 10:58 AM
To: sara.lathrop@ci.minneapolis.mn.us
Cc: Michael Sullivan; 'jmoore0415@yahoo.com'; 'Jeanette Bead'; 'Borger, John P.'
Subject: Please provide

Anything in writing that substantiates your recent claim that Peter Ritschel thought that the Judge would only say don't go into the computer data unless he says you cannot (not verbatim).

Given the email strings that I have now reviewed, this purported "understanding" of Ritschel is challenged. None of his 2008 emails supports this now-conveniently-claimed "misunderstanding." Please provide any evidence that you have that supports that this is accurate. Given that you have relayed this communication from Ritschel to yourself (his attorney), you have waived any attorney-client privilege on this topic. It is not fair to make the statement about what Ristchel said, without letting us get behind that statement to test its validity.

Further, please be on notice that we indeed, as soon as possible, to put Sgt. Ritschel under oath (either in a court proceeding or a deposition) at which time if he says anything different from the way in which you have articulated what he said, you are a witness. Further, you are put on heightened notice of your duty not to suborn perjury.

Further, this is written notice that Plaintiffs have analyzed this issue, and we believe that you have a conflict of interest with Sgt. Ritschel, and need to withdraw as his counsel. In the first instance, it is my practice to provide the attorney with this analysis (if you need me to explain more please let me know), and allow the attorney to judge for herself whether she thinks that there is a conflict. Please let me know what you think. We will wait an appropriate time before we take any action, but given the circumstances – that may well be short.

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