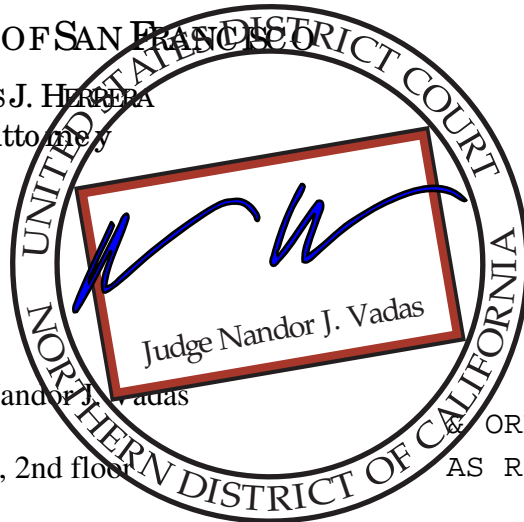


CITY AND COUNTY OF SAN FRANCISCO



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November 7, 2013

Magistrate Judge Nandor J. Vadas
Eureka Courthouse
514 H Street, 205A, 2nd floor
Eureka, CA 95501

ORDER GRANTING TWO WEEK EXTENSION
AS REQUESTED IN PARAGRAPH 6.

DATED: November 8, 2013

Re: *Gail Harper v. Ryan Lugbauer, et al.*
USDC Case No: C11-1306 JST (NJV)

Dear Judge Vadas:

I write in compliance with your October 17, 2013 Order (Dkt. No. 228), which requested that the City search for certain documents in response to Plaintiff's Motion to Compel (Dkt. No. 179).

1. The City conducted a diligent search for "two reports [that] appeared to be missing from the City's production (dated 7/7/2007 and 5/12/2012)" (Dkt. No. 228 at 2). The City had already produced a police incident report dated 5/12/2012 in its initial document production to Plaintiff. After searching for an incident report dated 7/7/2007, the City located a police incident report that was dated 10/16/07 but concerned a 7/7/2007 incident. This report has been produced to Plaintiff.

2. The City conducted a diligent search for "any complaints [that] have been made about, or disciplinary actions taken against, Tennenbaum for preventing persons from filing complaints of any kind" (Dkt. No. 228 at 3). No such complaints or disciplinary actions were discovered.

3. The City conducted a diligent search for "documents relating to policies and procedures regarding investigation and reporting of sexual assault at the time Plaintiff reported the incident (2006)" (Dkt. No. 228 at 3) and identified General Order 6.16, which was already produced to Plaintiff. The copy produced to Plaintiff was revised August 6, 2008. The City therefore produced to Plaintiff the earlier version of General Order 6.16, which was in effect in 2006.

4. The City conducted a diligent search for "documents relating to any audit/independent review of the investigation and reporting of sexual assaults (RFPD 24) conducted in the years 2005-2007" (Dkt. No. 228 at 3-4). No such documents were discovered.

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5. The City conducted a diligent search for a document that "defines the term 'unfounded' as it was used in the context of sexual assault complaints in 2006" (Dkt. No. 228 at 4) and produced to Plaintiff the Uniform Crime Reporting Handbook section that defines this term.

6. The City is conducting a diligent search into any "complaints made about SFPD officers relating to their failure to properly investigate reports of sexual assaults between 2005 and 2007, and any disciplinary actions taken against SFPD officers relating to their failure to properly investigate reports of sexual assaults between 2005 and 2007" (Dkt. No. 228 at 4). The City requests an additional two weeks to respond to this item as efforts to locate such records, if they exist, are still ongoing. Good cause exists for additional time in that all complaints in this time frame that are broadly classified must be individually reviewed to determine whether they pertain to sexual assault reports.

7. The City conducted a diligent search for "incident reports . . . for the period 2005 to 2007 . . . [against Ryan Lugauber for] sexual assault or stalking" (Dkt. No. 228 at 4). Other than the incident reports filed by Plaintiff, which were already produced to her, no additional reports were found.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Elizabeth Pederson
ELIZABETH PEDERSON
Deputy City Attorney