

THE RYAN FIRM

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February 28, 2017

**SENT VIA CERTIFIED MAIL
AND ELECTRONIC MAIL**

OC Community Resources
Attn: David Kim
1770 N. Broadway
Santa Ana, CA 92706
e-mail: david.kim@occr.ocgov.com

Re: Public Records Act Request #17-0134
Our client: Ryan, Timothy M.
Our File Number: 9281-0001

Dear Mr. Kim,

Our office has been retained to obtain the above records. As you note in your letter of February 28, 2017, the Orange County Clerk received the above Public Records Act Request on February 15, 2017, and responded today. The request sought all information regarding the assessment and work done related to Laguna Ridge Trail in Laguna Coast Wilderness park from January 1, 2014 to February 15, 2017.

The records that you provided contain two e-mails from 2015 wherein an OC Parks employee invites another OC Parks employee to lunch, and to look at Laguna Ridge Trail and the 2015 ANNUAL PROGRESS REPORT and 2016 ANNUAL WORK PLAN NATURAL COMMUNITY CONSERVATION PLAN (NCCP) and HABITAT CONSERVATION PLAN (HCP) IMPLEMENTATION AGREEMENT (IA), SECTION 4.4.5.

The response does not include a single document that responds to our client's request. You then invoke the deliberative process privilege to preclude production of any other records. The deliberative process privilege is appropriately invoked when the public interest served by non-disclosure outweighs the public interest served by disclosure. *Coronado Police Officers Assn. v. Carroll* (2003, Cal App 4th Dist) 106 Cal App 4th 1001, 131 Cal Rptr 2d 553, 2003 Cal App LEXIS 331, review denied, (2003) 2003 Cal. LEXIS 3554. We find it hard to fathom how keeping the deliberative process

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for decisions regarding destruction of a trail in a sensitive habitat area with a backhoe secret from the public is in the public interest.

If this decision is not reconsidered and if the records are not produced, our client has instructed us to file the necessary litigation to obtain this information. If you need longer than a week to come to a decision regarding the above, please let us know and we will consider withholding filing our lawsuit while you review the issues.

Very truly yours,

THE RYAN FIRM
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A handwritten signature in blue ink, appearing to read "Timothy M. Ryan", followed by a horizontal line.

TIMOTHY M. RYAN
tryan@theryanfirm.com

TMR: