

From: David Waggoner <davidpwaggoner@gmail.com>
To: Scott Emblidge <emblidge@mesllp.com>
Cc: Mardoux Torrise <torrise@mesllp.com>, "John St.Croix" <john.st.croix@sfgov.org>, Mabel Ng <Mabel.Ng@sfgov.org>, Peter Keith <peter.keith@sfgov.org>, Sherri Kaiser <sherri.kaiser@sfgov.org>, Shepard Kopp <shep@shepardkopplaw.com>

Date: Tuesday, May 15, 2012 06:31PM
Subject: Re: Request for Protective Order

Mr. Emblidge,

The basis for my assertion is the papers (Order, Motion, Opposition, Reply) forwarded to you by Ms. Kaiser. While it is true that Judge Wong's order does not explicitly contain limitations, per se, it is clear that the order would not have happened were it not for the official misconduct charges filed by the Mayor. Thus, Judge Wong's order occurred in the context of the impending hearing(s). If Judge Wong intended for the video to be public, that is certainly not clear in his order. Any ambiguity should be resolved in favor of protecting the privacy rights of Ms. Lopez.

I would also add that the Sheriff could have sought to have these entire proceedings kept confidential, but chose not to do so in the public interest. However, there is no public interest in the City Attorney releasing a video to the public over the strenuous objections of Ms. Lopez.

The Commission may hold hearings, make a recommendation, and create a record without the public release of the video in question. Simply because the Sheriff waived his right to seek to have this entire process kept confidential does not mean that every piece of evidence or possible evidence should be in the public domain.

Please let me know should you have further questions or require additional information.

Best Regards,

David Waggoner

On Tue, May 15, 2012 at 5:33 PM, Scott Emblidge <emblidge@mesllp.com> wrote:

Mr. Waggoner:

I will discuss this matter with the Chairperson. If the judge issued a written order, please provide me with a copy as soon as possible. Your letter states "Judge Wong ordered the release of the video to the City Attorney for the limited purpose of the Ethics Commission hearings." What is the basis for that assertion?

Thank you.

G. Scott Emblidge
MOSCONE EMBLIDGE & SATER LLP
220 Montgomery Street, Suite 2100
San Francisco, California 94104
Tel. [\(415\) 362-3599](tel:(415)362-3599) Fax. [\(415\) 362-2006](tel:(415)362-2006)

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From: David Waggoner [mailto:davidpwaggoner@gmail.com]
Sent: Tuesday, May 15, 2012 5:28 PM
To: Scott Emblidge; Mardoux Torrise; John St.Croix; Mabel Ng
Cc: Peter Keith; Sherri Kaiser; Shepard Kopp
Subject: Request for Protective Order

Dear Mr. Emblidge,

Please find a Request for Protective Order attached. Please transmit this Request to the Chairperson as soon as possible.

Thank you,

David Waggoner

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David P. Waggoner, Esq.

2079 Market Street, # 1

San Francisco, CA 94114

[\(415\) 305-7708](tel:(415)305-7708)

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David P. Waggoner, Esq.
2079 Market Street, # 1
San Francisco, CA 94114
[\(415\) 305-7708](tel:(415)305-7708)

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