



JAN I. GOLDSMITH
SAN DIEGO CITY ATTORNEY

July 16, 2013

Via Electronic Transmission
and U.S. Mail

Harvey C. Berger, Esq.
Pope, Berger & Williams LLP
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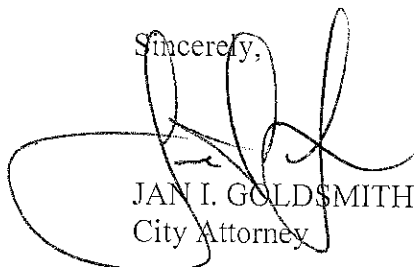
Dear Mr. Berger:

It is my understanding that you are representing Bob Filner in connection with accusations of harassment that have been made against him. The enclosed letter of July 12 requested that he provide certain information to me in connection with those accusations. As you know, I have retracted that request in light of your representation and the obligation to communicate through legal counsel.

The request arises out of the City's obligation as an employer to investigate and take temporary steps. We ask for your cooperation on both accounts. The temporary steps would include an enforced policy that the mayor does not meet alone with one woman on city business or in a city building.

It is my understanding that Mr. Filner has retained you at his own expense. He is not authorized to retain you at the City's expense. As you know, cases have consistently held that sexual misconduct falls outside the course and scope of employment. Should an action or proceeding be filed, the City will determine whether to provide a defense.

Sincerely,



JAN I. GOLDSMITH
City Attorney

JG:cbs

cc: *(Via Electronic Transmission)*
Paul Cooper, Assistant City Attorney
Joe Cordileone, Chief Deputy City Attorney