

# Office of the Los Angeles City Attorney

GENERAL COUNSEL PRACTICE GROUP

700 City Hall East, 200 North Main Street

Los Angeles, California 90012-4157

## FACSIMILE COVER SHEET

**TO:**

Fredric Woocher, Esq.  
Strumwasser & Woocher, LLP

Telephone: (310) 576-1233

Facsimile: (310) 319-0156

**DATE:** July 10, 2009

**FROM:**

Valerie Flores  
Managing Assistant City Attorney  
General Counsel Practice Group

Telephone: (213) 978-8149

Facsimile: (213) 978-8211

**NUMBER OF PAGES:**

7 (including cover page)

**RE:** *City of Los Angeles v. Los Angeles City Controller*

**MESSAGE:**

*If you do not receive all pages or have problems with this transmittal, please contact Farideh Arwanaghi at 213/978-8164.*

Thank you.

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.**

City Hall East  
100 N. Main Street  
Room 400  
Los Angeles, CA 90012



(213) 978-8100 Tel  
(213) 978-8317 Fax  
C.Trutanich@lacity.org  
www.lacity.org/atty

**CARMEN A. TRUTANICH**  
City Attorney

July 10, 2009

Fredric Woocher, Esq.  
Strumwasser & Woocher, LLP  
10940 Wilshire Boulevard, Suite 2000  
Los Angeles, California 90024

**Via facsimile at (310) 319-0156**

Re: *City of Los Angeles v. Los Angeles City Controller*

Dear Fred:

This letter will confirm that the Office of Los Angeles City Attorney Carmen A. Trutanich is willing to appear *ex parte* on Monday morning in the case entitled *City of Los Angeles v. Los Angeles City Controller, Laura N. Chick*, L.A.S.C. Case Number BC 402345 ("Lawsuit"), before the Honorable Judge Mark V. Mooney, to request a temporary, 31 day stay of the entry of judgment in the City's favor in order to explore the possibility of proposing a settlement and any related matters to the Los Angeles City Council.

However, the draft proposed Stipulation for the stay that you sent yesterday to the City Attorney's Office contained erroneous factual statements that raised significant legal concerns. Certain of the recitals on page 2 imply that Ms. Greuel, as the newly elected Controller, automatically became the defendant in the Lawsuit as a result of her election into the Office of the Controller, the position previously held by the Defendant, Laura Chick. Additionally, on page 3 of the draft Stipulation and Order, the signature block for your signature lists your law firm as attorneys for "Defendant Los Angeles City Controller Wendy Greuel."

Controller Greuel is not a defendant in nor is she a party to the Lawsuit. The only defendant in the lawsuit is former Controller Chick. The Lawsuit involved actions taken by former Controller Chick during her tenure in office, actions that the City claimed were *ultra vires* because they exceeded the scope of the Controller's authority under the City Charter. Former Controller Chick remains the sole defendant in the Lawsuit even through she no longer holds City office.

Fredric Woocher, Esq.  
Strumwasser & Woocher, LLP  
Page 2

Although, the new City Controller, Ms. Greuel, has publicly expressed her opposition to the City's position in the Lawsuit and her agreement with the interpretation of the City Charter advanced in the Lawsuit by former Controller Chick, those public statements do not convert Ms. Greuel into a party to the Lawsuit. Controller Greuel has taken no actions as Controller exceeding her Charter authority.

In addition, the City Attorney's Office is counsel for the current Controller, in her official capacity. The City Charter establishes the City Attorney, absent Charter-defined exceptions, as the sole lawyer and legal advisor for the City and all of its boards, departments and officers. Los Angeles Charter §§ 271, 272. A long line of cases and administrative decisions unequivocally confirm the exclusive role of the City Attorney. *Rafael v. Boyle* (1916) 31 Cal.App.623 (establishing the prohibition against retention of independent counsel so long as the city attorney is ready, able and willing to provide legal services); *State Compensation Ins. Fund v. Riley* (1937) 9 Cal.2d 126 (same); *Jaynes v. Stockton* (1961) 193 Cal.App.2d 47 (same). The City Charter's mandate regarding the role of the City Attorney as sole legal counsel for all components of City government has twice been litigated. The courts consistently refused to permit City officers or boards to retain independent counsel. *United States of America v. City of Los Angeles* (U.S.D.C. CD. Cal. Case No. 7739-JMI(JRx) (Dec. 4, 1985); *Gates v. Board of Police Commissioners* (L.A.S.C. Case No. BS 006789 (April 8, 1991)). Formal City Attorney Opinions dating as far back as 1939 are all in accord. 13 Ops.L.A.CityAtty 40 (1939) (City Attorney defends officers and entities when official conduct is at issue); 17 Ops.L.A.CityAtty 272 (1940) (City Attorney's consent -- with Council's concurrence -- is required to hire outside counsel); 106 Ops.L.A.CityAtty 58 (City Attorney is the sole legal advisor to City departments and officers; one City department may not sue another because both are part of a single, unified municipal corporation); 110 Ops.L.A.CityAtty 1 (1986) (City Attorney is the exclusive advisor to City departments and officers; in litigation, the City Attorney is counsel for the municipal corporation).

Your law firm is precluded from representing or appearing as counsel of record for a sitting City official in her official capacity absent extraordinary circumstances like the ones presented in the Lawsuit (where the City Attorney's Office, representing the City of Los Angeles, as a municipal corporation, filed an action against the former Controller asserting that the elected official acted in contravention of the City Charter). We reiterate that Controller Greuel has not taken any action that would subject her to a legal action, nor is she currently a defendant in the Lawsuit. Accordingly, your law firm may not represent the current Controller in her official capacity as there is no conflict that gives rise to a legally permissible retention of outside counsel. Of course, Controller Greuel may retain you or your law firm to represent her in her private capacity as she sees fit.

Fredric Woocher, Esq.  
Strumwasser & Woocher, LLP  
Page 3

We have revised your proposed Stipulation regarding the stay to accurately reflect the parties to the lawsuit.

The new City Attorney, Carmen Trutanich, is looking forward to working cooperatively as a team with the new Controller, Wendy Greuel, to enhance transparency in City government by developing and presenting to the City Council a proposal to strengthen the Controller's audit authority.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By



Handwritten signature of Valerie Flores in black ink, written over a horizontal line.

VALERIE FLORES

Managing Assistant City Attorney  
General Counsel Practice Group

VLF:fa

Enclosure

cc: Hon. Los Angeles City Controller Wendy Greuel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

THE CITY OF LOS ANGELES, a municipal corporation,

Plaintiff,

vs.

LOS ANGELES CITY CONTROLLER,  
LAURA N. CHICK, in her official capacity;  
DOES 1-10, inclusive

Defendants.

Exempt from filing fees pursuant to  
Gov. Code § 6103

Case No. BC 402345

STIPULATION AND [PROPOSED] ORDER  
FOR TEMPORARY STAY OF  
PROCEEDINGS AND EXTENSION OF  
TIME FOR COURT TO ENTER AND FILE  
JUDGMENT

(California Rule of Court 3.1590, subd. (j))

Date: July 13, 2009  
Time: 8:30 a.m.  
Dept.: 68 (Hon. Mark V. Mooney)

1 WHEREAS, on November 19, 2008, the City of Los Angeles initiated this action by filing a  
2 Complaint for Declaratory and Injunctive Relief ("Complaint") against then-Los Angeles City  
3 Controller Laura Chick;

4 WHEREAS, following briefing of the issues by the parties, the matter was heard by the Court  
5 on June 1, 2009, for trial and argument;

6 WHEREAS, on June 22, 2009, this Court issued its [Proposed] Statement of Decision;

7 WHEREAS, on July 1, 2009, Carmen Trutanich was elected to the office of Los Angeles City  
8 Attorney and Wendy Greuel was elected to the office of Los Angeles City Controller;

9 WHEREAS, in the absence of any order of this Court, the deadline for the Court to sign and file  
10 its judgment would expire on July 17, 2009, in accordance with California Rule of Court 3.1590,  
11 subdivision (h);

12 WHEREAS, both City Attorney Trutanich and City Controller Greuel wish to explore the  
13 possibility of settlement of the controversy leading to the instant action.

14 WHEREAS, California Rule of Court 3.1590, subdivision (j), authorizes the Court, by written  
15 order, to extend any of the time limits prescribed by that rule for good cause;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendant,  
17 through their respective counsel of record, that good cause exists to stay the proceedings in this action  
18 for a period of thirty-one (31) days in order to permit the parties to explore the possibility of settlement  
19 and, accordingly, to extend by a like period of time the deadline for the Court to sign and file its  
20 judgment in this action pursuant to California Rule of Court 3.1590, through and until August 17, 2009.


21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO STIPULATED.

Dated: July 10, 2009

CARMEN A. TRUTANICH, City Attorney  
VALERIE L. FLORES, Assistant City Attorney  
JOHN A. CARVALLO, Deputy City Attorney

By   
VALERIE L. FLORES  
Assistant City Attorney

*Attorneys for Plaintiff City of Los Angeles*

Dated: July \_\_\_\_\_, 2009

FREDRIC D. WOOCHER  
BEVERLY GROSSMAN PALMER  
STRUMWASSER & WOOCHER LLP

By \_\_\_\_\_  
FREDRIC D. WOOCHER

*Attorneys for Defendant former Los Angeles City  
Controller Laura N. Chick*

In accordance with California Rule of Court 3.1590, subdivision (j), and upon a showing of good cause as set forth above, IT IS HEREBY ORDERED that all proceedings in this action shall be stayed for a period of thirty-one (31) days and that the time for this Court to sign and file its judgment in this action pursuant to California Rule of Court 3.1590 is hereby extended for thirty-one (31) days, through and until August 17, 2009.

Dated: July \_\_\_\_\_, 2009

\_\_\_\_\_  
Judge of the Superior Court

# hp LaserJet 3015

STRUMWASSER & WOOCHEER LLP  
(310)319-0156  
Jul-10-2009 15:55



## Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
584	7/10/2009	15:52:23	Receive	2139788211	2:38	7	OK

JAN-17-2002 05:38 FROM:CITY ATTY 2139788211 TO:913103190156 P:1/7

**Office of the Los Angeles City Attorney**  
GENERAL COUNSEL PRACTICE GROUP  
700 City Hall East, 200 North Main Street  
Los Angeles, California 90012-4157

### FACSIMILE COVER SHEET

**TO:**  
Fredric Woocher, Esq.  
Strumwasser & Woocher, LLP

**FROM:**  
Valerie Flores  
Managing Assistant City Attorney  
General Counsel Practice Group

**Telephone:** (310) 576-1233  
**Facsimile:** (310) 319-0156

**Telephone:** (213) 978-8149  
**Facsimile:** (213) 978-8211

**DATE:** July 10, 2009  
**NUMBER OF PAGES:**  
7 (including cover page)

**RE:** *City of Los Angeles v. Los Angeles City Controller*

**MESSAGE:**

*If you do not receive all pages or have problems with this transmittal, please contact Farideh Arwanaghi at 213/978-8164.  
Thank you.*

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.**