

HOWARD F. DELANEY
CITY ATTORNEY

ASSISTANTS:
ROBERT G. BEAUMIER, JR.
BARBARA A. BURNS
PAT J. DALTON
SALVATORE J. FAGGIANO
ELLEN O'HARA
MICHAEL J. PICCOLO
JAMES A. RICHMAN
TIMOTHY E. SZAMBELAN
ROCCO N. TREPIEDI



OFFICE OF THE CITY ATTORNEY
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3326
(509) 625-6225
FAX (509) 625-6277

March 11, 2009

Bill Morlin
Spokesman-Review
999 W. Riverside Avenue
Spokane, WA 99201

Re: Public Records Request

Dear Mr. Morlin:

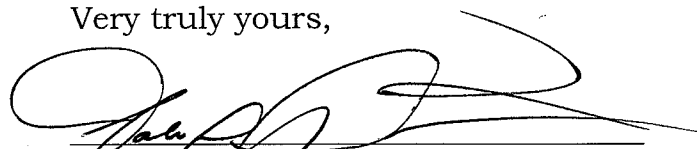
Thank you for your letter of March 10, 2009. The City appreciates and acknowledges the legislative intent behind 42.56 RCW for an open and accountable government. As you are aware, the matters you are inquiring into are in active litigation (Burton v. SPD, et.al, NO. CV-06-322-RHW) or pending litigation (Claim on behalf of the Estate of Otto Zehm). The City is in the process of actively defending and/or preparing its defense with the aide of outside counsel.

After additional consideration without waiving exemptions under law, the City has decided to release redacted copies of the documents you have requested as related to the Otto Zehm Claim. Please find the same enclosed. The City has yet to receive billings related to the Burton case.

The redacted portions of the documents are privileged attorney/client communications and/or attorney work product, as well as being exempt under RCW 42.56.290, "Agency Party to a Controversy," and *Soter v. Cowles Publishing Co.*, 162 Wn.2d 716, 174 P.3d 60 (2007).

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Salvatore J. Faggiano
Assistant City Attorney

Encls.

c: Laurie Farnsworth, Deputy City Clerk

ETTER, MCMAHON, LAMBERSON,
 CLARY & ORESKOVICH, P.C.
 618 W. Riverside Avenue, Suite 210
 Spokane, Washington 99201-0602
 (509) 747-9100
 TIN # 91-1291936

RECEIVED

MAR 02 2009

OFFICE OF THE CITY ATTORNEY

ATTN: PERSONAL & CONFIDENTIAL
 Spokane City Attorney's
 Rocky Treppiedi
 808 W. Spokane Falls Blvd, #550
 Spokane WA 99201

Page: 1
 01/31/20
 ACCOUNT NO: 3000-04526
 STATEMENT NO: 4

Zehm Family vs City of Spokane

	HOURS
01/04/2009 CJO Examine [REDACTED]	3.25
01/06/2009 CJO Review documents.	6.00
01/07/2009 CJO Review file.	2.00
01/08/2009 CJO Read cases.	4.00
01/12/2009 CJO Read documents.	5.00
01/16/2009 CJO Review [REDACTED]	3.50
01/21/2009 CJO Review [REDACTED]	1.50
01/23/2009 CJO Conference with [REDACTED]	0.50
01/30/2009 CJO Review [REDACTED] letter: Conference with [REDACTED]	3.00
TOTAL LEGAL FEES	28.75 6,468.75

ATTORNEY	RECAPITULATION	HOURS	HOURLY RATE	TOTAL
Carl J. Oreskovich	Title Partner	28.75	\$225.00	\$6,468.75
	TOTAL CURRENT WORK			6,468.75
	PREVIOUS BALANCE			\$4,310.00
01/28/2009	Fee payment. Thank you.			-4,310.00
	CURRENT BALANCE DUE			<u>\$6,468.75</u>

Spokane City Attorney's

Zehm Family vs City of S

Page: 2
01/31/20
ACCOUNT NO: 3000-04526
STATEMENT NO: 4

PAYMENTS RECEIVED AFTER BILLING DATE ARE NOT REFLECTED.
Monthly Finance Charge of 1% applied to past due balances ou
90 days or longer. In accordance with I.R.C. 6041 & 6045, O
is 91-1291936.

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JAN 13 2009

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ATTN: PERSONAL & CONFIDENTIAL
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Page: 1
 12/31/2008

ACCOUNT NO: 3000-04526M
 STATEMENT NO: 3

Zehm Family vs City of Spokane

			HOURS
12/01/2008	THT	Review and evaluate authorities re: [REDACTED] Confer with CJO re: evaluation of [REDACTED] Review and evaluate authorities re: [REDACTED]	3.60
12/03/2008	THT	Review and evaluate [REDACTED] re: [REDACTED]	0.20
12/04/2008	CJO	Meeting with [REDACTED] and [REDACTED] Review [REDACTED]	4.00
	THT	Review and evaluate authorities [REDACTED]	2.60
12/05/2008	CJO	Conference with [REDACTED] Review [REDACTED]	3.00
	THT	Review and evaluate authorities [REDACTED] Review and evaluate [REDACTED]	1.10
12/08/2008	THT	Review and evaluate [REDACTED] Review and evaluate authorities re: [REDACTED] Review and evaluate authorities re: [REDACTED] Review and evaluate authorities re: [REDACTED]	4.00
12/11/2008	CJO	Conference with [REDACTED] Review [REDACTED] reports: Review [REDACTED] Interview [REDACTED] Conference with [REDACTED]	5.00
TOTAL LEGAL FEES			23.50 4,310.00

RECAPITULATION

ATTORNEY	Title	HOURS	HOURLY RATE	TOTAL
Carl J. Oreskovich	Partner	12.00	\$225.00	\$2,700.00
Tyler H.L. Tornabene	Assoc Atty	11.50	140.00	1,610.00

Spokane City Attorney's Office

Zehm Family vs City of Spokane

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12/31/2008

ACCOUNT NO: 3000-04526M
STATEMENT NO: 3

TOTAL CURRENT WORK	4,310.00
PREVIOUS BALANCE	\$16,014.25
12/17/2008 Fee payment. Thank you. (stmt #1)	-8,106.25
12/23/2008 Fee payment. Thank you.	-7,908.00
TOTAL PAYMENTS	-16,014.25
CURRENT BALANCE DUE	<u>\$4,310.00</u>

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DEC 10 2008

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ATTN: PERSONAL & CONFIDENTIAL
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Rocky Treppiedi
808 W. Spokane Falls Blvd, # 550
Spokane WA 99201

Page: 1

11/30/2008

ACCOUNT NO: 3000-04526M
STATEMENT NO: 2

Zehm Family vs City of Spokane

			HOURS	
11/01/2008	CJO	Research [REDACTED]	2.00	
11/02/2008	CJO	Begin review of [REDACTED]	2.50	
11/06/2008	THT	Review and evaluate authorities re: [REDACTED]	1.20	
	CJO	Start [REDACTED] review; Meeting with [REDACTED] Meeting with [REDACTED] [REDACTED] Telephone conference with [REDACTED]	6.50	
11/07/2008	CJO	Meeting with [REDACTED]	3.00	
11/09/2008	CJO	Review [REDACTED] and [REDACTED]	3.00	
11/13/2008	VJC	Scan and organize [REDACTED]	0.50	
11/16/2008	CJO	Research; Review [REDACTED]; Prepare for [REDACTED] meeting.	6.00	
11/17/2008	CJO	Review [REDACTED] Prepare for meeting; Telephone conference with [REDACTED]	3.00	
11/18/2008	CJO	Meeting with [REDACTED] Telephone conference with [REDACTED]	2.50	
11/21/2008	CJO	Conference with [REDACTED]	0.50	
	VJC	Organize file.	1.00	
11/24/2008	CJO	Meeting with [REDACTED]	1.50	
11/25/2008	CJO	Conference with [REDACTED]	0.25	
11/26/2008	CJO	Conference with [REDACTED]	0.25	
11/28/2008	CJO	Review [REDACTED] and [REDACTED]	3.00	
		TOTAL LEGAL FEES	36.70	7,908.00

Spokane City Attorney's Office

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Zehm Family vs City of Spokane

RECAPITULATION			
<u>ATTORNEY</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
Carl J. Oreskovich	34.00	\$225.00	\$7,650.00
Tyler H.L. Tornabene	1.20	140.00	168.00
Veronica J. Clayton, paralegal	1.50	60.00	90.00
TOTAL CURRENT WORK			7,908.00
PREVIOUS BALANCE			\$8,106.25
CURRENT BALANCE DUE			<u>\$16,014.25</u>

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			HOURS	
10/08/2008	CJO	Meeting with [REDACTED] Review [REDACTED]	4.50	
10/13/2008	CJO	Review [REDACTED] Meeting with [REDACTED]	5.00	
10/16/2008	CJO	Conference with [REDACTED]	0.25	
10/20/2008	CJO	Review [REDACTED] and [REDACTED]	4.00	
10/22/2008	SWT	Telephone calls to/from [REDACTED] Research law.	2.00	
10/23/2008	CJO	Review [REDACTED] and [REDACTED]	3.00	
10/24/2008	CJO	Review [REDACTED] Meeting with [REDACTED] and [REDACTED]	7.50	
10/27/2008	CJO	Review [REDACTED]	4.00	
10/28/2008	CJO	Meeting with [REDACTED] and [REDACTED]	1.00	
10/31/2008	CJO	Meeting with [REDACTED] and [REDACTED]	5.00	
		TOTAL LEGAL FEES	36.25	8,106.25

RECAPITULATION

ATTORNEY	HOURS	HOURLY RATE	TOTAL
Susan W. Troppmann	2.00	\$200.00	\$400.00
Carl J. Oreskovich	34.25	225.00	7,706.25

TOTAL CURRENT WORK 8,106.25

CURRENT BALANCE DUE \$8,106.25

Spokane City Attorney's Office

Zehm Family vs City of Spokane

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10/31/2008

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