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State Water Resources Control Board

TO: **SANTA MONICA BAY RESTORATION COMMISSION GOVERNING BOARD**

FROM: David P. Coupe
Attorney IV
OFFICE OF CHIEF COUNSEL

DATE: February 10, 2017

SUBJECT: ***BALLONA WETLANDS LAND TRUST V. SANTA MONICA BAY RESTORATION COMMISSION*, SUPERIOR COURT FOR THE COUNTY OF LOS ANGELES, CASE NO. BS165860**

As some of you already know, on October 14, 2016, the Ballona Wetlands Land Trust (Trust) filed a lawsuit against the Santa Monica Bay Restoration Commission (Commission). You likely recall a previous lawsuit filed by the Trust against the Commission and where the Commission substantially prevailed in that litigation.

The current lawsuit claims that (1) the Commission has made a prohibited gift of public office space to the Santa Monica Bay Restoration Foundation (Foundation); (2) the Commission, at the direction of employees of the Foundation, arranged for constitutionally prohibited gifts of public funds to the Foundation; and (3) the Commission is in violation of the State Records Management Act (Act) by allegedly failing to prevent the destruction of documents as required by the Act.

For the last several months, I have been working with attorneys in the Department of Justice to zealously defend the Commission. Most recently, the Commission responded to discovery propounded by the Ballona Wetlands Land Trust (Trust) which included responses to form interrogatories and a request for documents. As part of defending the lawsuit, I have also obviously been working closely with Tom Ford, Executive Director, and Scott Valor, Director of Government Affairs.

Please note that the Executive Committee of the Commission has met in closed session at their November 17th and January 19th meetings and have been fully briefed on the issues raised and have been regularly apprised of the litigation.

I will continue to keep the Executive Committee apprised of developments in the litigation as the case progresses. Please also note that the trial date for this matter has been set for August 31, 2017. If you would like additional information or legal advice or counsel pertaining to this matter, please contact me directly at (510) 622-2306 or via email at David.Coupe@waterboards.ca.gov.

[all via email only]

cc: Tom Ford, Executive Director
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