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*Via E-Mail*

October 3, 2013

Shawn Guzman  
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**RE: Class-Action Lawsuit Pertaining to Alleged Fourth Amendment  
Violations of Jake Rowley and Others Similarly Situated**

Dear Counsel:

I am writing subsequent to the telephone conversation between myself and Paula this morning. I am somewhat perplexed as to why nobody saw the e-mail and attached letter of September 27, 2013, to Shawn. It appears we want to move this matter forward rapidly, but the City keeps running into technical errors. Nevertheless, I accept Paula's statement that our deadlines for the federal class-action lawsuit against the City had caught you all off-guard.

In my conversation with Paula this morning, she explained that the City wants me to hold off filing a lawsuit until we can sit down and discuss this on Tuesday, October 8, 2013, when Shawn has time in his schedule. Paula stated that there was one pre-condition to this meeting: That we would only be discussing the ordinance that pertains to the warrantless searches; Section 1-12A-16. In other words, we would only be discussing the potential federal class-action lawsuit and the offending city ordinance. I agree 100%.

I view that issue distinct and separate from the relief CAITS seeks pertaining to the other ordinances. Whether those ordinances are overbearing is a political issue which I believe all of the current candidates, except Mayor McArthur, have publicly stated they will re-evaluate with input from the citizens.

Paula indicated that a repeal of the offending ordinance was on the table. That is certainly encouraging. However, I have other concerns: A repeal of the ordinance addresses the injunctive relief that we seek in our class-action lawsuit. However, repeal of the ordinance does nothing to address the damage which has been inflicted upon the estimated 3,000 to 4,000 citizens of this community, who were subjected to the warrantless searches. It also does nothing to address the accountability of the wrongdoers.

I sat through the candidate forum at Dixie State University on the evening of October 1, 2013, and I listened to the candidates talk about accountability and moving forward regarding the animal shelter situation. However, they were not talking about accountability; they were only talking about moving forward while omitting accountability. I firmly believe that there must be a repeal of the ordinance and some accountability for what has taken place, even though I understand that the City has no desire to penalize anyone for the apparent nonsense that has been going on since Section 1-12A-16 has been in force. Repeal of the ordinance will satisfy the injunctive relief we seek, but it does nothing on the compensation side of the lawsuit; namely, redress of injuries caused to citizens who were injured by the warrantless searches.

I have several suggestions on how we address compensatory damages. My only pre-condition to the meeting is that in addition to repeal, we address compensatory damages. If you stipulate to that, we will withdraw any request for punitive damages, hold off on filing the lawsuit, and agree to meet on Tuesday.

Please contact me as soon as possible to discuss this matter further.

Sincerely,



Aaron J. Prisbrey

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