

AARON J. PRISBREY, P.C.
ATTORNEYS AT LAW
1090 EAST TABERNACLE STREET
ST. GEORGE, UT 84770
PHONE (435) 673-1661 FAX (435) 673-3561

September 27, 2013

Shawn Guzman
ST. GEORGE CITY ATTORNEY
175 East 200 North
St. George, Utah 84770
shawn.guzman@sgcity.org

RE: Jake Rowley v. St. George City

Dear Shawn:

I'm writing subsequent to our prior conversations. In those conversations, I'd indicated to you that I think that St. George City Ordinance 1-12A-16 is a blatant violation of the 4th Amendment protected right against unlawful warrantless seizures. In fact, I requested that you investigate the legality of that ordinance and you stated that you would get back to me. I have not heard from you as I'm sure it's taking some time to research that ordinance.

In the light of the United States Supreme Court ruling in *Camara v. San Francisco* 387 U.S. 538. (1967) and the Utah Supreme Court Ruling in *Salt Lake City Corp. v. Wheeler* 466 P 2d 838 (1970), both of which are still good law, I don't think there's any question as to the illegality of the City ordinance which authorizes Code Enforcement to go on the property of citizens to conduct a search without a warrant.

I have been retained by Jake Rowley who has requested that I file a lawsuit on his behalf, as well as others who have been subjected to the actions of the code enforcement officers. It is my intent to file a 1983 class action lawsuit individually and on behalf of those similarly situated to Mr. Rowley unless we can reach a resolution to this matter.

The Grama information we received demonstrates that there were approximately 9,000 "Courtesy Notices" sent out in the past five years. I would suspect in the ten years since the adoption of the ordinance in 2003 that number would be double or 18,000. Assuming that Mr. Cottom's testimony is correct and 20% of all searches of property are done without a warrant, we should have a class of approximately 3,600 citizens who have been affected.

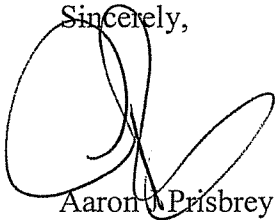
As you're aware, a 1983 lawsuit provides for the payment of attorney fees, costs, compensatory damages, punitive damages, as well as injunctive relief.

Letter to St. George City Attorney Shawn Guzman
September 27, 2013
Page Two

If the City of St. George has any defenses to this lawsuit, please let me know. Likewise, if Mayor McArthur, Mr. Esplin, yourself, or any others who wish to address this issue want to sit down and see if we can reach a resolution before we file the lawsuit, please let me know.

Otherwise, I do intend to file the lawsuit by October 4, 2013 in federal district court as our legal research is complete and the work on the Complaint is almost complete.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron W. Prsbrey'. The signature is stylized with large loops and a long horizontal tail.

Aaron W. Prsbrey

AJP:ecg

Cc: Jake Rowley