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February 9, 2011

Alderman Robert G. Donovan
8th Aldermanic District
City Hall, Room 205

Re: Public Safety Committee's Subpoena
for Open Sky Records

Dear Alderman Donovan:

We have received your subpoena issued to the Chief of Police for Open Sky records, along with your request that we arrange for its service. You have issued this subpoena in your role as Chairman of the Common Council's Committee on Public Safety.

We will forward the subpoena on your behalf to our process server, State Process, for service. We will inform the process server to bill the Common Council and to send the invoice to the City Clerk for payment.

As we discussed with you previously, there is an unresolved issue as to whether the Common Council must authorize a committee investigation. The Chief may seek legal advice relative to your authority to issue the subpoena, and its validity and breadth. We also informed you that our office would be faced with an ethical conflict.

If the Chief wishes representation, the City will need to retain outside counsel to advise or represent the Chief in this matter. Should the Chief challenge the subpoena in court, the Common Council will also need to hire its own attorney to enforce the subpoena.

Very truly yours,

GRANT F. LANGLEY
City Attorney

GFL:bl
166120

c: Mayor Tom Barrett
Ald. Willie Hines, Jr.
Mr. Ronald Leonhardt
Chief Edward Flynn
Hon. Members of the Public Safety Committee

OFFICE OF THE CITY ATTORNEY

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