

From: phoenix_@mail.com
Sent time: 10/07/2020 09:54:06 AM
To: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Cc: cpc@lacity.org
Subject: Re: Hollywood Center emails - ENV-2018-2116-EIR
Attachments: 2020_Oct6-DailyNewsArticle.pdf

Dear Mindy.

Please include the attached October 6, 2020 Daily News 2 page Article in the Administrative Record for the Millennium case.

Said article informs us of a Judge's decision to **order the City to pay \$2.5 million in sanctions due to the City's misuse of the discovery process, including misrepresenting and concealing key facts from the court to avoid disclosing documents, ignoring a court order to produce a witness, failing to produce various documents and providing false or evasive testimony...** throughout this **politically motivated litigation.**

All of the above being consistent with how the City has managed the Administrative Record in this Millennium case.

Thank you.

Phoenix.

Sent: Tuesday, October 06, 2020 at 9:37 AM
From: "Mindy Nguyen" <Mindy.Nguyen@lacity.org>
To: phoenix_@mail.com
Subject: Re: Hollywood Center emails

Hi Phoenix,

Attachments are always included as part of the original email with which they are sent. The times when members of the public have reached out to me about this, I find they are often looking at a later email responding to the one to which the attachment was included. In those instances, I have always responded with an explanation and the correct link.

If you have specific examples you can provide, I would be happy to look into it further; however, as it stands the City has not been editing communications.

Regards,

On Sat, Oct 3, 2020 at 3:02 PM <phoenix_@mail.com> wrote:

Hi Mindy. Thanks for your quick reply.

The City already has a system to provide this information. The information was already available in the original form of attachments when emails were sent to you. The problem continues to be the your removal of these documents and editing communications.

We have already seen several instances where you receive an email with an attachment, yet the attachment has been omitted. When a member of the public inquires about this, the attachment has managed to magically appear in the record. **This is the problem.** Do you understand the difference? **Please refrain from removing the attachments from the emails you receive.**

The City taking their time so they can go through documentation and communications so they can decide what the public can and cannot see is a very serious issue Mindy.

These are public documents and must be made available to the public within a reasonable amount of time. Not after all of the public hearings. Communications on this project go back to 2018. You've had more than enough time to make these documents available to the public.

My neighbors and I will be sending the City Attorney's office a letter on this issue. After they take no action, we will be sending this information to the FBI.

Enjoy the rest of your weekend.

Phoenix.

Sent: Thursday, October 01, 2020 at 3:36 PM
From: "Mindy Nguyen" <Mindy.Nguyen@lacity.org>
To: phoenix@mail.com
Subject: Re: Hollywood Center emails

Hi Phoenix,

Thank you for your email. The City is working on making the provided email archives accessible to the public and will include them in the record once that process is complete.

Regards,

On Thu, Oct 1, 2020 at 1:48 PM <phoenix@mail.com> wrote:

Dear Mindy:

There's several emails on the website that give you links to archives of email communications per your request. What is your suggestion as to how the public accesses the information in those links or zip files? Can you please make these communications available as they are a matter of public record? I've provided a couple examples below.

This one says email correspondence is attached, but there is no attachment. This is a recurring issue people are running into. **Please do not remove the attachments from the emails you receive.**

[https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200221%201724%20C.%20Bullock%20HC.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200221%201724%20C.%20Bullock%20HC.pdf)

[https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200922%201739%20C.%20Bullock%20HC%20Supplemental.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200922%201739%20C.%20Bullock%20HC%20Supplemental.pdf)

This one has a link but does not work or provide the files.

[https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200402%201516%20M.%20Nguyen%20HCP%20Correspondence%20Follow-Up%20Request.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Email%20Correspondence/Mindy%20Nguyen/20200402%201516%20M.%20Nguyen%20HCP%20Correspondence%20Follow-Up%20Request.pdf)

Thanks in advance.

Phoenix.

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Mindy Nguyen

Preferred Pronouns: She, Hers, Her

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E-NEWS

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Phoenix.

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LOS ANGELES
CITY PLANNING

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City must pay \$2.5 million for ‘serious abuse’ of discovery process in DWP billing lawsuit



The Los Angeles skyline as seen from the reflecting pool at the Los Angeles Department of Water and Power.

By [City News Service](#) | news@socalnews.com |

PUBLISHED: October 6, 2020 at 3:21 p.m. | UPDATED: October 6, 2020 at 3:23 p.m.

LOS ANGELES — The city of Los Angeles was ordered by a judge Tuesday to pay \$2.5 million in sanctions stemming from protracted litigation over the botched rollout of a Department of Water and Power billing system in 2013.

The new system, which led to some customers being wildly overbilled while others weren't charged at all, sparked years of litigation, a multimillion-dollar class-action settlement and an FBI probe that included searches of the DWP and the City Attorney's Office.

Following the settlement of the class-action ratepayer lawsuit, the city of Los Angeles sued consulting firm PricewaterhouseCoopers, essentially blaming the company for the failed rollout of the billing system and looking to foist financial responsibility on the firm. The class-action settlement was generally valued at \$67 million, but a DWP document obtained by the Los Angeles Times indicated that associated costs would raise the price of the resolution to about \$300 million.

The city's litigation against PricewaterhouseCoopers, however, fell apart last year, when the city abandoned the lawsuit, citing the FBI probe and the subsequent unwillingness of witnesses to testify in the case. Dropping the suit left the city on the hook to cover the cost of the class-action settlement.

Earlier this year, attorneys for PricewaterhouseCoopers filed court papers seeking **sanctions against the city, saying it “misused the discovery process” in multiple ways, including “misrepresenting and concealing key facts from the court” to avoid disclosing documents, ignoring a court order to produce a witness, failing to produce various documents and providing false or evasive testimony.** The company requested roughly \$8 million in sanctions for what it called “egregious discovery abuse.”

Los Angeles Superior Court Judge Elihu Berle on Tuesday ordered the city to pay \$2.5 million in sanctions. According to the Daily Journal, Berle ruled in court that **the city and its lawyers had committed “serious abuse” in terms of discovery, and “this serious abuse merits considerable sanctions.”**

The City Attorney’s Office issued a statement Tuesday saying, “We strongly disagree with the court’s ruling, and when we have the transcript and signed order, we will review them carefully to evaluate all our positions.”

Daniel Thomasch, an attorney representing PricewaterhouseCoopers, called the **\$2.5 million in sanctions “the consequence of the pervasive discovery abuse by the city and its counsel throughout this politically motivated litigation.”**

“The city’s discovery abuse was the direct result of its attempt to hide from the court and ratepayers its prior participation in the filing and settling of a sham consumer class-action, which was part of the city’s multi-year effort to shift the blame for DWP’s own billing failures to PwC,” Thomasch said in a statement. **“Today’s ruling comes after the city’s complete surrender on the merits of its baseless case against PwC, and vindicates the rule of law by holding the city and its lawyers accountable for their egregious abuses.”**

Attorneys for PricewaterhouseCoopers last year raised accusations of **fraud and double-dealing by attorneys hired by the City Attorney’s Office in the litigation.** The firm contended that the city hired attorney Paul Paradis as a legal consultant in its lawsuit against the company — while Paradis was at the same time representing a DWP customer suing the city in the class-action lawsuit.

PricewaterhouseCoopers argued in court papers that the arrangement with Paradis was made specifically to secure a more favorable legal outcome for the city and DWP.

While the city denied wrongdoing, it subsequently canceled \$30 million in contracts it had awarded Paradis for legal services and efforts to correct the billing system issues.

Paradis and the city both denied any wrongdoing. An attorney for Paradis told the Los Angeles Times last year that Paradis stepped down as special counsel for the city to focus on “cybersecurity work” he was doing for the DWP.

The allegations contributed to a July 2019 FBI search of the downtown DWP headquarters and the City Hall East offices of the city attorney. The City Attorney’s Office acknowledged at the time that the searches stemmed from the handling of the class-action litigation and the lawsuit against PricewaterhouseCoopers, and said the office would “cooperate fully” with the probe.