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TO: Mayor Kevin Faulconer
FROM: Brian A. Pierik, Partner
DATE: September 3, 2020
RE: Article on 101 Ash Street Lease Agreement

We have reviewed the Article ("Article") that appeared today by Dorian Hargrove and Tom Jones. <https://www.nbcsandiego.com/news/investigations/investigation-into-101-ash-looked-at-whether-city-staff-former-councilmember-todd-gloria-misled-public/2398394/>

This Article includes what is allegedly Footnote 15 from a Memorandum my partner Mark Austin and I submitted to Assistant City Attorney James McNeill regarding our review of the 101 Ash Street Lease Agreement which was effective January 3, 2017.

This Footnote 15 is completely fabricated (hereafter "Fabricated Footnote 15") and was not included in our Memorandum to the City in any of the text of the Memorandum or in any footnotes in the Memorandum. It is absolutely clear that our Memorandum has been doctored to add Fabricated Footnote 15.

Further, we have no knowledge of any of the information included in Fabricated Footnote 15. We have searched our files and do not have even have any emails from Mr. Villa of September 1, 2016 or any other date.

Fabricated Footnote 15 refers to September 16, 2016 events and we have no knowledge of those alleged events.

Fabricated Footnote 15 has a sentence which begins: "The discussions during the update" We have no knowledge of any such alleged discussions.

Fabricated Footnote 15 states: "However, we were unable to obtain the City Attorney's approval to interview Mr. Gloria or his staff (all of whom are no longer in the employ of the City)." This is completely false. Neither the City Attorney nor any else at the City ever told us that they would not give us approval to interview anyone.

If you have any questions, please let us know. Thank you.