



## MEMORANDUM

**DATE:** November 3, 2025

**TO:** Lindsay Lara, City Clerk

**FROM:** Rob Epstein, City Attorney  
Andrea Visveshwara, Chief Assistant City Attorney

**SUBJECT:** November 3, 2025 Closed Session Agenda

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For Item 2.a on the Closed Session Agenda, please find the attached correspondence to publish with the agenda. In a subsequent conversation between the City's legal counsel and the potential plaintiff, the City's legal counsel understands the last sentence in the potential plaintiff's email to be a threat of litigation. Information that is subject to the attorney client privilege or attorney work product doctrine has been redacted.

**From:** [Scott Emblidge](#)  
**To:** [Andrea Visveshwara](#); [Katherine Kasameyer](#)  
**Subject:** FW: CV0006338 Record Update, Depositions, and Settlement Proposal  
**Date:** Friday, October 24, 2025 8:08:46 AM  
**Attachments:** [REDACTED]

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Andrea and Katherine,

[REDACTED]

Scott

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**From:** Mark Allen <[REDACTED]>  
**Sent:** Thursday, October 23, 2025 4:53 PM  
**To:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Cc:** Gianna Geil <[geil@mosconelaw.com](mailto:geil@mosconelaw.com)>  
**Subject:** CV0006338 Record Update, Depositions, and Settlement Proposal

Hi Scott,

Following the October 14 order, I'm filing a reconsideration motion for CV0006338 by 5:00 PM PDT, October 24, 2025, with new October 21 photos showing escalated Andersen Drive degradation. I propose updating our stipulation to include limited depositions by November 10, 2025, on 2046 exemption/impacts (e.g., Stefanski, Colin) to facilitate merits preparation. The City's November 15 record preparation is noted; please confirm it will include Police, Fire, and Health data per § 21167.6(b)(2), especially regarding Merrydale and camp displacements.

Attached are updated non-conformed copies of the stipulation and [proposed] order; conformed versions will follow filing. Please confirm by 5:00 PM, October 24, 2025, or suggest a call (available October 23 evening or October 24 morning).

I intend to appeal CV0005691 (notice by December 9, 2025). **The City's planned Merrydale purchase without CEQA review risks injunction**; happy to consider mediation of both cases by November 15, 2025, to resolve efficiently and avoid depositions/record disputes.

Regards,  
Mark Allen  
In Pro Per

[REDACTED]

[REDACTED]

Attachments:

1. Updated Stipulation Re Administrative Record Access, Rolling Production, and Depositions (CV0006338)
2. [Proposed] Order Approving Updated Stipulation