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**CARMEN A. TRUTANICH**  
City Attorney

REPORT NO. R 1 2 - 0 2 1 2  
JUL 10 2012

**REQUEST FOR CLOSED SESSION PURSUANT TO  
GOVERNMENT CODE SECTION 54956.9(b)(3)(C)**

REPORT RE:

**SIGNIFICANT EXPOSURE TO LITIGATION AGAINST THE CITY**

**SAFER SEX IN THE ADULT FILM INDUSTRY ORDINANCE**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, CA 90012

Council File No. 12-1300-S1

Honorable Members:

This Office recommends that discussion with, and advice from, legal counsel be scheduled and heard in closed session, pursuant to California Government Code Section 54956.9(b)(3)(C), regarding proposals for City Council action arising from the report of the Working Group to study the Safer Sex in the Adult Film Industry Ordinance to require condom usage in the adult film industry and to make recommendations regarding amendment of the Ordinance. Government Code Section 54956.9 requires you to state publicly prior to the closed session, what subdivision of this section authorizes the closed meeting, and that the closed session is being held to confer or discuss with, or receive advice from, legal counsel regarding the significant exposure to litigation against the public agency.

The significant exposure to litigation against the City pursuant to Government Code Section 54956.9(b)(3)(C) stems from two written communications received from potential plaintiffs threatening litigation. The first written communication is dated April 26, 2012, to Miguel Santana, Los Angeles City Administrative Office, from Michael Weinstein, President, AIDS Healthcare Foundation. The second written communication is an email communication to the CAO's office on May 11, 2012, from Allan Gelbard, who described himself as a First Amendment and Intellectual Property lawyer.

Should you have any questions regarding this matter in advance of the Closed Session, please contact Assistant City Attorney Valerie Flores at (213) 978-8149. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE:VF:ac