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September 7, 2012

*Via facsimile (404)494-1670*  
*Original to follow via U.S. Mail*  
City of Atlanta Law Department  
Attn: Laura S. Burton  
68 Mitchell Street, Suite 4100  
Atlanta, Georgia 30303

**RE: Southern Cross Financial, LLC v. City of Atlanta, Georgia 2012CV215858**

Dear Laura:

As you know, I served Plaintiff's First Set of Interrogatories, Notice to Produce, Requests to Produce Documents and Requests to Admit to Defendant City of Atlanta with the Complaint on June 5<sup>th</sup>, 2012. The responses I have received to date are either so vague as to be unusable or completely nonresponsive answers to my requests. Specifically, discovery requests which identify or describe information sought pertaining to the "Baby Gun Club Landfill" were repeatedly responded to with "the City has never operated a landfill called *Baby Gun Club Landfill*" and therefore no response or information was given.

Attached to this letter are documents I have obtained from the Environmental Protection Division of the Georgia Department of Natural Resources (for instance, the "Regulatory Compliance & Buffer Property Map and Methane Monitoring Plan" which absolutely identifies both the Gun Club Landfill and the **BABY GUN CLUB LANDFILL** as City-controlled. This, of course, comports with my client's understanding and previous communications to Doug Raikes in the Office of Solid Waste for the City and documents he produced in response to ORA requests. Indeed, since the City has been installing and monitoring methane gas on my client's property, you can imagine my client's frustration to have the City disavow any knowledge of this landfill. Accordingly, I respectfully demand that the City immediately amend its responses accurately to address the existence (to the extent that the City claims that "Baby Gun Club" is not a "separate" landfill and that

part and parcel of that Landfill known as Gun Club Permit No. 060-026D(SL) of Baby Gun

Starting with your Responses to Requests to Admit—I will prepare a motion to determine the efficiency of the following responses if they are not amended to withdraw the objection and amended to fairly:

1. *Request to Admit #18*: "The City of Atlanta has never operated a landfill called Baby Gun Club therefore it has never closed any such named landfill. Therefore, request to admit number 18 is denied."
2. *Request to Admit #21*: "The City of Atlanta has never operated a landfill on the Subject Property."
3. *Request to Admit #22*: "There is no landfill called the Baby Gun Club and thus, there is no permit for the same."
4. *Request to Admit #23*: "See response to request to admit number 18. Denied as stated."
5. *Request to Admit #24*: "The City of Atlanta has never operated a landfill on the Subject Property."
6. *Request to Admit #25*: "The City of Atlanta has never operated a landfill on the Subject Property."
7. *Request to Admit #26*: "The City of Atlanta has never operated a landfill on the Subject Property."

Turning to the City's responses to Interrogatories:

1. *Interrogatory #11*: "... the City of Atlanta further states that the City of Atlanta has never operated a landfill called Baby Gun Club."
2. *Interrogatory #12*: "Please see the City's response to Plaintiff's eleventh interrogatory."
3. *Interrogatory #13*: "Please see the City's response to Plaintiff's eleventh interrogatory. Subject to this, there is nothing to identify or describe as described in Plaintiff's thirteenth interrogatory."
4. *Interrogatory #15*: "...the City of Atlanta further states that the City of Atlanta has never operated a landfill called Baby Gun Club."
5. *Interrogatory #16*: "The City of Atlanta objects to Plaintiff's sixteenth interrogatory because it is nonsensical in so far as it references the Baby Gun Club landfill, assumes facts. . . . Subject to this objection, the City of Atlanta further states that the City of Atlanta has never operated a landfill called Baby Gun Club."

Pursuant to a Regulatory Compliance and Buffer Property Map pertaining to the methane monitoring plan of the Gun Club landfill filed by the City of Atlanta with the Department of Natural Resources in 2006, the Baby Gun Club landfill does exist and is clearly referenced (whether it is part of the overall Gun Club Landfill is not grounds to deny its existence or the fact that the City's own documents evidence that the City called this area by the name "Baby Gun Club." I have attached a copy of the map for your convenience and review.



Regarding your response to Plaintiff's Requests to Produce—please let me know whether September 11 at 11 a.m., Friday, September 14, 2012 or September 18<sup>th</sup> are acceptable dates. Since you are making your files available for inspection, I have included ESI instructions to include all email and other electronic files as well. I will expect to have access to all non-privileged electronic files maintained on this subject, per my requests, as well. If you claim or assert any file is privileged, I will additionally expect a privilege log.

This letter shall serve as my Rule 6.4(b) good faith attempt to confer with you prior to filing a motion to compel to determine sufficiency of answers pursuant to O.C.G.A. §§ 9-11-33 and 9-11-37. Accordingly, you have until Friday, September 14<sup>th</sup> to supplement before I move the court to compel such responses.

Respectfully Yours,  
ROBERTS & DAUGHDRILL, P.C.

Brian E. Daughdrill