DENNIS J. HERRERA, State Bar #139669
City Attorney
JESSE C. SMITH, State Bar #122517
Chief Assistant City Attorney
SHERRI SOKELAND KAISER, State Bar #197986
PETER J. KEITH, State Bar #206482
JONATHAN GIVNER, State Bar #208000
Deputy City Attorneys
1390 Market Street, Suite 700
San Francisco, California 94102-5408
Telephone: (415) 554-3886 (Kaiser)
Telephone: (415) 554-3908 (Keith)
Facsimile: (415) 554-6747
E-Mail: sherri.kaiser@sfgov.org
peter.keith@sfgov.org

Attorneys for Respondents
CITY AND COUNTY OF SAN FRANCISCO and
MAYOR EDWIN M. LEE

ENDORSED
FILED
San Francisco County Superior Court
APR 19 2012
CLERK OF THE COURT
BY: MARTA VALLEJO
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

ROSS MIRKARIMI, SHERIFF OF THE CITY AND COUNTY OF SAN FRANCISCO, Petitioner, vs. CITY AND COUNTY OF SAN FRANCISCO; ED LEE, MAYOR OF THE CITY AND COUNTY OF SAN FRANCISCO, Respondents.	Case No. CPF-12-512077 [~~PROPOSED~~] ORDER DENYING PETITIONER'S MOTION TO DISQUALIFY CITY ATTORNEY FROM REPRESENTING MAYOR EDWIN M. LEE Hearing Date: April 19, 2012 Hearing Judge: Judge Harold E. Kahn Time: 9:30 a.m. Place: Dept. 302 Date Action Filed: March 27, 2012 Trial Date: NONE

Upon consideration of the papers filed by all parties and the arguments presented by counsel on April 19, 2012, and good cause appearing,

IT IS HEREBY ORDERED THAT Petitioner Ross Mirkarimi's Motion To Disqualify San Francisco City Attorney From Representing Mayor Edwin M Lee is hereby DENIED. Because the City Attorney is representing the Mayor in his official capacity with respect to actions he took on

behalf of the City in accordance with a provision of the Charter authorizing the Mayor to take such actions, the City Attorney is not barred from representing the Mayor in this case. The retention of outside counsel by the Ethics Commission and the Board of Supervisors moots Petitioner's argument that there is a conflict between the City Attorney's representations of the Mayor in this case and the City Attorney's representation of the Ethics Commission and the Board of Supervisors with respect to the official misconduct charges against Petitioner.

IT IS SO ORDERED.

Dated: APR 19 2012

HAROLD KAHN

HON. HAROLD E. KAHN
JUDGE OF THE SUPERIOR COURT