

My name is Stephen Johnson. I was counsel of record for Councilmember Rule in defense of a lawsuit brought against her for alleged violations of the Brown Act. I successfully argued that lawsuit was meritless and was brought only to prevent her from making public statements and exercising her duties of public participation as a member of the City Council.

During my successful defense of Councilmember Rule two things became clear: first, the lawsuit brought against Councilmember Rule was politically motivated; second, Simply Ojai, attorney Sabrina Vasquez, former Mayor Stix and Councilmember Whitman were the chief protagonists in the suit. The plaintiffs themselves were mere stalking horses.

The only "evidence" presented against Councilmember Rule was provided through declarations from the Plaintiffs' lawyers and Councilmember Whitman. No so-called "plaintiff" offered any declaration in support of the suit at all. Councilmember Whitman was a key player in the failed lawsuit. Ventura County Superior Court Judge Coats's specifically referenced a false statement contained in Councilmember Whitman's declaration in his order in favor of Councilmember Rule.

The plaintiffs have appealed from the judgment, and I continue to represent Councilmember Rule on appeal.

I am addressing you tonight because the City has breached its statutory obligation to provide or pay for Councilmember Rule's defense. Tonight you will meet in closed session to discuss and vote on reimbursing Councilmember Rule for the costs of her defense.

I am not here to discuss Councilmember Rule's legal right to a defense. You can hire lawyers to argue almost any position. I understand you have already paid a lawyer \$80,000 to "research" whether you can refuse to defend councilmember Rule. I understand you have been informed you can choose to vote on the issue. I understand you have been informed that Councilmember Rule should not vote on reimbursement because she has a conflict of interest but Councilmember Whitman does not have a conflict and can vote. I find these legal conclusions to be ridiculous. But those are arguments for a Court to decide.

The issue and vote before you tonight involves a straightforward the City will spend far more if it refuses to reimburse Rule and has to defend that decision than it will spend to satisfy its defense obligation.

Even if the City could find some far-fetched legal justification for refusing to reimburse Councilmember Rule, the position will force Councilmember Rule to sue. I know that because she cannot pay my bill and I will need to bring that suit in order to be paid. Similarly, if Rule is prohibited from voting on the issue, and Councilmember Whitman isn't, I will argue that decision would suggest a deeper conflict, evidencing favored treatment between Councilmembers Rule and Whitman.

If Councilmember Rule must sue – and, absent reimbursement, she must – she must also raise any and all claims she has at the time of the filing. She will and must include claims against the City relating to the unequal treatment that allowed Councilman Whitman – the person who cussed out female colleagues in closed session, supported a suit brought to interfere with a councilmember’s right of public participation and made false representations about a District Attorneys’ findings under oath to support that malicious claim -- to vote on reimbursement, but not the vindicated target of that misconduct.

Should reimbursement not be approved, one thing is certain: the City will spend more defending an indefensible position than it will to simply fulfill its legal obligations without any further delay.