

*Law Offices of*  
**MARTIN & MARTIN, LLP**  
*A Limited Liability Partnership*

3530 Wilshire Boulevard, Suite 670  
Los Angeles, CA 90010  
Office: 213.388.4747 Fax: 213.388.6655  
**www.martin-martin.net**

July 27, 2023

Jeffrey S. Ballinger  
Best Best & Krieger LLP

Dear Jeff,

Thank you for your letter of July 25, 2023. I am writing in response to that letter and our phone call of that day.

First, when I first came on as lead counsel for Section 14 survivors and descendants, I wrote a letter to your office, indicating that the previous settlement demands made by their former attorneys were withdrawn, and were to be considered null and void. As such, please advise your client to cease and desist with respect to the consideration of any of the items indicated in those letters, including non-monetary items that were listed.

Next, as for participating in a historical analysis of Section 14, my clients remain willing to participate to the extent that the individual engaged to do the research has explicit experience in matters involving either reparations or race-based claims. I reiterate, they will not participate in a generic historical project that from our perspective is duplicate and is only being done as a way to delay and obstruct the ultimate resolution of this matter.

We remain steadfast in our position that there has been two independent investigations of the actions leading to the burning and destruction of Section 14. One of those investigations was completed during the 1960s by the California Attorney General's office. The other investigation was recently completed by Palm Springs own Human Rights Commission. It would be malpractice on my part to recommend to my clients that they totally disregard the objective findings in both of those reports and participate in a process which is not specifically designed to address their well-documented harm.

Again, as I have stated repeatedly, if your client is serious about resolution, and wants to bring in a third-party consultant or expert, we are more than willing to participate, assuming that that expert is being retained for the purpose of resolving this matter, and has explicit experience in race-related claims. If you can make that representation, count us in. Otherwise, we will not participate in this sham history project.

Jeffrey S. Ballinger  
July 27, 2023  
Page 2

As for resolution of this claim, I am more than willing to provide you with answers to all of your questions regarding the number of survivors, descendants, monetary request for each category of claimants and their non-monetary demands. We agreed to meet in your downtown office on August 8 at 10 AM. I will provide you with this requested information at that meeting.

With regards to alternative dispute resolution, if after I provide you with the requested demand information and you have had an opportunity to confer with your clients and we are not able to reach a resolution, we are demanding that this matter be submitted to a mutually agreed-upon mediator, and that the mediation takes place on or about October 30, 2023.

Finally, I am well aware of how long it takes to resolve a complex case. However, as you know, we are going into the second year of discussions about resolution and the action that we thought was going to help us resolve this matter, the hiring of a race-based consultant, was rejected by your clients. They can't have it both ways. They cannot obstruct the settlement process and then complain that my clients are being unreasonable or impatient for demanding good faith negotiations.

We remain committed to a resolution that avoids expensive and costly litigation. We would much rather the city spend dollars on making my clients whole rather than enriching the coffers of lawyers. However, we cannot continue to hold in abeyance the filing of a lawsuit based on empty promises when there is no concrete or good faith actions on the part of the city that moves us closer to settlement.

With that, I remain hopeful that our meeting on August 8 will prove to be a fruitful step towards true good faith negotiations. I am aware that your clients will be away in August and will not have another full council meeting until approximately September 15. Given that reality, I am requesting that your client respond to my August 8 settlement demand no later than September 20. This will give us approximately one month to negotiate before activating mediation by October 30.

I look forward to seeing you on August 8.

Thank you.

A handwritten signature in black ink, appearing to be 'J. Ballinger', with a long horizontal flourish extending to the right.

cc: Pearl Devers