

----- Forwarded message -----

From: Kevin Martingayle <martingayle@bischoffmartingayle.com>

To: "Christopher S. Boynton" <CBoynton@vbgov.com>

Cc: "'jasonkatefl@msn.com' (jasonkatefl@msn.com)" <jasonkatefl@msn.com>, Katie Seabright <katie@bischoffmartingayle.com>, Mark Stiles <MStiles@vbgov.com>, "Marjorie A. Smith" <MSmith@vbgov.com>

Bcc:

Date: Fri, 6 Dec 2019 17:40:59 +0000

Subject: RE: Nixon

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Chris,

Thanks for the information. We will reply asap after Mr. Nixon is able to review your email.

Have a good weekend.

Kevin E. Martingayle, Esquire

Bischoff Martingayle, P.C.

3704 Pacific Avenue, Suite 300

Virginia Beach, Virginia 23451

www.bischoffmartingayle.com

www.va-appeals.com

Direct Dial: (757) 416-6009

Direct Facsimile: (757) 428-6982

Eastern Shore Local Phone: (757) 787-7788

From: Christopher S. Boynton [mailto:CBoynton@vbgov.com]

Sent: Friday, December 6, 2019 11:29 AM

To: Kevin Martingayle

Cc: 'jasonkatefl@msn.com' (jasonkatefl@msn.com); Katie Seabright; Mark Stiles; Marjorie A. Smith

Subject: RE: Nixon

Kevin,

With regard to the ipad that Ms. Nixon was issued for work, the police have exported her personal files (e.g., photos and videos) onto a disc that I have been assured is readable using widely available software. The disc is available either for pick up or to be mailed. While the City must retain custody of the ipad itself and cannot "wipe" it given the 5/31 litigation hold, Mark Stiles has agreed to keep it in the City Attorney's safe pending any future need to access it.

With regard to Ms. Nixon's work journals, Margie Smith has reviewed them for confidential information (personnel, HIPAA, attorney-client communications, etc.) and there is apparently a single redaction that

needs to occur (the name of a city employee other than DeWayne Craddock whom Ms. Nixon was dealing with in a personnel capacity at some point in time). I believe we can arrange for Mr. Nixon to either continue his review of the original journals, or in the alternative, have them copied and the copies given to him. We will also provide the originals of any loose personal items (e.g., children's drawings) that were found within the journals. Please advise of your client's preference as to receiving a copy of the journals or continuing to review the originals. Margie has physical possession of the work journals, so I am copying her on this reply for coordination purposes.

Please advise if there are any further questions.

With best regards,

Chris Boynton



Christopher S. Boynton
Deputy City Attorney
Office of the City Attorney
Municipal Center, Building One
2401 Courthouse Drive
Virginia Beach, VA 23456-9004
Main Phone: (757) 385-4531
Direct Dial: (757) 385-5061
Facsimile: (757) 385-5687
email: cboynton@vbgov.com



From: Kevin Martingayle <martingayle@bischoffmartingayle.com>
Sent: Friday, December 6, 2019 8:37 AM
To: Christopher S. Boynton <CBoynton@vbgov.com>
Cc: 'jasonkatefl@msn.com' (jasonkatefl@msn.com) <jasonkatefl@msn.com>; Katie Seabright <katie@bischoffmartingayle.com>
Subject: Nixon

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Chris,

Thanks for your call. I just left you a message.

Please shoot us (including Mr. Nixon) an email reply telling us what Mr. Nixon need to do or can do to inspect or retrieve the property he has been asking to see/take. Basically, whatever guidance you can give will be appreciated. Thanks.

Kevin E. Martingayle, Esquire

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