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## Judge orders release of warrant authorizing search of Sunroad

By David Hasemyer  
UNION-TRIBUNE STAFF WRITER

11:05 a.m. March 29, 2007

SAN DIEGO – A Superior Court judge ordered the release of a warrant granting the San Diego City Attorney's Office authority to search the offices of Sunroad Enterprises, the company that is building an office tower the FAA says is a hazard to airplanes landing at Montgomery Field.

Judge George "Woody" Clarke ruled Wednesday morning that because the company and its vice president of development, Tom Story, are aware of the warrant, there was no reason to keep it secret.

He said the warrant would be released after he reviews the document for information he thinks should be redacted for confidentiality reasons.

Clarke's order came over the objections of a deputy city attorney, who contended making the contents public could jeopardize his office's criminal investigation into Story and Sunroad.

"Where there is an on-going investigation the courts have ruled that the rights of the people in keeping the contents outweighs the public's right to access," Christopher Morris said.

He also argued that keeping the warrant secret would protect the reputations of the people named in the warrant.

But attorneys for both Story and Sunroad said they had no objection to the warrant becoming public.

"We prefer that this be open so that we can address the allegations in the warrant instead of the innuendo that we no have from the leak of the warrant," said Michael Attanasio, an attorney representing Sunroad.

Clarke was asked to unseal the warrant by *The San Diego Union-Tribune*, which revealed its existence last week.

Guylyn Cummins, the attorney representing the *Union-Tribune*, argued the public had a right to know what was in the warrant because of the controversy swirling around the warrant, and because disclosure would not tip off its target.

"The public is entitled to understand the basis for this warrant," Cummins told the judge during the 20-minute hearing. "Why was it issued, and what is the basis for which the chief of police refused to execute the search warrant?"

Aguirre's office obtained the warrant in the midst of a legal contest with Sunroad over the 12-story building it is constructing less than a mile northwest of Montgomery Field.

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Aguirre's office has filed a suit seeking an order compelling the developer to tear down the top two floors of the building. Sunroad has countersued for \$40 million, saying it had the proper city-issued permits to erect the building.

The warrant authorized the City Attorney's Office to search Sunroad's offices. But City Attorney Michael Aguirre hit a roadblock.

He needed the help of the San Diego Police Department to execute the warrant because state law only empowers law enforcement officers to do searches.

The department balked at serving the warrant because Chief William Lansdowne said he couldn't discern what was being investigated. That ignited a spat between the police chief and Aguirre, with Aguirre saying the chief was obstructing his investigation.

After learning that Aguirre had a search warrant, Sunroad executives and lawyers began negotiating with the city attorney's office to voluntarily turn over documents. It has provided many of the records being sought, though Morris said in court not all of them have been turned over.

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