

From: [Robin Madaffer](#)
To: [Martin Reeder](#)
Cc: [Carlos Aquirre](#); [Erik Faucett](#); [Kinoshita](#); tom@duhscommercial.com; [Ron Morrison](#); [Luz Molina](#); [Marcus Bush](#); [Jose Rodriguez](#); [Ditas Yamane](#); [Clerk](#); [Attorney](#); [Eddy Brikho](#); [josephbrikho](#); [Kyle Alderman](#); [Mohammad Sammak](#); [Farah Mahzari](#); [Jeremy Ogul](#)
Subject: Sweetwater & Orange Gas Station Project – Formal Withdrawal and Abandonment of Application
Date: Tuesday, June 3, 2025 8:10:37 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Martin,

This email follows up on previous correspondence with Joseph Brikho dated December 10, 2024 (see email below).

On behalf of our clients, Joseph and Eddy Brikho, this email formally and unequivocally withdraws the application for a Conditional Use Permit (CUP) related to the proposed gas station development at the corner of Sweetwater Road and Orange Street in National City.

After careful consideration, we want to make it abundantly clear that we have no intention of revising, resubmitting, or pursuing this project, now or in the future. This project is being entirely and permanently abandoned.

We respectfully request that the City close out our application entirely, and we ask that any fees paid which may be eligible for refund be processed accordingly. Please let us know if any further steps are required on our part to formally close the file.

We appreciate the time and effort City staff have devoted to this process, and thank you for your professionalism throughout.

I am including the mayor, members of the City Council, and the city clerk as a matter of public record. Additionally, I am requesting that the City Clerk enter this email as a public comment for today's City Council meeting.

Sincerely,

Robin Madaffer

Robin Madaffer, Esq.
1620 Fifth Avenue, Suite 400
San Diego, California 92101
Mobile (619) 985-0940
Office (619) 239-7603
robin@sdlandlaw.com



----- Forwarded Message -----

From: Joseph Brikho [REDACTED]
To: Martin Reeder <mreeder@nationalcityca.gov>
Cc: Eddy Brikho <[REDACTED]>; Carlos Aguirre <caguirre@nationalcityca.gov>; Michael Kinoshita <michaelk@mkainc.net>; Erik Faucett <efaucett@lee-associates.com>; Morgan Thomas <tom@duhscommercial.com>
Sent: Tuesday, December 10, 2024 at 01:55:11 PM PST
Subject: Sweetwater Gas Station - withdrawal application

Martian, how are you? We would like to withdraw our current application for CUP on the development at the corner of Sweetwater and Orange. We will place it on hold for now to revise the project and come back to meet with the City staff to see how we can find a project that will work for that intersection.

Thank everybody at the city for all their hard work on this project and we look forward to finding a path forward to get something built there.

Thank you,
Joseph Brikho
[REDACTED]

On Wed, Nov 27, 2024 at 1:58 PM, Thomas Morgan <tom@duhscommercial.com> wrote:
Received.

Comments shall be forthcoming from the Applicant.

Tom

L. Thomas Morgan, CCIM
Retail Specialist - DUHS Commercial
3830 Ray Street
San Diego, CA 92104
[REDACTED]

Tom@duhscommercial.com

On Nov 27, 2024, at 12:31 PM, David Welch <dwelch@nationalcityca.gov> wrote:

Good Afternoon,

Our Planning Commission agenda for Monday night and complete packet is published online. This can be accessed

at the following link: <https://www.nationalcityca.gov/Home/Components/Calendar/Event/15596/786?curm=12&cury=2024#!/>. The staff report and draft resolution are found in the packet.

I made a few modifications to the conditions of approval based on our conversation yesterday. Specifically, it was confirmed by the Engineering and Fire Departments that the references to underground utilities were for on-site improvements (conditions 29 and 37). However, it was also decided that modifications to the size of containers for the sale of distilled spirits and the use of gasoline sales for condition 72 would require approval by our City Council since they would be policy changes from the previously approval Council Policy 707. I have a Notice of Decision currently planned as an item for the City Council meeting on December 10th. Should there be a public hearing at City Council, the next meeting date would be January 21st.

Thank you,

David Welch

Associate Planner

City of National City

1243 National City Boulevard

National City, CA 91950

Office: (619) 336-4224

Fax: (619) 336-4321

<image001.png>

City Hall Hours: M-Th 7a-6p

From: Maria Severson <mseverson@amslawyers.com>
Sent: Tuesday, June 3, 2025 11:12 AM
To: Shelley Chapel <schapel@nationalcityca.gov>
Cc: Michael Aguirre <maguirre@amslawyers.com>; Alexander Gutterud <agutterud@amslawyers.com>
Subject: Council Distribution of Request for Production of Documents

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ms. Chapel:

Please see attached the Request for Production of Documents to provide to the City Council as part of record for this evening's (Tuesday 6/3/2025) 6:00 p.m. City Council meeting. Please confirm receipt and distribution to City Council Members. Thank you.

Maria (Mia) Severson, Esq.
AGUIRRE & SEVERSON, LLP
501 W Broadway, Ste. 1050
San Diego, CA 92101
Office (619) 876-5364
Mobile (858) 602-8155
mseverson@amslawyers.com

1 Michael J. Aguirre, Esq., SBN 060402
2 Maria C. Severson, Esq., SBN 173967
3 Alexander M. Gutterud, Esq., SBN 358345
4 AGUIRRE & SEVERSON, LLP
5 501 West Broadway, Suite 1050
6 San Diego, CA 92101
7 Telephone: (619) 876-5364
8 Facsimile: (619) 876-5368

9 Attorneys for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

11 MICHAELA POLANCO,
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Plaintiff,

v.

THE CITY OF NATIONAL CITY, et al.,
Defendants.

Case No. 25CU004193C
Assigned for All Purposes to
Hon. Mark T. Cumba, Dept. C-65

**PLAINTIFF MICHAELA POLANCO'S
REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT CITY OF
NATIONAL CITY**

[SET NO. ONE]

Complaint filed: January 24, 2025

IMAGED FILE

PROPOUNDING PARTY: PLAINTIFF MICHAELA POLANCO

RESPONDING PARTY: DEFENDANT CITY OF NATIONAL CITY

SET NO.: ONE

Pursuant to Cal. Code of Civ. Proc. § 2031.010 et seq., Plaintiff Micaela Polanco hereby demands Defendant CITY OF NATIONAL CITY produce for inspection and copying the originals of all DOCUMENTS described below, in writing and under oath, within 30 days after service thereof (thirty-five days if served by U.S. mail). The documents produced in response to the following requests shall be sent to the offices of Aguirre & Severson, LLP, 501 West Broadway, Suite 1050, San Diego, CA 92101.

///

1 **DEFINITIONS**

2 1. "DOCUMENT" shall mean "writing" as defined in Evidence Code § 250 as
3 follows: "WRITING" means handwriting, typewriting, printing, photostating, photographing,
4 and every other means of recording upon any tangible thing any form of communication and
5 representation, including letters, words, pictures, sounds, or symbols, or combinations thereof,
6 statements, printed, or graphic representations, catalogues, circulars, manuals, brochures, reports,
7 memoranda, transcripts, communication, letters, e-mail correspondence, labels, advertisements,
8 directions, procedures, or other Document and/or writings as defined in the California Evidence
9 Code and Code of Civil Procedure, including drafts of any of the above. DOCUMENT includes
10 the originals, electronic or native files, any copies of originals not available, or any non-identical
11 copies (or copies different from the original because of notes made on such copies, or because of
12 an indication that such copies were sent to individuals different from those to whom the originals
13 were sent, or different for any reason).

14 2. The present tense includes the past and future tenses. The singular includes the
15 plural, and the plural includes the singular. "All" means "any and all;" "any" means "any and
16 all." "Including" means "including but not limited to." "And" and "or" encompass both "and"
17 and "or." Words in the masculine, feminine, or neuter form shall include each of the other
18 genders.

19 3. "RELATING TO" means evidencing, supporting, contracting, pertaining to,
20 referring to, connected to, stating, constituting, reflecting, respecting, describing, recording,
21 noting, embodying, containing, mentioning, studying, analyzing, discussing, showing, evaluating
22 or relevant to.

23 4. "YOU" or "YOUR" as used herein refers to The City of National City, or any
24 other agent, officer, employee, or other individual acting on its behalf.

25 5. "COMMUNICATIONS" means any writing demonstrating communication OR
26 correspondence between persons and/or entities, including but not limited to letters, emails, notes,
27 text messages, and facsimiles.

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1 DOCUMENT is withheld, state its date, author, subject matter, number of pages, and all
2 recipients thereof. For any DOCUMENT(S) withheld, specify the claimed factual and legal bases
3 for protection from discovery.

4 4. File folders with tabs or labels identifying DOCUMENTS called for by this
5 Demand are required to be produced intact with such DOCUMENTS.

6 5. With respect to any produced ELECTRONIC FILES, YOU are requested to
7 produce them in their native format. Native format refers to the electronic entries and files
8 recorded by any electronic software program.

9 **DOCUMENTS TO BE PRODUCED**

10 Please provide the following:

11 **REQUEST FOR PRODUCTION NO. 1:**

12 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
13 entries to, from, or for David Welch relating to the PROJECT, including but not limited to this
14 email: dwelch@nationalcityca.gov.

15 **REQUEST FOR PRODUCTION NO. 2:**

16 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
17 entries to, from, or for Martin Reeder relating to the PROJECT, including but not limited to this
18 number and email: [REDACTED] 429 and mreeder@nationalcityca.gov.

19 **REQUEST FOR PRODUCTION NO. 3:**

20 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
21 entries to, from, or for Ben Martinez relating to the PROJECT, including but not limited to from
22 and to these numbers and emails: [REDACTED] 623 and [REDACTED] 977 and
23 bmartinez@nationalcityca.gov .

24 **REQUEST FOR PRODUCTION NO. 4:**

25 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
26 entries to, from, or for Josie Flores-Clark relating to the PROJECT, including but not limited to
27 from and to these numbers and emails: [REDACTED] 540, [REDACTED] 687, [REDACTED] 558 and [REDACTED]
28 [REDACTED] 091 and jlark@nationalcityca.gov and [REDACTED] [gmail.com](mailto:) .

1 **REQUEST FOR PRODUCTION NO. 5:**

2 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
3 entries to, from, or for Ron Morrison relating to the PROJECT, including but not limited to from
4 or two these phone numbers and emails: [REDACTED] 996, [REDACTED] 091 and [REDACTED] 539 and
5 rmorrison@nationalcityca.gov and [REDACTED] [hotmail.com](mailto:[REDACTED]@hotmail.com) .

6 **REQUEST FOR PRODUCTION NO. 6:**

7 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
8 entries to, from, or for Carlos Aguirre relating to the PROJECT, including but not limited to from
9 or to these numbers and emails: [REDACTED] 282 and [REDACTED] 562 at caguirre@nationalcityca.gov .

10 **REQUEST FOR PRODUCTION NO. 7:**

11 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
12 entries to, from, or for Ron Williams relating to the PROJECT, including but not limited to from
13 or to these numbers and emails: [REDACTED] 824 and rwilliams@nationalcityca.gov .

14 **REQUEST FOR PRODUCTION NO. 8:**

15 Produce the phone bills and invoices for the following numbers for the period January to
16 December 2024 that were charged to or paid by the City of National City as to Ron Morrison:
17 [REDACTED] 996, [REDACTED] 091 and [REDACTED] 539.

18 **REQUEST FOR PRODUCTION NO. 9:**

19 Produce the phone bills and invoices for the following numbers for the period January to
20 December 2024 that were charged to or paid by the City of National City as to Josie Flores-Clark:
21 [REDACTED] 540, [REDACTED] 687, [REDACTED] 558 and [REDACTED] 091.

22 **REQUEST FOR PRODUCTION NO. 10:**

23 Produce the phone bills and invoices for the following numbers for the period January to
24 December 2024 that were charged to or paid by the City of National City as to Ben Martinez:
25 [REDACTED] 23 and [REDACTED] 977.

26 **REQUEST FOR PRODUCTION NO. 11:**

27 Produce the phone bills and invoices for the following numbers for the period January to
28 December 2024 that were charged to or paid by the City of National City as to Martín Reeder:

1 [REDACTED] 429.

2 **REQUEST FOR PRODUCTION NO. 12:**

3 Produce the phone bills and invoices for the following numbers for the period January to
4 December 2024 that were charged to or paid by the City of National City as to Carlos Aguirre:
5 [REDACTED] 282 and [REDACTED] 562.

6 **REQUEST FOR PRODUCTION NO. 13:**

7 All emails, text messages, or Outlook calendar entries that David Welch collected in
8 response to any public records request from Micaela Polanco as David Welch testified in his
9 deposition on May 13, 2025.

10 **REQUEST FOR PRODUCTION NO. 14:**

11 All emails, text messages, and Outlook calendar entries that Martin Reeder collected in
12 response to any public records request from Micaela Polanco as Martin Reeder testified in his
13 deposition on May 13, 2025.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 All emails, text messages, and Outlook calendar entries that Ben Martinez or his assistant
16 Esther Clemente collected in response to any public records request from Micaela Polanco as Ben
17 Martinez testified in his deposition on May 14, 2025.

18 **REQUEST FOR PRODUCTION NO. 16:**

19 All emails, text messages, and Outlook calendar entries that Ron Morrison collected from
20 his personal telephone number [REDACTED] 539 in response to any public records request from
21 Micaela Polanco as Ron Morrison testified on his deposition on May 28, 2025.

22 **REQUEST FOR PRODUCTION NO. 17:**

23 All emails, text messages, and Outlook calendar entries that Ron Morrison collected from
24 his personal email, [REDACTED] [hotmail.com](#), in response to any public records request from
25 Micaela Polanco as Ron Morrison testified on his deposition date on May 28, 2025.

26 **REQUEST FOR PRODUCTION NO. 18:**

27 Any email and responses dated in and around May 29 to May 31 of 2024 related to the
28 May 29, 2024, "Incomplete Letter" from Josies Flores-Clark to Ron Morrison.

1 **REQUEST FOR PRODUCTION NO. 19:**

2 Any email and responses related to the August 15, 2024 “Response Letter and Updated
3 Drawings” from Josies Flores-Clark to Ron Morrison.

4 **REQUEST FOR PRODUCTION NO. 20:**

5 Any email and responses related to the October 29, 2024, or November 7, 2024, emails
6 from Joseph Brikho to Josies Flores-Clark related to variance.

7 **REQUEST FOR PRODUCTION NO. 21:**

8 Any email and responses related to the October 24, 2024, from Joseph Brikho to Josie
9 Flores-Clark related to the PROJECT plan update.

10 **REQUEST FOR PRODUCTION NO. 22:**

11 For 2023 through January 2024, any Outlook calendar entries for any meetings with any
12 PROJECT applicants and Mayor.

13 **REQUEST FOR PRODUCTION NO. 23:**

14 The folder containing the writings the Mayor identified at his deposition on May 28, 2025,
15 he collected in response to any Micaela Polanco public records request.

16 **REQUEST FOR PRODUCTION NO. 24:**

17 All calendar entries of Google Meets RELATING TO the PROJECT for the period
18 January 1, 2024, to date.

19 **REQUEST FOR PRODUCTION NO. 25:**

20 All recordings of Google Meets RELATING TO the PROJECT, including DOCUMENTS
21 showing the identity of the Google Meets Organizer, the identity of all Google Meets invitees,
22 and the location of the Google Drive folder named “Meet Recordings” for the period January
23 2024 through December 2024.

24 **REQUEST FOR PRODUCTION NO. 26:**

25 All DOCUMENTS and COMMUNICATIONS discussing whether an environmental
26 impact report under CEQA would be required for the PROJECT for the period January 1, 2024,
27 to date.

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1 **REQUEST FOR PRODUCTION NO. 27:**

2 All DOCUMENTS showing anything of value given for the benefit of Josie Flores-Clark
3 or Ron Morrison from Eddy Brikho, Joseph Brikho, Jimmy Brikho, Robert Zakar, or their
4 affiliated entities, including discounts on gas, alcohol, or any other item.

5 **REQUEST FOR PRODUCTION NO. 28:**

6 All DOCUMENTS showing withholding of public records from YOUR production of
7 records in response to Micaela Polanco’s Public Records Request on the grounds of attorney-
8 client privilege or exemptions or otherwise for the period December 24, 2024, to date.

9 **REQUEST FOR PRODUCTION NO. 29:**

10 The unexpurgated copy showing the date of the email from Martin Reeder to Barry
11 Schultz forwarding the December 10, 2024, email from Joseph Brikho to Martin Reeder stating,
12 in part, “We will place it on hold for now.”

13 **REQUEST FOR PRODUCTION NO. 30:**

14 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
15 entries to, from, or for [REDACTED] [yahoo.com](mailto:[REDACTED]@yahoo.com) and/or [REDACTED] 815 and [REDACTED] 534 relating to
16 the PROJECT.

17 **REQUEST FOR PRODUCTION NO. 31:**

18 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
19 entries to, from, or for [REDACTED] [yahoo.com](mailto:[REDACTED]@yahoo.com) and/or [REDACTED] 705 relating to the PROJECT.

20 **REQUEST FOR PRODUCTION NO. 32:**

21 Produce all ESI and writings in the form of emails, text messages, Outlook calendar
22 entries to, from, or for Robert Zakar [REDACTED] 532 relating to the PROJECT.

23 AGUIRRE & SEVERSON, LLP

24
25 Dated: May 30, 2025

/s/Michael J. Aguirre
26 Michael J. Aguirre, Esquire
27 Attorneys for Plaintiff
28

1 Michael J. Aguirre, Esq., SBN 060402
2 Maria C. Severson, Esq., SBN 173967
3 Alexander M. Gutterud, Esq., SBN 358345
4 AGUIRRE & SEVERSON, LLP
5 501 West Broadway, Suite 1050
6 San Diego, CA 92101
7 Telephone: (619) 876-5364
8 Facsimile: (619) 876-5368

9 Attorneys for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

11 MICHAELA POLANCO,
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Plaintiff,

v.

THE CITY OF NATIONAL CITY, et al.,
Defendants.

Case No. 25CU004193C
Assigned for All Purposes to
Honorable Mark T. Cumba, Dept. C-65

PROOF OF SERVICE

Complaint filed: January 24, 2025

IMAGED FILE

I, the undersigned, am at least 18 years old and not a party to the within action. My business address is 501 West Broadway, Suite 1050, San Diego, CA 92101. My electronic service address is mbyrnes@amslawyers.com.

On May 30, 2025, I electronically served the following document(s):

PLAINTIFF MICHAELA POLANCO'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT CITY OF NATIONAL CITY [SET NO. ONE]

on the parties in this action as follows:

Christina M. Cameron, Esquire
Wendy L. House, Esquire
DEVANEY PATE MORRIS & CAMERON, LLP
402 W. Broadway, Suite 1300
San Diego, CA 92101
Phone: (619) 354-5030
Fax: (619) 354-5035
Email: CCameron@DPMCLaw.com; WHouse@DPMCLaw.com;
MLee@DPMCLaw.com; ASullivan@DPMCLaw.com
(Attorneys for Defendant The City of National City)

BY ELECTRONIC SERVICE – Pursuant to CCP § 1010.6(e)(1), and/or based on an agreement of the parties to accept electronic service, I caused the documents to be sent to

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the persons at the electronic notification addresses listed above.

BY ELECTRONIC FILING/SERVICE – I caused such document(s) to be Electronically Filed and/or Served through the One Legal System for the above-entitled case to those parties listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/Maria E. Byrnes
Maria E. Byrnes

From: [Wendy Egan](#)
To: [Public Comment](#)
Subject: Agenda Request & Public Comment: Support for Inclusive Kids Network Facility Use and Fee Waiver
Date: Monday, June 2, 2025 12:02:18 PM
Attachments: [Outlook-5em23apy.png](#)
[Outlook-q3jm1z0l.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Council Members, and City Staff,

My name is Wendy Egan, and I am a proud resident of National City and the founder of Inclusive Kids Network.

As a mother of a 10-year-old child with special needs, I created this program for him because I saw a real lack of inclusive, accessible activities for children like mine in our community.

Inclusive Kids Network is dedicated to providing free social clubs and inclusive programs, where children of all abilities can come together to learn, play, and feel truly included. My mission is to remove barriers and build a supportive space for families who often struggle to find resources that meet their needs.

I respectfully request a fee waiver for the use of city facilities, specifically the MLK Jr. Community Center, to help us offer inclusive programs. I also hope to establish an ongoing partnership with Parks and Recreation to expand inclusive opportunities citywide.

Together, we can make National City a leader in accessibility and inclusion, ensuring no family is left behind.

Thank you for your time and consideration.

Wendy Egan
Founder | Inclusive Kids Network
619.995.3430
<https://www.inclusivekidsnetwork.com/>

*Inclusive programs for kids and youth of all abilities building
skills, confidence, and a stronger, connected community.
National City, California*



From: donotreply@escribemeetings.com on behalf of [eSCRIBE.Admin](#)
To: [Tonya Hussain](#)
Subject: Public Comment Received
Date: Monday, June 2, 2025 11:33:44 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Wendy Egan has enter the following comment(s):

I would like to request an item be added to the City Council agenda regarding a fee waiver and access to city facilities to support bringing inclusive programs to our community. I am a National City resident and the founder of Inclusive Kids Network, a program dedicated to creating accessible, welcoming spaces for children of all abilities year around.

for PUBLIC HEARING in Regular City Council Meeting 6/3/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).