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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

FIRST AMENDMENT COALITION, a non-profit organization,

Petitioner/Plaintiff,

vs.

COUNTY OF SAN DIEGO, SUMMER STEPHAN, in her official capacity as the District Attorney for the County of San Diego, and DOES 1-10,

Respondents/Defendants.

Case No. 37-2018-00037504-CU-WM-CTL

PETITIONER FIRST AMENDMENT COALITION'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF VERIFIED PETITION FOR WRIT OF MANDATE ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT AND ARTICLE 1, SECTION 3(b) OF THE CALIFORNIA CONSTITUTION; DECLARATION OF KEVIN L. VICK AND EXHIBITS A-D

Hearing Date: March 28, 2019
Time: 1:30 p.m.
Dep't: 903

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I. INTRODUCTION

Petitioner First Amendment Coalition ("Petitioner" or "FAC") is a California nonprofit organization dedicated to promoting open and accountable government and advancing the "people's right to know." FAC initiated this matter because Respondents County of San Diego (the "County") and Summer Stephan, the District Attorney for the County (collectively "Respondents"), have refused to comply with the California Public Records Act ("CPRA"), Government Code §§ 6250, *et seq.*, and California Constitution, Article 1, Section 3(b).

FAC requested – and Respondents refused to provide – public records relating to sexual harassment and sexual misconduct complaints against employees of the San Diego County District Attorney's Office. Such records are of significant public interest, as highlighted by the increased scrutiny paid to issues of sexual harassment and misconduct within the past year. While public transparency and accountability are important for all governmental agencies, the District Attorney's Office holds a special place of public trust by nature of the great power the people of San Diego County have granted it—the power to limit the physical liberty, and even lives, of those it prosecutes. The Office has enormous power and discretion to pursue criminal prosecutions, or not, and the public is entitled to understand how the office investigates and addresses misconduct by those involved in carrying out that crucial mission.

Respondents admit possessing records responsive to FAC's CPRA requests regarding ***six*** separate incidents involving Respondents' former or current employees who were disciplined or resigned in the face of allegations of sexual misconduct and/or harassment. But Respondents have wrongfully chosen to withhold those records based on claimed CPRA exemptions that do not apply and cannot justify withholding. Respondents' refusal flies in the face of controlling California case law requiring disclosure here. That case law creates a straightforward test governing situations such as this where public records are sought concerning misconduct by government employees. In such situations, the records must be disclosed if two conditions are met. First, the allegations of wrongdoing must be "of a substantial nature, as distinct from baseless or trivial." *Bakersfield City School Dist. V. Superior Court*, 118 Cal. App. 4th 1041, 1046 (2004). Here, that requirement is easily met. Each of the six incidents at issue involved allegations of sexually-related misconduct

that were sufficiently substantial to justify discipline and, in some cases, to cause the offending employees to resign. Petition ("Pet"), Ex. 2 at 2-3. Courts have repeatedly held similar complaints are "substantial" for the purposes of the CPRA. *E.g.*, *Marken v. Santa Monica-Malibu Unified School Dist.*, 202 Cal. App. 4th 1250, 1275 (2012) (ordering disclosure of records regarding alleged sexual harassment as the public has "a legitimate interest in knowing whether and how [defendant] enforce[d] its sexual harassment policy"); *Bakersfield*, 118 Cal. App. 4th at 1046-47 (same).

Second, "public employee privacy ***must*** give way to the public's right to know" if there is "reasonable cause to believe the complaint is well founded[.]" *Bakersfield*, 118 Cal. App. 4th at 1046 (emphasis added). If "discipline is imposed," that conclusively establishes that the allegations of employee misconduct were well founded, and that is true even if "the sanction is [only] a private reproval[.]" *American Federation of State, County and Municipal Employees (AFSCME) v. The Regents of the University of California*, 80 Cal. App. 3d 913, 918 (1978). Here, this requirement is met because, in each of the six incidents, the offending employee was either disciplined or resigned in the face of the complaint. Under *Bakersfield*, *AFSCME* and other cases, disclosure of the public records regarding those incidents is mandatory and any claimed privacy concerns must give way.

Accordingly, this Court should grant FAC's Verified Petition in its entirety and order Respondents to promptly provide all records responsive to FAC's CPRA requests.

II. STATEMENT OF PERTINENT FACTS

Through its Executive Director David Snyder, FAC requested the following records from the San Diego County District Attorney's Office on April 5, 2018: "**All records relating to sexual misconduct and/or sexual harassment claims lodged against employees of the San Diego County District Attorney's office, including but not limited to records of investigations and discipline decisions resulting from those claims since January 1, 2013.**" Pet., Ex. 1 at 1 (bold in original). On April 20, 2018, the District Attorney's Office responded and acknowledged four incidents in which sexual misconduct and/or sexual harassment claims had been lodged against District Attorney's Office employees since 2013. Pet., Ex. 2 at 1. The District Attorney's Office also acknowledged two additional incidents involving Office employees who engaged in sexual misconduct, although it claimed (without explanation) that such incidents were somehow not

encompassed by FAC's original request. *Id.* at 2-3. With respect to all six incidents, the District Attorney's Office provided terse two-sentence summaries of the incidents, but refused to provide any responsive records whatsoever. *Id.*

According to Respondents' summaries: (1) a staff supervisor had made sexual comments to a subordinate and resigned before discipline could be imposed; (2) another supervisor had been disciplined for sexual harassment involving inappropriate comments and jokes about a subordinate's body; (3) an employee had been disciplined for offensive comments such as "maybe I should grow a pair of boobs" after a female co-worker was promoted; (4) another supervisor had been disciplined for inappropriately touching a subordinate and making comments such as "if she was my wife, I wouldn't let her get out of bed" and "why doesn't she just send me nudes"; (5) a District Attorney Investigator had been suspended for unwanted physical contact with a co-worker; and (6) a Deputy District Attorney had resigned after it came to light that he had taken sexually explicit photos in his office and other county-owned locations and engaged in sexting while at work. Pet., Exs. 2, 4, 5.

FAC responded by explaining that the District Attorney's Office's grounds for withholding the responsive records concerning the six incidents was contrary to well-established California law. Pet., Ex. 3. FAC also supplemented its original request to make clear it sought records relating to the two additional incidents identified at the end of the District Attorney's Office's April 20, 2018 letter, as well as other documents. *Id.* at 2-3. The supplemental request sought: "**(1) All records relating to the 2015 and 2016 incidents described on page 3 of the April 20 Letter; and (2) Any and all writings, as that term is defined under Cal. Gov. Code Section 6252(g), relating to complaints or allegations of sexual misconduct, including but not limited to sexual harassment, against any employee of the San Diego County District Attorney's office, including but not limited to investigation reports, interview statements, documentary evidence reviewed during any investigation by the San Diego County DA's office, notices to employees, correspondence to or from complainants and discipline or action taken by San Diego County DA's office in response to such complaints or allegations. [E]ncompasses any and all writings (as defined above) created, sent or received after January 1, 2013.**" (bold in original.) FAC added: "Please note that this request is not limited to 'formal' allegations or complaints--i.e., complaints or

allegations that have been processed through any HR department--but any and all investigations into alleged, reported or suspected sexual misconduct and/or harassment." *Id.*

The District Attorney's Office responded with two letters. Pet., Exs. 4-5. Those letters contained some additional information regarding the six incidents, but while admitting that responsive public records existed, the District Attorney's Office's still refused to provide any such records with respect to any of the six incidents. *Id.*; *see also* Declaration of Kevin L. Vick ("Vick Decl."), ¶ 6; Exs. A-B [Respondents' responses to FAC's Requests for Admission Nos. 1-2 (admitting they possess documents responsive to FAC's initial and supplemental CPRA requests)].

Based on Respondents' refusal to provide any responsive records, FAC filed its Petition in July 2018. In September 2018, Respondents filed their Answer to the Petition. On January 9, 2019, this Court granted FAC's *Ex Parte* Application to set a briefing and hearing schedule on the merits of the Verified Petition.

III. THE LAW MANDATES DISCLOSURE OF THE RECORDS AT ISSUE

A. The Responsive Records Are Presumptively Open Public Records And Any Claimed Exemption To The CPRA Must Be Construed Narrowly

The responsive records that Respondents are withholding are "public records" under the CPRA. *See* Gov't C. § 6252(e) (CPRA applies to "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical characteristics"); *San Gabriel Tribune v. Super. Ct.*, 143 Cal. App. 3d 762, 774 (1983) (CPRA "is intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed"). Article I, § 3(b) of the California Constitution mandates that "[t]he people have the right of access to information concerning the conduct of the people's business," and guarantees that "writings of public officials and agencies shall be open to public scrutiny." Cal. Const. art. I, § 3(b)(1); *see also* Cal. Gov't Code § 6250. In recognition of that right, the Constitution orders that any statute "that furthers the people's right of access" – such as the CPRA – "shall be broadly construed," while any statute "that limits the right of access" must be "narrowly construed." Cal. Const. art. I, § 3(b)(1). To promote such policies, courts recognize that "'[m]aximum disclosure of

the conduct of governmental operations' is necessary." *Pasadena Police Officers Ass'n v. Superior Court*, 240 Cal. App. 4th 268, 282 (2015) (quoting *CBS, Inc. v. Block*, 42 Cal. 3d 646, 651 (1986)).

Consistent with the mandate for "maximum disclosure," Respondents, as "the agency opposing disclosure," "bear[] the burden of proving that an exemption applies." *ACLU v. Super. Ct.*, 202 Cal. App. 4th 55, 67 (2011); *accord CBS*, 42 Cal. 3d at 652 n. 8. The "[s]tatutory exemptions from compelled disclosure are narrowly construed," and, to justify secrecy, Respondents have the "burden of proof" to demonstrate a "***clear overbalance*** on the side of confidentiality." *California St. Univ. v. Super. Ct.*, 90 Cal. App. 4th 810, 831 (2001) (emphasis added); *see also Bakersfield*, 118 Cal. App. 4th at 1045 (2004) ("[a]ny refusal to disclose public information must be based on a specific narrowly construed exception to that policy," and "the burden of proof is on the proponent of nondisclosure to demonstrate a 'clear overbalance' on the side of confidentiality"). "In the particular context of the CPRA, if there is any ambiguity about the scope of an exemption from disclosure, we must construe it narrowly" to maximize disclosure and governmental transparency. *Sonoma Cnty. Employees' Ret. Ass'n v. Super. Ct.*, 198 Cal. App. 4th 986, 993 (2011).

The records at issue here, sought by a public interest organization focusing on government transparency and the public's right to know, are exactly the type of public records contemplated by the CPRA and the Constitution. They go to the heart of the conduct of the people's business and the government's operations, and they are necessarily subject to maximum disclosure.

B. Respondents Waived Any CPRA Exemptions

CPRA exemptions "can be waived[.]" *Cnty. of Santa Clara v. Super. Ct.*, 170 Cal. App. 4th 1301, 1321 (2009). Here, Respondents waived any potential exemptions by disclosing information contained in the responsive records. In response to FAC's CPRA requests, Respondents provided narrative summaries regarding the six incidents. Pet., Ex. 2 at 1-2, Ex. 4 at 6-9, Ex. 5 at 1-6. While Respondents wrongfully refuse to produce records related to the incidents, their voluntary disclosure of information regarding them results in a waiver. *Julrik Prods., Inc. v. Chester*, 38 Cal. App. 3d 807, 811 (1974) (finding waiver of privilege where party disclosed existence of otherwise privileged letter and "went into some detail as to its contents"); *Jones v. Superior Court*, 119 Cal. App. 3d 534, 546 (1981) (disclosures on certain subject matters waive "statutory privilege as to these matters"

plus any "inextricably related subject[s]"), *disapproved on other grounds by Williams v. Superior Court,* 3 Cal. 5th 531, 557 (2017). Respondents may not selectively disclose only that information that they wish to (i.e., self-serving narrative summaries), while simultaneously withholding related material regarding the same subject matter (the responsive records). *Julrik*, 38 Cal. App. 3d at 811; *Jones*, 119 Cal. App. 3d at 546; *see also Tennenbaum v. Deloitte & Touche*, 77 F.3d 337, 340–41 (9th Cir. 1996) (waiver prevents selective disclosure and is "rooted in notions of fundamental fairness" that would be violated if parties could selectively disclose materials "that support the cause while claiming the shelter of the privilege to avoid disclosing those that are less favorable").

Respondents further waived any exemptions for separate and independent reasons for two of the six incidents. First, with respect to the incident involving the District Attorney Investigator who inappropriately touched a co-worker and was then suspended and transferred, Respondents concede "[t]he disciplinary information was previously made public by this Office with the Investigator's consent." Pet., Ex. 2 at 3. Second, with respect to the incident involving former Deputy District Attorney Michael MacNeil's sharing of nude photos taken on county property and his subsequent resignation, Respondents admit "[m]uch of the information" regarding the incident "is still readily available on the internet" as a result of prior disclosure by others. Pet., Ex. 4 at 5. Any privacy interests in such information and underlying records is gone. Respondents cannot expect "the court to lock the barn door after the horse is gone" because "there can be no privacy with respect to a matter which is already public[.]" *Hurvitz v. Hoefflin*, 84 Cal. App. 4th 1232, 1245 (2000).

C. The Requested Records Do Not Fall Within Any CPRA Exemptions

1. The Claimed Exemptions In Government Code §§ 6254(a), 6254(c) and 6255(a) Do Not Justify Withholding Any Of The Responsive Records

Respondents claim the responsive records are exempt from disclosure under the "preliminary drafts" exemption in Government Code § 6254(a), the "personnel" exemption in § 6254(c), and the "deliberative process/catch all" exemption in § 6255(a). Pet., Exs. 2, 4, 5. Respondents' claim fails for two separate reasons. First, Respondents have not met their burden of establishing that any of the withheld records fall within the scope of those exemptions. Second, even assuming *arguendo* that certain records did fall within the scope of the exemptions, disclosure would still be mandated.

That is because each of those exemptions is only a *qualified* exemption, subject to a weighing process under which Respondents would have to prove that "the public interest served by not disclosing the record ***clearly outweighs*** the public interest served by disclosure of the record." Gov't Code § 6255 (emphasis added).[1] Controlling case law forecloses the possibility that Respondents could do so. Under that case law, when, as here, public employees are accused of sexual misconduct and those employees have been disciplined or resigned, any qualified exemptions "***must*** give way to the public's right to know." *Bakersfield*, 118 Cal. App. 4th at 1046 (emphasis added).

a. Respondents Have Not Met Their Burden Of Showing That Any Of The Responsive Records Are Covered By The Claimed Exemptions

Each of the claimed qualified exemptions are limited to discrete categories of documents:

- Section 6254(a) applies to "[p]reliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure." Gov't Code § 6254(a). Section 6254(a) applies only to "those portions of ***pre-decisional*** writings containing advisory opinions, recommendations, and policy deliberations," and "memoranda consisting only of compiled ***factual material*** or purely factual material contained in deliberative memoranda and severable from its context" are ***not*** exempt. *Citizens for A Better Env't v. Dep't of Food & Agric.*, 171 Cal. App. 3d 704, 713 (1985) (emphases added; internal quotations omitted). Furthermore, "[i]f preliminary materials are not customarily discarded *or have not in fact been discarded* as is customary they must be disclosed." *Id.* at 714 (emphasis added).

- Section 6254(c) applies to "[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy." Gov't Code § 6254(c). Courts have

[1] *See also* Gov't Code § 6254(a) (same weighing process applies to preliminary drafts exemption); *BRV, Inc. v. Super. Ct.*, 143 Cal. App. 4th 742, 755 (2006) (weighing process under CPRA's "catchall exception (§ 6255)" and under "the exemption for personnel files" in 6254(c) "are essentially the same"); *California Comm'n on Peace Officer Standards & Training v. Super. Ct.*, 42 Cal. 4th 278, 299 (2007) (same); *California First Amendment Coal. v. Super. Ct.*, 67 Cal. App. 4th 159, 172 (1998) (deliberative process exemption governed by weighing process of Section 6255). Because the constitutional right of privacy (Cal. Const. Art. 1, § 1) requires essentially the same balancing as under Sections 6254(c) and 6255, courts apply a single balancing test when constitutional privacy objections are raised. *California St. Univ. v.*, 90 Cal. App. 4th at 828.

held that it applies only to highly personal information contained in government files: "[o]nly purely personal information unrelated to the conduct of the people's business could be considered exempt [under Section 6254(c)] i.e., the shopping list phoned from home, the letter to a public officer from a friend which is totally devoid of reference to governmental activities." *San Gabriel Tribune*, 143 Cal. App. 3d at 774 (quotations omitted); *see also Bakersfield*, 118 Cal. App. 4th at 1045 (the "'personnel exemption' was developed to protect intimate details of personal and family life, not business judgments and relationships") (quotations omitted).

- The deliberative process exemption, which is encompassed within the qualified "catch all" exemption in Government Code section 6255, applies only to records that are both "(1) predecisional … [i.e.] prepared in order to assist an agency decisionmaker in arriving at his decision" and "(2) deliberative," i.e., it must do more than simply "answer[] a factual question." *ACLU*, 202 Cal. App. 4th at 76. "The burden is on the [governmental agency] to establish the conditions for creation of the privilege," and an agency must make a specific showing justifying withholding individual records and cannot rely on generalized concerns. *Citizens for Open Government v. City of Lodi*, 205 Cal. App. 4th 296, 306-07 (2012).

Here, although Respondents have asserted that some or all of the responsive records fall within the scope of these qualified exemptions, Respondents have failed to meet their burden of substantiating their assertions. To the contrary, in response to written discovery, ***Respondents refused to even identify the responsive records***, let alone provide a list of such documents along with evidence demonstrating that they constitute preliminary drafts or personnel files, or reflect deliberative processes. Vick Decl., Exs. C-D [Responses to Special Interrogatories Nos. 9 and 10]. Thus, Respondents have not met their burden of demonstrating that any of the withheld records fall within the scope of the claimed qualified exemptions in Sections 6254(a), 6254(c) or 6255(a).

b. Even if Respondents Could Show Certain Records Fell Within The Scope of the Claimed Qualified Exemptions, Controlling Case Law Would Still Require Their Disclosure

Even if Respondents could establish that responsive records fall within the scope of a qualified privilege, that would only be the first hurdle. Respondents would still bear the burden of

demonstrating – with respect to ***each*** individual record – that "on the facts of the particular case the public interest served by not disclosing the record ***clearly outweighs*** the public interest served by disclosure of the record." Gov't Code § 6255 (emphasis added); *see also supra*, fn. 1 (same weighing process applies to Sections 6254(a), 6254(c) and 6255(a)); *Cal. State Univ.*, 90 Cal. App. 4th at 831 ("[t]he burden of proof is on the proponent of nondisclosure, who must demonstrate a clear overbalance on the side of confidentiality"). To meet that burden, Respondents cannot rely on "vague" or "speculative … concerns." *Long Beach Police Officers Assn. v. City of Long Beach* ("*LBPOA*"), 59 Cal. 4th 59, 74 (2004). Rather, they must adduce "evidence" proving a compelling need for secrecy. *New York Times v. Super. Ct.*, 218 Cal. App. 3d 1579, 1584 (1990).

Respondents cannot meet this burden. Without question, the public has a tremendous interest in records relating to allegations of sexual misconduct and/or harassment by employees of the District Attorney's Office, as well as the manner in which the Office investigates and handles such complaints. As one Court of Appeal has stated, "[i]t is indisputable that law enforcement is a primary function of local government and that the public has a … great[] interest in" the conduct of public employees working in law enforcement. *Gomes v. Fried*, 136 Cal. App. 3d 924, 933 (1982). Sexual harassment and/or misconduct allegations against District Attorney's Office employees are of particular public interest, as underscored by the increased public scrutiny paid to issues of sexual harassment and misconduct within the past year as highlighted by the "#MeToo Movement"—a movement that has thrown into sharp relief both the right of the public to know when the powerful abuse their authority, and the salutary social benefits of such transparency. Transparency and public accountability are essential for all governmental agencies. However, the District Attorney's Office holds a paramount place of public trust because of the extraordinary power that the people of San Diego County have given it. The public is entitled to see and understand how the Office investigates, addresses and punishes such misconduct by those whom it employs.

California courts have repeatedly held that there is a significant and compelling public interest in records regarding complaints of sexual misconduct and harassment by government employees. *Marken*, 202 Cal. App. 4th at 1275 (ordering disclosure of records regarding alleged sexual harassment and explaining that the public had "a legitimate interest in knowing whether and

how the [defendant] enforce[d] its sexual harassment policy"); *Bakersfield*, 118 Cal. App. 4th at 1046 (same); *see also Gonzalez v. Super. Ct.*, 33 Cal. App. 4th 1539, 1550 (1995) ("California has a strong public policy against sexual harassment"); *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 224, 294 P.3d 49, 60 (2013) ("The public policy against sex discrimination and sexual harassment in employment, moreover, is plainly one that inures to the benefit of the public at large rather than to a particular employer or employee. No extensive discussion is needed to establish the fundamental public interest in a workplace free from the pernicious influence of sexism. So long as it exists, we are all demeaned.") (internal citation and quotation marks omitted).

By contrast, Respondents have asserted only generalized privacy and deliberative process concerns as purported justifications for withholding the responsive records. Such concerns fall far short of meeting Respondents' burden of "demonstrat[ing] a clear overbalance on the side of confidentiality." *Cal. State Univ.*, 90 Cal. App. 4th at 831. Instead, they are the sort of "vague" or "speculative … concerns" that cannot justify withholding public records. *LBPOA*, 59 Cal.4th at 74.

Here, the Court does not have to act on a blank slate; controlling California case law ***mandates*** disclosure. That line of cases holds that "where complaints of a public employee's wrongdoing and resulting disciplinary investigation reveal ***allegations of a substantial nature***, as distinct from baseless or trivial, and there is ***reasonable cause to believe the complaint is well founded***, public employee privacy ***must*** give way to the public's right to know." *Bakersfield*, 118 Cal. App. 4th at 1046 (emphases added); *accord AFSCME*, 80 Cal. App. 3d at 918 (disclosure is required "where the charges are found true, or discipline is imposed" even if "the sanction is a private reproval," and "where there is reasonable cause to believe the complaint to be well founded, the right of public access to related public records exists"); *BRV*, 143 Cal. App. 4th at 759 (same).

Thus, in *Bakersfield*, the court ordered a school district to produce records related to a complaint about a district employee's alleged sexual misconduct. 118 Cal. App. 4th at 1047. The court ordered disclosure even though discipline had not been imposed on the employee and no finding had been made that the allegations were, in fact, true. *Id.* at 1046. Rather, there need only be "reasonable cause to believe the complaint is well founded," as courts are not always in a position to conclusively "determine the veracity of the complaint." *Id.* at 1046, 1047. Likewise, in

BRV, the court ordered disclosure of records related to complaints that a district superintendent had engaged in sexual harassment and other misconduct and rejected claimed exemptions under Government Code §§ 6254(c) and 6255(a). 143 Cal. App. at 747, 759. Although an investigation had concluded that "most of the allegations were not sufficiently reliable" and the superintended was exonerated of "all serious allegations misconduct except those relating to outbursts of anger," the court held that disclosure was mandated. The court recognized the importance of "the public's interest in understanding why [the superintendent] was exonerated and how the District treated the accusations" and handled the investigation. *Id.* at 759; *see also AFSCME*, 80 Cal. App. 3d at 918 (ordering production of portions of audit report addressing alleged financial irregularities).

Here, each of the six incidents resulted in the discipline of or resignation by the offending employees. Thus, this action presents an even stronger case for disclosure than in *Bakersfield*, *BRV* and *AFSCME*. Respondents have previously claimed their withholding of records is justified by *Marken*, 202 Cal. App. 4th 1250. Pet., Ex. 2 at 2. However, *Marken* unmistakably compels disclosure here. *Marken* relied on *Bakersfield*, *BRV* and *AFSCME* in holding that confidentiality interests under Government Code §§ 6254(c) and 6255(a) did not outweigh the public interest in disclosure of records relating to allegations of sexual harassment against the teacher. 202 Cal. App. 4th at 1275-76. *Marken* explained that, under well-established California law, when a substantial "complaint has been upheld by the agency involved or discipline imposed, even if only a private reproval, [the public records] ***must be disclosed***." *Id.* at 1275 (emphasis added). The court rejected the argument that disclosure remained discretionary or subject to further judicial weighing. *Id.* Instead, the Court categorically held when a claim of misconduct is substantial and discipline has been imposed, "disclosure is mandated" and "section 6254, subdivision (c), is inapplicable" because disclosure of the records "is required under the CPRA." *Id.* at 1274-75, 76.[2]

[2] Similarly, courts addressing the deliberative process qualified privilege under the federal Freedom of Information Act ("FOIA"), upon which the CPRA's deliberative process exemption is modeled, have repeatedly held that "where there is reason to believe the documents sought may shed light on government misconduct, 'the privilege is routinely denied,' on the grounds that shielding internal government deliberations in this context does not serve 'the public's interest in honest, effective government.'" *In re Sealed Case*, 121 F.3d 729, 738 (D.C. Cir. 1997) (quoting *Texaco P.R., Inc. v. Dep't of Consumer Affairs*, 60 F.3d 867, 885 (1st Cir. 1995)); *see also Times Mirror*

Here, there can be no dispute that the allegations against District Attorney's Office employees are "of a substantial nature." *Bakersfield*, 118 Cal. App. 4th at 1046. As Respondents have conceded, each of the six incidents involved allegations of sexually-related misconduct that were sufficiently substantial to justify discipline and, in some cases, resignation by the offending employee. Pet. Ex. 2 at 2-3. Courts have repeatedly held similar complaints are "substantial" for the purposes of the CPRA. *BRV*, 143 Cal. App. at 759; *Bakersfield*, 118 Cal. App. 4th at 1046. Moreover, the imposition of discipline and/or tendering of resignation in each of the six incidents is indisputable evidence that there is "reasonable cause to believe the complaint[s] [are] well founded[.]" *Bakersfield*, 118 Cal. App. 4th at 1046.[3] Accordingly, "public employee privacy ***must*** give way to the public's right to know," and Respondents must provide FAC with copies of the responsive records. *Id.* (emphasis added).

Respondents have argued that disclosure of certain records is not required because some of the offending employees were not "public officials" or in a "position of authority." Pet., Ex. 4 at 2-3. However, three of the offending employees here were supervisors, a fourth was a District Attorney Investigator, and a fifth was a Deputy District Attorney. Pet. Ex. 2 at 2-3. Moreover, whether or not they were public officials is irrelevant under the case law. Because the complaints were "of a substantial nature" and there is "reasonable cause to believe the complaint[s] [are] well founded," interests in confidentiality "must give way to the public's right to know" regardless of whether the employees were public officials. *Bakersfield*, 118 Cal. App. 4th at 1046; *AFSCME*, 80 Cal. App. 3d at 918. Public official status might be relevant if the allegations were *not* well-founded. *BRV*, 143 Cal. App. 4th at 759 (where higher-ranking public employees are involved, disclosure of an investigation into misconduct is required even if charges were found to be unreliable and the official was exonerated). Here, however, all six offending employees either

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Co. v. Super. Ct., 53 Cal. 3d 1325, 1342-43, 1338 (1991) (CPRA's deliberative process exemption is modelled after equivalent FOIA privilege and "judicial construction of the FOIA thus serve[s] to illuminate the interpretation of its California counterpart") (internal quotation marks omitted).

[3] Indeed, a significantly lesser showing than the imposition of discipline against an employee is sufficient to establish a "reasonable belief" that a complaint is well-founded. *Id.* at 1047.

resigned or were disciplined, demonstrating that there is more than "reasonable cause to believe the complaint[s] [are] well founded[.]" *Bakersfield*, 118 Cal. App. 4th at 1046. Pet. Ex. 2 at 2-3.

2. **Penal Code Sections 832.5 and 832.7 Do Not Justify Respondents' Wholesale Withholding Of All Records Regarding The Incident Involving a District Attorney Investigator**

Respondents have contended that responsive records related to one of the six incidents are exempt from disclosure under Penal Code §§ 832.5 and 832.7 (via Government Code § 6254(k)) because the offending employee was a District Attorney Investigator. Pet., Ex. 2 at 2-3, Ex. 4 at 8-9. Respondents' contention is flawed for multiple reasons. First, while Penal Code § 832.7(a) exempts from disclosure certain peace officer personnel records and records listed in Penal Code § 832.5, Section 832.7(a) contains an important exception. That exception provides: "This section ***shall not apply to investigations*** or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, ***conducted by*** a grand jury, ***a district attorney's office***, or the Attorney General's office." Penal Code § 832.7(a) (emphasis added). Here, Respondents are the District Attorney's Office, and thus any records relating to the Office's investigation of the Investigator's misconduct are subject to the exception to Penal Code § 832.7.

Second, Section 832.7(b) sets forth an additional exception for "[a]ny record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public." Penal Code § 832.7(b)(1)(B)(i). Respondents concede the "Investigator was suspended and transferred to a different location" and such "disciplinary information was previously made public by this Office with the Investigator's consent." Pet., Ex. 2 at 3. While Respondents have asserted that the Investigator's "unwelcome physical contact" was made towards a "female co-worker," Respondents have failed to substantiate that the victim was employed by the District Attorney's Office directly. If she was not, then she is a "member of the public" and Penal § 832.7(b)(1)(B)(i) applies and requires disclosure of the records being withheld. *See* Penal Code § 832.7(b)(1)(B)(iii) ("'member of the public' means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency").

Third, even if neither of the exceptions discussed above applied, Respondents would still bear the burden of demonstrating that ***each and every one*** of the withheld records regarding the Investigator fall within the discrete categories of records exempted from disclosure by Section 832.7. *See* Penal Code § 832.7(a) (exemption from disclosure only applies to certain peace officer "personnel records" and records maintained pursuant to Penal Code § 832.5); Penal Code § 832.8 (defining "personnel records" for purposes of Section 832.7); Penal Code § 832.5 (setting forth certain categories of records subject to exemption). As the California Supreme Court has explained, the exemption in Penal Code § 832.7 has significant limits:

> [M]any records routinely maintained by law enforcement agencies are not personnel records. For example, the information contained in the initial incident reports of an on-duty shooting are typically not "personnel records" as that term is defined in Penal Code section 832.8. It may be true that such shootings are routinely investigated by the employing agency, resulting eventually in some sort of officer appraisal or discipline. But only the records *generated* in connection with that appraisal or discipline would come within the statutory definition of personnel records (Pen.Code, § 832.8, subd. (d)). We do not read the phrase "records relating to ... [¶] ... [¶] ... [e]mployee ... appraisal[ ] or discipline" (*ibid.*) so broadly as to include every record that might be *considered* for purposes of an officer's appraisal or discipline, for such a broad reading of the statute would sweep virtually all law enforcement records into the protected category of "personnel records (*id.*, § 832.8)."

LBPOA, 59 Cal. 4th at 71–72 (original emphasis). Here, although Respondents have asserted that some unspecified responsive records fall within the scope of Penal Code § 832.7(a), they have failed to meet their burden of substantiating that assertion. In response to written discovery, Respondents refused to even identify the responsive records they are withholding, let alone provide a list of such documents along with evidence proving they fall within the Section 832.7(a) exemption. Vick Decl., Exs. C-D [Responses to Special Interrogatories Nos. 9 and 10].

D. Respondents Must Produce All Segregable, Non-Exempt Records And Must Utilize Methods Such As Redaction And Anonymization Rather Than Wholesale Withholding

The "fact that a public record may contain some confidential information does not justify withholding the entire document." *State Bd. of Equalization v. Superior Court*, 10 Cal. App. 4th 1177, 1187 (1992). The focus of the CPRA is "information, not documents, and an agency cannot justify withholding an entire document simply by showing that it contains some exempt materials."

N. Cal. Police Practices Project v. Craig, 90 Cal. App. 3d 116, 123 (1979) (internal quotation marks and citation omitted). Thus, even if Respondents could substantiate that some portions of certain records are exempt from disclosure, they still must provide any non-exempt records in their possession that are "reasonably segregable." Gov't C. § 6253(a). This requires consideration and implementation of reasonable methods such as redaction or anonymization to produce non-exempt records. *See American Civil Liberties Union v. Super. Ct.*, 3 Cal. 5th 1032, 1046 (2017) (remanding case to lower court to consider the feasibility of any "methods of anonymization and redaction").

This applies with special force with regard to Respondents' claims to be concerned with the privacy of certain parties other than the offending employees.

E. This Court Should Conduct An* In Camera *Review Of The Withheld Records

Should Respondents continue to assert that certain exemptions to disclosure under the CPRA apply, Petitioner and the Court are not required to simply take Respondents' word for it. Instead, the Court performs an *in camera* review of the withheld records to ensure that any claimed exemption is supported by the record itself. *See* Government Code § 6259(a) (if a petitioner contends that public records are being improperly withheld, "[t]he court shall decide the case after examining the record[s] in camera" to the full extent permitted by Section 915 of the Evidence Code); *see also Cty. of Los Angeles v. Super. Ct.*, 82 Cal. App. 4th 819, 832 (2000) (remanding case for *in camera* review of documents that agency claimed were exempt from disclosure). *In camera* review is particularly crucial here because Respondents have refused to even identify the documents that they are withholding – let alone substantiate their assertions that the claimed exemptions apply to those documents. Vick Decl., Exs. C-D [Responses to Special Interrogatories Nos. 9 and 10].

Dated: January 25, 2019

JASSY VICK CAROLAN LLP

By _____

KEVIN L. VICK
Attorneys for Petitioner/Plaintiff
FIRST AMENDMENT COALITION

Kevin L. Vick
Declaration

DECLARATION OF KEVIN L. VICK

I, Kevin L. Vick, declare as follows:

1. I am an attorney authorized to practice before this Court. I am a partner of Jassy Vick Carolan LLP, counsel of record for Petitioner First Amendment Coalition ("Petitioner" or "First Amendment Coalition") in the above-entitled action. The matters stated below are true and correct of my own personal knowledge.

2. Attached as **Exhibit A** is a true and correct copy of Respondent County of San Diego's responses to Petitioner's First Set of Requests for Admission.

3. Attached as **Exhibit B** is a true and correct copy of Respondent Summer Stephan's responses to Petitioner's First Set of Requests for Admission.

4. Attached as **Exhibit C** is a true and correct copy of Respondent County of San Diego's responses to Petitioner's First Set of Special Interrogatories.

5. Attached as **Exhibit D** is a true and correct copy of Respondent Summer Stephan's responses to Petitioner's First Set of Special Interrogatories.

6. As reflected in Exhibits 1 through 5 to the Petitioner's Verified Petition in this case, Respondents refused to provide any public records in response to Petitioner's CPRA requests. Nor have Respondents agreed to voluntarily provide any records in response to Petitioner's filing of its Verified Petition in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 25, 2019 at Los Angeles, California.

KEVIN L. VICK

Exhibit A

THOMAS E. MONTGOMERY, County Counsel
County of San Diego
By TIMOTHY M. WHITE, Senior Deputy (SBN 220847)
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San Diego, CA 92101
Telephone: (619) 531-4865
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Exempt from Filing Fee, Gov't Code § 6103

Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO, CENTRAL

FIRST AMENDMENT COALITION, a non-profit organization, Petitioner/Plaintiff, v. COUNTY OF SAN DIEGO, SUMMER STEPHAN, in her official capacity as the District Attorney for the County of San Diego, and DOES 1-10, Respondents/Defendants.	No. 37-2018-00037504-CU-WM-CTL Action Filed: July 27, 2018 **RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE)** **IMAGED FILE** Dept: 903 Judge: Hon. David M. Rubin

PROPOUNDING PARTY: First Amendment Coalition, a non-profit organization

RESPONDING PARTY: County of San Diego, Respondent

SET NO.: One

PLEASE TAKE NOTICE that pursuant to Code of Civil Procedure § 2033.210, Respondent County of San Diego hereby responds to the Request for Admissions propounded by Plaintiff First Amendment Coalition as follows:

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PRELIMINARY STATEMENT

This responding party has not fully completed the investigation of the facts relating to this case, has not fully completed the discovery in this action and has not completed preparation for trial. Responding party reserves the right to make any changes, deletions or additions in the responses, objections and documents produced if it appears more accurate information is available or documents are located. All of the answers contained herein are based only upon such information, which is presently available to, and specifically known to this responding party. Accordingly, the following responses are based upon information and belief as of this date. In agreeing to any discovery herein, defendant preserves all evidentiary privileges, including all attorney-client privileges, attorney- work product privileges, privacy objections, and all privileges protecting the intergovernmental or deliberative processes.

GENERAL OBJECTIONS

Each and every request will be responded to subject to the general limitations and objections set forth below. These limitations and objections form a part of the response to each and every request and are set forth herein to avoid the repetition of restating them for each response. These general objections may be specifically referred to in a response for purposes of clarity. However, failure to specifically incorporate a general objection should not be construed as a waiver of the general objection.

1. Because the County has not concluded discovery and its investigation in this action, and because additional information may be obtained or discovered that could affect these responses, the County reserves the right, but not the obligation (absent a supplemental discovery request), to amend, supplement, or modify these responses and objections, and to rely upon any and all such information at trial or otherwise.

2. The County further states that it is responding to each request as it bests interprets and understands that request with respect to the issues framed in connection with this litigation. If Petitioner asserts an interpretation of any part of a request that differs from the County's understanding of the request, the County reserves the right to supplement, amend, or modify the

below responses and objections.

3. The County objects to these requests on the grounds, and to the extent, that they are unduly burdensome and oppressive, overbroad, premature, neither relevant to the subject matter of this action nor calculated to lead to the discovery of admissible evidence, or are beyond the proper scope of discovery in California Public Records Act litigation [see, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017)].

4. The County objects to each request to the extent that it requests information which is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege.

5. The County objects to each request to the extent that it can be interpreted as calling for data or other information containing or constituting factors known or opinions held by an expert who has been retained, specially employed or otherwise consulted in anticipation of litigation or preparation for trial.

6. The County objects to each request to the extent it requests disclosure of information that would violate any constitutional, statutory or common law privacy interest of any current or former employee or representative of the County of San Diego (including, in particular, the District Attorney's Office), as well as third parties.

7. The County incorporates herein all objections raised in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

Subject to the foregoing preliminary statement and General Objections and Limitations, the County responds to these requests as follows:

REQUEST FOR ADMISSION NUMBER 1:

Admit that you POSSESS records responsive to THE RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 1:

Admit. The County possesses records responsive to the records requests, but the records are exempt from disclosure under the California Public Records Act ("CPRA"), including under

the following exemptions and/or privileges: Gov. Code § 6254, subsections (a), (c), and (k); Gov. Code § 6255, subsection (a); Penal Code §§ 832.5 and 832.7; the attorney-client privilege; the attorney work product privilege (e.g., C.C.P. § 2018.030); the right to privacy under the California and U.S. Constitutions (Cal. Const., Art. 1, § 1, U.S. Const. amend. XIV), including the privacy rights of employees (current and former) and other third parties; and any other exemption cited or discussed in the letters sent in response to Petitioner's CPRA request(s), which letters are attached to Petitioner's Petition/Complaint as Exhibits 2, 4, and 5.

REQUEST FOR ADMISSION NUMBER 2:

Admit that you POSSESS records responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 2:

Admit. The County possesses records responsive to the records requests, but the records are exempt from disclosure under the California Public Records Act ("CPRA"), including under the following exemptions and/or privileges: Gov. Code § 6254, subsections (a), (c), and (k); Gov. Code § 6255, subsection (a); Penal Code §§ 832.5 and 832.7; the attorney-client privilege; the attorney work product privilege (e.g., C.C.P. § 2018.030); the right to privacy under the California and U.S. Constitutions (Cal. Const., Art. 1, § 1, U.S. Const. amend. XIV), including the privacy rights of employees (current and former) and other third parties; and any other exemption cited or discussed in the letters sent in response to Petitioner's CPRA request(s), which letters are attached to Petitioner's Petition/Complaint as Exhibits 2, 4, and 5.

REQUEST FOR ADMISSION NUMBER 3:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold personally identifying information, would constitute an unwarranted invasion of personal privacy.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 3:

Objection, vague and ambiguous, including as to whose personally-identifying information would be redacted, according to this request. Subject to, and without waiving, the objections, the County denies the request.

REQUEST FOR ADMISSION NUMBER 4:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold personally identifying information, would constitute an unwarranted invasion of personal privacy.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 4:

Objection, vague and ambiguous, including as to whose personally-identifying information would be redacted, according to this request. Subject to, and without waiving, the objections, the County denies the request.

REQUEST FOR ADMISSION NUMBER 5:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information exempt from disclosure, would constitute an unwarranted invasion into the records of a peace officer.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 5:

Objection, the request is vague and ambiguous, including because the parties have a dispute as to what information is exempt from disclosure, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 6:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information exempt from disclosure, would constitute an unwarranted invasion into the records of a peace officer.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 6:

Objection, the request is vague and ambiguous, including because the parties have a dispute as to what information is exempt from disclosure, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 7:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the deliberative process privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 7:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the deliberative process privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 8:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information would constitute an intrusion into the deliberative process privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 8:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the deliberative process privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 9:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the official information privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 9:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the official information privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 10:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the official information privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 10:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the official information privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 11:

Admit that the RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information constituting attorney work-product, would constitute an intrusion into the attorney work-product protection.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 11:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney work product doctrine, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 12:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information constituting attorney work-product, would constitute an intrusion into the attorney work-product protection.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 12:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney work product doctrine, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 13:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the attorney-client communication privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 13:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney-client communication privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 14:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would

constitute an intrusion into the attorney-client communication privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 14:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney-client communication privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 15:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(a).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 15:

Deny.

REQUEST FOR ADMISSION NUMBER 16:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(c).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 16:

Deny.

REQUEST FOR ADMISSION NUMBER 17:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(d).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 17:

Objection, the request for admission is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence, as the County did not assert an exemption under Gov. Code § 6254, subsection (d), which applies to certain records related to securities and financial institutions.

REQUEST FOR ADMISSION NUMBER 18:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(f).

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RESPONSE TO REQUEST FOR ADMISSION NUMBER 18:

Objection, the request for admission is vague and ambiguous, as the County reserved the right to assert the exemption under Gov. Code § 6254, subsection (f), to the extent that additional responsive records are identified that would constitute a case file under that subsection. [See June 5, 2018 letter, attached as Exh. 5 to the Petition, at p. 6.]

REQUEST FOR ADMISSION NUMBER 19:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(k).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 19:

Deny.

REQUEST FOR ADMISSION NUMBER 20:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6255.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 20:

Deny.

REQUEST FOR ADMISSION NUMBER 21:

Admit that YOU have disclosed records responsive to THE RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 21:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 22:

Admit that YOU have disclosed portion(s) of records responsive to THE RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 22:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

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REQUEST FOR ADMISSION NUMBER 23:

Admit that YOU have disclosed records responsive to THE SUPPLEMENTAL RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 23:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 24:

Admit that YOU have disclosed portion(s) of records responsive to THE SUPPLEMENTAL RECORDS REQUEST TO MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 24:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 25:

Admit that YOU have not provided PETITIONER with any records responsive to THE RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 25:

Objection, the request is vague and ambiguous as worded. Subject to, and without waiving, the objections, the County denies the request to the extent that the letters to Petitioner or Petitioner's counsel from Deputy District Attorney Elizabeth Renner, dated (respectively) April 20, 2018, May 4, 2018, and June 5, 2018, and attached to the Petition/Complaint (respectively) as Exhibits 2, 4, and 5, which provided responsive information, can be deemed "records responsive to the" records request.

REQUEST FOR ADMISSION NUMBER 26:

Admit that YOU have not provided PETITIONER with any records responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 26:

Objection, the request is vague and ambiguous as worded. Subject to, and without waiving, the objections, the County denies the request to the extent that the letters to Petitioner

or Petitioner's counsel from Deputy District Attorney Elizabeth Renner, dated (respectively) April 20, 2018, May 4, 2018, and June 5, 2018, and attached to the Petition/Complaint (respectively) as Exhibits 2, 4, and 5, which provided responsive information, can be deemed "records responsive to the" records request.

DATED: 12-18-18

Respectfully submitted,

THOMAS E. MONTGOMERY, County Counsel

By _____
TIMOTHY M. WHITE, Senior Deputy
Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

First Amendment Coalition. v. County of San Diego, et al.
San Diego Superior Court Case No. 37-2018-00037504-CU-WM-CTL

VERIFICATION

I, ELIZABETH RENNER, serve as a Deputy District Attorney for the Appellate and Training Division at the District Attorney's Office for the County of San Diego. I am authorized to and do execute this Verification on behalf of the County of San Diego and the District Attorney's Office. I have read the forgoing RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE); and RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE), and know the contents thereof. Based on the information provided to me, I am informed and believe that the responses given are correct and complete and based upon such information and belief I certify that I believe them to be true.

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

12/18/2018
DATE

ELIZABETH RENNER

First Amendment Coalition v. County of San Diego, et al.
Superior Court Case No. 37-2018-00037504-CU-WM-CTL

PROOF OF SERVICE BY MAIL
[CCP 1013a(3) & 2015.5(b)]

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On December 18, 2018, I served the following document(s): **RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE) and VERIFICATION** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

JASSY VICK CAROLAN LLP
Jean-Paul Jassy, Esq.
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(*Attorneys for Petitioners*)

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service this same day, at my business address shown above, following ordinary business practices.

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

Executed on December 18, 2018, at San Diego, California.

APRIL SAPIDA

Exhibit B

THOMAS E. MONTGOMERY, County Counsel
County of San Diego
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Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO, CENTRAL

FIRST AMENDMENT COALITION, a non-profit organization, Petitioner/Plaintiff, v. COUNTY OF SAN DIEGO, SUMMER STEPHAN, in her official capacity as the District Attorney for the County of San Diego, and DOES 1-10, Respondents/Defendants.	No. 37-2018-00037504-CU-WM-CTL Action Filed: July 27, 2018 **RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE)** **IMAGED FILE** Dept: 903 Judge: Hon. David M. Rubin

PROPOUNDING PARTY: Petitioner, First Amendment Coalition

RESPONDING PARTY: Respondent, Summer Stephan, in her official capacity as the District Attorney for the County of San Diego

SET NO.: One

Respondent/Defendant Summer Stephan, in her official capacity as the District Attorney for the County of San Diego ("Respondent"), and pursuant to Code of Civil Procedure § 2033.210, responds to the Request for Admissions (Set One) propounded by Petitioner/Plaintiff First Amendment Coalition ("Petitioner") as follows:

PRELIMINARY STATEMENT

This responding party has not fully completed the investigation of the facts relating to this case, has not fully completed the discovery in this action and has not completed preparation for trial. Responding party reserves the right to make any changes, deletions or additions in the responses, objections and documents produced if it appears more accurate information is available or documents are located. All of the answers contained herein are based only upon such information, which is presently available to, and specifically known to this responding party. Accordingly, the following responses are based upon information and belief as of this date. In agreeing to any discovery herein, defendant preserves all evidentiary privileges, including all attorney-client privileges, attorney- work product privileges, privacy objections, and all privileges protecting the intergovernmental or deliberative processes.

GENERAL OBJECTIONS

Each and every request will be responded to subject to the general limitations and objections set forth below. These limitations and objections form a part of the response to each and every request and are set forth herein to avoid the repetition of restating them for each response. These general objections may be specifically referred to in a response for purposes of clarity. However, failure to specifically incorporate a general objection should not be construed as a waiver of the general objection.

1. Because Respondent has not concluded discovery and Respondent's investigation in this action, and because additional information may be obtained or discovered that could affect these responses, Respondent reserves the right, but not the obligation (absent a supplemental discovery request), to amend, supplement, or modify these responses and objections, and to rely upon any and all such information at trial or otherwise.

2. Respondent further states that Respondent is responding to each request as Respondent bests interprets and understands that request with respect to the issues framed in connection with this litigation. If Petitioner asserts an interpretation of any part of a request that differs from Respondent's understanding of the request, Respondent reserves the right to supplement, amend, or modify the below responses and objections.

3. Respondent objects to these interrogatories on the grounds, and to the extent, that they are unduly burdensome and oppressive, overbroad, premature, neither relevant to the subject matter of this action nor calculated to lead to the discovery of admissible evidence, or are beyond the proper scope of discovery in California Public Records Act litigation [see, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017)].

4. Respondent objects to each request to the extent that it requests information which is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege.

5. Respondent objects to each request to the extent that it can be interpreted as calling for data or other information containing or constituting factors known or opinions held by an expert who has been retained, specially employed or otherwise consulted in anticipation of litigation or preparation for trial.

6. Respondent objects to each request to the extent it requests disclosure of information that would violate any constitutional, statutory or common law privacy interest of any current or former employee or representative of the County of San Diego (including, in particular, the District Attorney's Office), as well as third parties.

7. Respondent incorporates herein all objections raised in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

Subject to the foregoing preliminary statement and General Objections and Limitations, the County responds to these requests as follows:

REQUEST FOR ADMISSION NUMBER 1:

Admit that you POSSESS records responsive to THE RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 1:

Admit. Respondent possesses records responsive to the records requests, but the records are exempt from disclosure under the California Public Records Act ("CPRA"), including under the following exemptions and/or privileges: Gov. Code § 6254, subsections (a), (c), and (k); Gov. Code § 6255, subsection (a); Penal Code §§ 832.5 and 832.7; the attorney-client privilege;

the attorney work product privilege (e.g., C.C.P. § 2018.030); the right to privacy under the California and U.S. Constitutions (Cal. Const., Art. 1, § 1, U.S. Const. amend. XIV), including the privacy rights of employees (current and former) and other third parties; and any other exemption cited or discussed in Respondent's letters sent in response to Petitioner's CPRA request(s), which letters are attached to Petitioner's Petition/Complaint as Exhibits 2, 4, and 5.

REQUEST FOR ADMISSION NUMBER 2:

Admit that you POSSESS records responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 2:

Admit. Respondent possesses records responsive to the records requests, but the records are exempt from disclosure under the California Public Records Act ("CPRA"), including under the following exemptions and/or privileges: Gov. Code § 6254, subsections (a), (c), and (k); Gov. Code § 6255, subsection (a); Penal Code §§ 832.5 and 832.7; the attorney-client privilege; the attorney work product privilege (e.g., C.C.P. § 2018.030); the right to privacy under the California and U.S. Constitutions (Cal. Const., Art. 1, § 1, U.S. Const. amend. XIV), including the privacy rights of employees (current and former) and other third parties; and any other exemption cited or discussed in Respondent's letters sent in response to Petitioner's CPRA request(s), which letters are attached to Petitioner's Petition/Complaint as Exhibits 2, 4, and 5.

REQUEST FOR ADMISSION NUMBER 3:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold personally identifying information, would constitute an unwarranted invasion of personal privacy.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 3:

Objection, vague and ambiguous, including as to whose personally-identifying information would be redacted, according to this request. Subject to, and without waiving, the objections, Respondent denies the request.

REQUEST FOR ADMISSION NUMBER 4:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold personally identifying

information, would constitute an unwarranted invasion of personal privacy.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 4:

Objection, vague and ambiguous, including as to whose personally-identifying information would be redacted, according to this request. Subject to, and without waiving, the objections, Respondent denies the request.

REQUEST FOR ADMISSION NUMBER 5:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information exempt from disclosure, would constitute an unwarranted invasion into the records of a peace officer.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 5:

Objection, the request is vague and ambiguous, including because the parties have a dispute as to what information is exempt from disclosure, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 6:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information exempt from disclosure, would constitute an unwarranted invasion into the records of a peace officer.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 6:

Objection, the request is vague and ambiguous, including because the parties have a dispute as to what information is exempt from disclosure, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 7:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the deliberative process privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 7:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the deliberative process privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 8:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information would constitute an intrusion into the deliberative process privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 8:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the deliberative process privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 9:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the official information privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 9:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the official information privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 10:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the official information privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 10:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the official information privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 11:

Admit that the RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information constituting attorney work-product, would constitute an intrusion into the attorney work-product protection.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 11:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney work product doctrine, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 12:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold information constituting attorney work-product, would constitute an intrusion into the attorney work-product protection.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 12:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney work product doctrine, and thus the request begs the question, calls for legal conclusions, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 13:

Admit that THE RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the attorney-client communication privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 13:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney-client communication privilege, and thus the request begs the question, calls for a legal conclusion, and calls for speculation.

REQUEST FOR ADMISSION NUMBER 14:

Admit that THE SUPPLEMENTAL RECORDS REQUEST does not request records whose disclosure, even if the records were redacted to withhold privileged information, would constitute an intrusion into the attorney-client communication privilege.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 14:

Objection, the request is vague and ambiguous, including as to what the parties may consider to be privileged information and/or covered by the attorney-client communication privilege, and thus the request begs the question, calls for a legal conclusion, and calls for

speculation.

REQUEST FOR ADMISSION NUMBER 15:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(a).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 15:

Deny.

REQUEST FOR ADMISSION NUMBER 16:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(c).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 16:

Deny.

REQUEST FOR ADMISSION NUMBER 17:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(d).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 17:

Objection, the request for admission is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence, as Respondent did not assert an exemption under Gov. Code § 6254, subsection (d), which applies to certain records related to securities and financial institutions.

REQUEST FOR ADMISSION NUMBER 18:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6254(f).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 18:

Objection, the request for admission is vague and ambiguous, as Respondent reserved the right to assert the exemption under Gov. Code § 6254, subsection (f), to the extent that additional responsive records are identified that would constitute a case file under that subsection. [See June 5, 2018 letter, attached as Exh. 5 to the Petition, at p. 6.]

REQUEST FOR ADMISSION NUMBER 19:

Admit that YOU have no basis for withholding records sought in the CURRENT

ACTION as exempt from disclosure under Government Code § 6254(k).

RESPONSE TO REQUEST FOR ADMISSION NUMBER 19:

Deny.

REQUEST FOR ADMISSION NUMBER 20:

Admit that YOU have no basis for withholding records sought in the CURRENT ACTION as exempt from disclosure under Government Code § 6255.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 20:

Deny.

REQUEST FOR ADMISSION NUMBER 21:

Admit that YOU have disclosed records responsive to THE RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 21:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 22:

Admit that YOU have disclosed portion(s) of records responsive to THE RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 22:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 23:

Admit that YOU have disclosed records responsive to THE SUPPLEMENTAL RECORDS REQUEST to MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 23:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 24:

Admit that YOU have disclosed portion(s) of records responsive to THE SUPPLEMENTAL RECORDS REQUEST TO MEMBER(S) OF THE PUBLIC.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 24:

Objection, the request is vague and ambiguous as phrased. Subject to, and without waiving, the objections: Deny.

REQUEST FOR ADMISSION NUMBER 25:

Admit that YOU have not provided PETITIONER with any records responsive to THE RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 25:

Objection, the request is vague and ambiguous as worded. Subject to, and without waiving, the objections, Respondent denies the request to the extent that the letters to Petitioner or Petitioner's counsel from Deputy District Attorney Elizabeth Renner, dated (respectively) April 20, 2018, May 4, 2018, and June 5, 2018, and attached to the Petition/Complaint (respectively) as Exhibits 2, 4, and 5, which provided responsive information, can be deemed "records responsive to the" records request.

REQUEST FOR ADMISSION NUMBER 26:

Admit that YOU have not provided PETITIONER with any records responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO REQUEST FOR ADMISSION NUMBER 26:

Objection, the request is vague and ambiguous as worded. Subject to, and without waiving, the objections, Respondent denies the request to the extent that the letters to Petitioner or Petitioner's counsel from Deputy District Attorney Elizabeth Renner, dated (respectively) April 20, 2018, May 4, 2018, and June 5, 2018, and attached to the Petition/Complaint (respectively) as Exhibits 2, 4, and 5, which provided responsive information, can be deemed "records responsive to the" records request.

DATED: 12-18-18

Respectfully submitted,

THOMAS E. MONTGOMERY, County Counsel

By _____
TIMOTHY M. WHITE, Senior Deputy
Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

First Amendment Coalition. v. County of San Diego, et al.
San Diego Superior Court Case No. 37-2018-00037504-CU-WM-CTL

VERIFICATION

I, ELIZABETH RENNER, serve as a Deputy District Attorney for the Appellate and Training Division at the District Attorney's Office for the County of San Diego. I am authorized to and do execute this Verification on behalf of the County of San Diego and the District Attorney's Office. I have read the forgoing RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE); and RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE), and know the contents thereof. Based on the information provided to me, I am informed and believe that the responses given are correct and complete and based upon such information and belief I certify that I believe them to be true.

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

12/18/2018
DATE

ELIZABETH RENNER

First Amendment Coalition v. County of San Diego, et al.
Superior Court Case No. 37-2018-00037504-CU-WM-CTL

PROOF OF SERVICE BY MAIL
[CCP 1013a(3) & 2015.5(b)]

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On December 18, 2018, I served the following document(s): **RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S REQUEST FOR ADMISSION (SET ONE) and VERIFICATION** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

JASSY VICK CAROLAN LLP
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(*Attorneys for Petitioners*)

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Email: gsmith@firstamendmentcoalition.org
(*Attorneys for Petitioners*)

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service this same day, at my business address shown above, following ordinary business practices.

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

Executed on December 18, 2018, at San Diego, California.

APRIL SAPIDA

Exhibit C

THOMAS E. MONTGOMERY, County Counsel
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Exempt from Filing Fee, Gov't Code § 6103

Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO, CENTRAL

FIRST AMENDMENT COALITION, a non-profit organization, Petitioner/Plaintiff, v. COUNTY OF SAN DIEGO, SUMMER STEPHAN, in her official capacity as the District Attorney for the County of San Diego, and DOES 1-10, Respondents/Defendants.	No. 37-2018-00037504-CU-WM-CTL Action Filed: July 27, 2018 **RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE)** **IMAGED FILE** Dept: 903 Judge: Hon. David M. Rubin

PROPOUNDING PARTY: First Amendment Coalition, a non-profit organization

RESPONDING PARTY: County of San Diego, Respondent

SET NO.: One

Respondent County of San Diego (the "County") objects and responds to plaintiff First Amendment Coalition's First Set of Special Interrogatories to respondent County of San Diego as follows:

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PRELIMINARY STATEMENT

This responding party has not fully completed the investigation of the facts relating to this case, has not fully completed the discovery in this action and has not completed preparation for trial. Responding party reserves the right to make any changes, deletions or additions in the responses, objections and documents produced if it appears more accurate information is available or documents are located. All of the answers contained herein are based only upon such information, which is presently available to, and specifically known to this responding party. Accordingly, the following responses are based upon information and belief as of this date. In agreeing to any discovery herein, defendant preserves all evidentiary privileges, including all attorney-client privileges, attorney- work product privileges, privacy objections, and all privileges protecting the intergovernmental or deliberative processes.

GENERAL OBJECTIONS

Each and every interrogatory will be responded to subject to the general limitations and objections set forth below. These limitations and objections form a part of the response to each and every interrogatory and are set forth herein to avoid the repetition of restating them for each response. These general objections may be specifically referred to in a response for purposes of clarity. However, failure to specifically incorporate a general objection should not be construed as a waiver of the general objection.

1. Because the County has not concluded discovery and its investigation in this action, and because additional information may be obtained or discovered that could affect these responses, the County reserves the right, but not the obligation (absent a supplemental discovery request), to amend, supplement, or modify these responses and objections, and to rely upon any and all such information at trial or otherwise.

2. The County further states that it is responding to each interrogatory as it bests interprets and understands that interrogatory with respect to the issues framed in connection with this litigation. If Petitioner asserts an interpretation of any part of an interrogatory that differs from the County's understanding of the interrogatory, the County reserves the right to

supplement, amend, or modify the below responses and objections.

3. The County objects to these interrogatories on the grounds, and to the extent, that they are unduly burdensome and oppressive, overbroad, premature, neither relevant to the subject matter of this action nor calculated to lead to the discovery of admissible evidence, or are beyond the proper scope of discovery in California Public Records Act litigation [see, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017)].

4. The County objects to each interrogatory to the extent that it requests information which is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege.

5. The County objects to each interrogatory to the extent that it can be interpreted as calling for data or other information containing or constituting factors known or opinions held by an expert who has been retained, specially employed or otherwise consulted in anticipation of litigation or preparation for trial.

6. The County objects to each interrogatory to the extent it requests disclosure of information that would violate any constitutional, statutory or common law privacy interest of any current or former employee or representative of the County of San Diego (including, in particular, the District Attorney's Office), as well as third parties.

7. The County incorporates herein all objections raised in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

Subject to the foregoing preliminary statement and General Objections and Limitations, the County responds to these interrogatories as follows:

SPECIAL INTERROGATORY NUMBER 1:

Describe in detail all steps YOU took to search for the records responsive to THE RECORDS REQUEST, including without limitation the date on which YOU took each step.

(For the purposes of these interrogatories, the terms "YOU," "YOUR," "RESPONDENT" and "RESPONDENT'S" shall mean and refer to Respondent County of San

Diego, and within context, shall mean any PERSON(S) acting for any purpose on YOUR behalf, including, but not limited to, RESPONDENT'S current and former officials (including without limitation Summer Stephan), agents, employees, representatives, experts, accountants, and attorneys).

(For the purposes of these interrogatories, the term "PERSON(S)" in the singular as well as the plural shall include natural person(s), firm(s), association(s), organization(s), partnership(s), business(es), trust(s) limited liability company(ies), corporation(s), or public entity(ies).)

(For the purposes of these interrogatories, the phrase "THE RECORDS REQUEST" shall mean and refer to the April 5, 2018, records request attached as Exhibit 1 to the VERIFIED PETITION).

(For the purposes of these interrogatories, the phrase "VERIFIED PETITION" shall mean and refer to the Verified Petition filed in the CURRENT ACTION on or about July 27, 2018).

(For the purposes of these interrogatories, the term "CURRENT ACTION" shall mean and refer to the action initiated on or about July 27, 2018, in the Superior Court of the State of California for the County of San Diego, entitled *First Amendment Coalition v. County of San Diego, et al.,* Case No. 37-2018-00037504-CU-WM-CTL).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 1:

The County objects to this interrogatory on the grounds that it is over broad (especially in light of the specially-defined and very broadly defined terms), calls for a narrative, and is vague and ambiguous as phrased (including as to time). The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.]

Subject to, and without waiving, the objections, the County responds as follows: In early April of 2018, following receipt of the records request, the heads of divisions that were likely to hold responsive records were provided with a copy of the records request and asked to conduct a

search for responsive records.

SPECIAL INTERROGATORY NUMBER 2:

Describe in detail all steps YOU took to search for records responsive to THE SUPPLEMENTAL RECORDS REQUEST, including without limitation the date on which YOU took each step.

(For purposes of these interrogatories, the term "THE SUPPLEMENTAL RECORDS REQUEST" shall mean and refer to the April 25, 2018, records request attached as Exhibit 3 to the VERIFIED PETITION).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 2:

The County objects to this interrogatory on the grounds that it is over broad (especially in light of the specially-defined and very broadly defined terms), calls for a narrative, and is vague and ambiguous as phrased (including as to time). The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Subject to, and without waiving, the objections, the County responds as follows: After April 25, 2018, following the receipt of the supplemental records request, the heads of divisions that were likely to hold responsive records were asked to confirm that no further responsive records exist.

SPECIAL INTERROGATORY NUMBER 3:

Describe in detail all steps YOU took to review YOUR INTERNAL RECORDS in response to THE RECORDS REQUEST to determine if each record was disclosable under the Public Records Act, Government Code §§ 6250 *et seq.*, including without limitation the date on which YOU took each step.

(For the purposes of these interrogatories, the phrase "INTERNAL RECORDS" shall mean and refer to any tangible or electronic records in YOUR possession, custody, or control, including, without limitation, paper files, electronic files, databases of any kind, audio recordings, video recordings, written notes, physical evidence, or any other record).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 3:

The County objects to this interrogatory on the grounds that it is over broad, calls for a narrative, and is vague and ambiguous as phrased. The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: The responsive records were reviewed and evaluated for applicable exemptions.

SPECIAL INTERROGATORY NUMBER 4:

Describe in detail all steps YOU took to review YOUR INTERNAL RECORDS in response to THE SUPPLEMENTAL RECORDS REQUEST to determine if each record was disclosable under the Public Records Act, Government Code §§ 6250 *et seq.,* including without limitation the date on which YOU took each step.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 4:

The County objects to this interrogatory on the grounds that it is over broad, calls for a narrative, and is vague and ambiguous as phrased. The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: The responsive records (if any) were reviewed and evaluated for applicable exemptions.

SPECIAL INTERROGATORY NUMBER 5:

State all of YOUR bases for not providing the records sought in THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 5:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 6:

State all facts supporting YOUR bases for not providing the records sought in THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 6:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions

raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 7:

State all of YOUR bases for not providing the records sought in THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 7:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of*

Los Angeles v. Superior Court, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 8:

State all facts supporting YOUR bases for not providing the records sought in THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 8:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 9:

Describe in detail all records responsive to THE RECORDS REQUEST that are in YOUR possession, custody or control, including the date of each record's creation, a list of parties to any records consisting of COMMUINCATIONS, a description of the substance of each record, and the basis under CPRA for withholding each record.

(For the purpose of these interrogatories, the term "COMMUNICATIONS" shall mean and refer to the exchange or transmittal of information by any means whatsoever and is used in the broadest sense).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 9:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the

Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 10:

Describe in detail all records responsive to THE SUPPLEMENTAL RECORDS REQUEST that are in YOUR possession, custody or control, including the date of each record's creation, a list of parties to any records consisting of COMMUINCATIONS, a description of the substance of each record, and the basis under the CPRA for withholding each record.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 10:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 11:

IDENTIFY all MEMBER(S) OF THE PUBLIC to whom records responsive to THE RECORDS REQUEST, or any part thereof, have been disclosed.

(For the purposes of these interrogatories, "MEMBER(S) OF THE PUBLIC," both in the singular and in the plural, means and refers to the definition found in § 6252(b)-(c) of the California Public Records Act: "'Member of the public' means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment. 'Person' includes any natural person, corporation, partnership, limited liability company, firm, or association.").

(For the purposes of these interrogatories, "IDENTIFY" means with respect to each MEMBER OF THE PUBLIC, identify his, her, or its name, all variation of spelling thereof, all fictitious names by which that MEMBER OF THE PUBLIC is known or does business, and his, her, or its last known residence and business addresses, last known residence and business telephone numbers, and email address(es)).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 11:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 12:

IDENTIFY all MEMBER(S) OF THE PUBLIC to whom records responsive to THE SUPPLEMENTAL RECORDS REQUEST, or any part thereof, have been disclosed.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 12:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 13:

Describe in detail the manner in which records responsive to THE RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 13:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 14:

Describe in detail the manner in which records responsive to THE SUPPLEMENTAL RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 14:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 15:

Describe in detail the circumstances under which records responsive to THE RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 15:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 16:

Describe in detail the circumstances under which records responsive to THE SUPPLEMENTAL RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 16:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as no such responsive documents were disclosed by the County to members of the public.

SPECIAL INTERROGATORY NUMBER 17:

Describe in detail the location and method of storage of records in YOUR possession, custody, or control that are responsive to THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 17:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: The responsive records (if any) are stored in the Human Resources and Special Operations Divisions in hard copy and/or electronic formats.

SPECIAL INTERROGATORY NUMBER 18:

Describe in detail the location and method of storage of records in YOUR possession, custody, or control that are responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 18:

The County objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, the County responds as follows: The responsive records (if any) are stored in the Human Resources and Special Operations Divisions in hard copy and/or electronic formats.

SPECIAL INTERROGATORY NUMBER 19:

State all facts PERTAINING TO any purported unwarranted invasion of personal privacy that would result from the disclosure of records sought in the CURRENT ACTION.

(For the purposes of these interrogatories, "PERTAINING TO" shall mean constituting, referring to, or relating to).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 19:

The County objects to this interrogatory on the grounds that it is over broad (including in

light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 20:

State all facts PERTAINING TO any purported unwarranted invasion into the records of a peace officer that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 20:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional

privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5. Additionally, the records pertaining to this interrogatory are exempt because these records are beyond the permissible scope of a CPRA request, as personnel records of sworn peace officers are exempt from production under the CPRA. [See, Gov. Code § 6254, subsection (k); Penal Code §§ 832.5 and 832.7; *Copley Press, Inc. v. Superior Court*, 39 Cal. 4th 1272 (2006); *Comm'n on Peace Officer Standards & Training v. Superior Court*, 42 Cal. 4th 278 (2007).]

SPECIAL INTERROGATORY NUMBER 21:

State all facts PERTAINING TO any purported intrusion into the deliberative process privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 21:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions

raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 22:

State all facts PERTAINING TO any purported unwarranted intrusion into the official information privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 22:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected

from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 23:

State all facts PERTAINING TO any purported intrusion into the attorney work-product protection that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 23:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d)

and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 24:

State all facts PERTAINING TO any purported intrusion into the attorney-client communication privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 24:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291

(2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 25:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(a).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 25:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney

Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 26:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(c).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 26:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 27:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(d).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 27:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Not applicable, as the County did not invoke Gov. Code § 6254, subsection (d) in response to Petitioner's CPRA requests.

SPECIAL INTERROGATORY NUMBER 28:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(f).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 28:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions

raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 29:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(k).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 29:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product

doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, the County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 30:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6255.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 30:

The County objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by the County in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, the County objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, the County objects to

this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, The County responds as follows: Pursuant to C.C.P. § 2030.230, the County directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

DATED: 12-18-19

Respectfully submitted,

THOMAS E. MONTGOMERY, County Counsel

By _____
TIMOTHY M. WHITE, Senior Deputy
Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

First Amendment Coalition. v. County of San Diego, et al.
San Diego Superior Court Case No. 37-2018-00037504-CU-WM-CTL

VERIFICATION

I, ELIZABETH RENNER, serve as a Deputy District Attorney for the Appellate and Training Division at the District Attorney's Office for the County of San Diego. I am authorized to and do execute this Verification on behalf of the County of San Diego and the District Attorney's Office. I have read the forgoing RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE); and RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE), and know the contents thereof. Based on the information provided to me, I am informed and believe that the responses given are correct and complete and based upon such information and belief I certify that I believe them to be true.

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

12/18/2018
DATE

ELIZABETH RENNER

First Amendment Coalition v. County of San Diego, et al.
Superior Court Case No. 37-2018-00037504-CU-WM-CTL

PROOF OF SERVICE BY MAIL
[CCP 1013a(3) & 2015.5(b)]

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On December 18, 2018, I served the following document(s): **RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE) and VERIFICATION** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

JASSY VICK CAROLAN LLP
Jean-Paul Jassy, Esq.
Kevin L. Vick, Esq.
800 Wilshire Blvd., Ste 800
Los Angeles CA 90017
Tel: (310) 870-7048
Fax: (310) 870-7010
Email: jpjassy@jassyvick.com
Email: kvick@jassyvick.com
(*Attorneys for Petitioners*)

FIRST AMENDMENT COALITION
David E. Snyder, Esq.
Glen A. Smith, Esq.
534 4th Street, Suite B
San Rafael, CA 94901-3334
Tel: (415) 460-5060
Fax: (415) 460-5155
Email: dsnyder@firstamendmentcoalition.org
Email: gsmith@firstamendmentcoalition.org
(*Attorneys for Petitioners*)

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service this same day, at my business address shown above, following ordinary business practices.

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

Executed on December 18, 2018, at San Diego, California.

APRIL SAPIDA

Exhibit D

THOMAS E. MONTGOMERY, County Counsel
County of San Diego
By TIMOTHY M. WHITE, Senior Deputy (SBN 220847)
1600 Pacific Highway, Room 355
San Diego, CA 92101
Telephone: (619) 531-4865
Facsimile: (619) 531-6005
Email: timothy.white@sdcounty.ca.gov
Exempt from Filing Fee, Gov't Code § 6103

Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO, CENTRAL

FIRST AMENDMENT COALITION, a non-profit organization, Petitioner/Plaintiff, v. COUNTY OF SAN DIEGO, SUMMER STEPHAN, in her official capacity as the District Attorney for the County of San Diego, and DOES 1-10, Respondents/Defendants.	No. 37-2018-00037504-CU-WM-CTL Action Filed: July 27, 2018 **RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE)** **IMAGED FILE** Dept: 903 Judge: Hon. David M. Rubin

PROPOUNDING PARTY: Petitioner, First Amendment Coalition

RESPONDING PARTY: Respondent, Summer Stephan, in her official capacity as the District Attorney for the County of San Diego

SET NO.: One

Respondent/Defendant Summer Stephan, in her official capacity as the District Attorney for the County of San Diego ("Respondent"), and pursuant to Code of Civil Procedure § 2030.210, responds to the Special Interrogatories (Set One) propounded by Petitioner/Plaintiff First Amendment Coalition ("Petitioner") as follows:

PRELIMINARY STATEMENT

This responding party has not fully completed the investigation of the facts relating to this case, has not fully completed the discovery in this action and has not completed preparation for trial. Responding party reserves the right to make any changes, deletions or additions in the responses, objections and documents produced if it appears more accurate information is available or documents are located. All of the answers contained herein are based only upon such information, which is presently available to, and specifically known to this responding party. Accordingly, the following responses are based upon information and belief as of this date. In agreeing to any discovery herein, defendant preserves all evidentiary privileges, including all attorney-client privileges, attorney- work product privileges, privacy objections, and all privileges protecting the intergovernmental or deliberative processes.

GENERAL OBJECTIONS

Each and every interrogatory will be responded to subject to the general limitations and objections set forth below. These limitations and objections form a part of the response to each and every interrogatory and are set forth herein to avoid the repetition of restating them for each response. These general objections may be specifically referred to in a response for purposes of clarity. However, failure to specifically incorporate a general objection should not be construed as a waiver of the general objection.

1. Because Respondent has not concluded discovery and Respondent's investigation in this action, and because additional information may be obtained or discovered that could affect these responses, Respondent reserves the right, but not the obligation (absent a supplemental discovery request), to amend, supplement, or modify these responses and objections, and to rely upon any and all such information at trial or otherwise.

2. Respondent further states that Respondent is responding to each interrogatory as Respondent bests interprets and understands that interrogatory with respect to the issues framed in connection with this litigation. If Petitioner asserts an interpretation of any part of an interrogatory that differs from Respondent's understanding of the interrogatory, Respondent reserves the right to supplement, amend, or modify the below responses and objections.

3. Respondent objects to these interrogatories on the grounds, and to the extent, that they are unduly burdensome and oppressive, overbroad, premature, neither relevant to the subject matter of this action nor calculated to lead to the discovery of admissible evidence, or are beyond the proper scope of discovery in California Public Records Act litigation [see, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017)].

4. Respondent objects to each interrogatory to the extent that it requests information which is protected from disclosure by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable privilege.

5. Respondent objects to each interrogatory to the extent that it can be interpreted as calling for data or other information containing or constituting factors known or opinions held by an expert who has been retained, specially employed or otherwise consulted in anticipation of litigation or preparation for trial.

6. Respondent objects to each interrogatory to the extent it requests disclosure of information that would violate any constitutional, statutory or common law privacy interest of any current or former employee or representative of the County of San Diego (including, in particular, the District Attorney's Office), as well as third parties.

7. Respondent incorporates herein all objections raised in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

Subject to the foregoing preliminary statement and General Objections and Limitations, Respondent responds to these interrogatories as follows:

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NUMBER 1:

Describe in detail all steps YOU took to search for the records responsive to THE RECORDS REQUEST, including without limitation the date on which YOU took each step.

(For the purposes of these interrogatories, the terms "YOU," "YOUR," "RESPONDENT" and "RESPONDENT'S" shall mean and refer to Respondent Summer

Stephan, and within context, shall mean any PERSON(S) acting for any purpose on YOUR behalf, including, but not limited to, RESPONDENT'S current and former officials, agents, employees, representatives, experts, accountants, and attorneys).

(For the purposes of these interrogatories, the term "PERSON(S)" in the singular as well as the plural shall include natural person(s), firm(s), association(s), organization(s), partnership(s), business(es), trust(s) limited liability company(ies), corporation(s), or public entity(ies).)

(For the purposes of these interrogatories, the phrase "THE RECORDS REQUEST" shall mean and refer to the April 5, 2018, records request attached as Exhibit 1 to the VERIFIED PETITION).

(For the purposes of these interrogatories, the phrase "VERIFIED PETITION" shall mean and refer to the Verified Petition filed in the CURRENT ACTION on or about July 27, 2018).

(For the purposes of these interrogatories, the term "CURRENT ACTION" shall mean and refer to the action initiated on or about July 27, 2018, in the Superior Court of the State of California for the County of San Diego, entitled *First Amendment Coalition v. County of San Diego, et al.,* Case No. 37-2018-00037504-CU-WM-CTL).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 1:

Respondent objects to this interrogatory on the grounds that it is over broad (especially in light of the specially-defined and very broadly defined terms), calls for a narrative, and is vague and ambiguous as phrased (including as to time). The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.]

Subject to, and without waiving, the objections, Respondent responds as follows: In early April of 2018, following receipt of the records request, the heads of divisions that were likely to hold responsive records were provided with a copy of the records request and asked to conduct a search for responsive records.

SPECIAL INTERROGATORY NUMBER 2:

Describe in detail all steps YOU took to search for records responsive to THE SUPPLEMENTAL RECORDS REQUEST, including without limitation the date on which YOU took each step.

(For purposes of these interrogatories, the term "THE SUPPLEMENTAL RECORDS REQUEST" shall mean and refer to the April 25, 2018, records request attached as Exhibit 3 to the VERIFIED PETITION).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 2:

Respondent objects to this interrogatory on the grounds that it is over broad (especially in light of the specially-defined and very broadly defined terms), calls for a narrative, and is vague and ambiguous as phrased (including as to time). The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Subject to, and without waiving, the objections, Respondent responds as follows: After April 25, 2018, following the receipt of the supplemental records request, the heads of divisions that were likely to hold responsive records were asked to confirm that no further responsive records exist.

SPECIAL INTERROGATORY NUMBER 3:

Describe in detail all steps YOU took to review YOUR INTERNAL RECORDS in response to THE RECORDS REQUEST to determine if each record was disclosable under the Public Records Act, Government Code §§ 6250 *et seq.,* including without limitation the date on which YOU took each step.

(For the purposes of these interrogatories, the phrase "INTERNAL RECORDS" shall mean and refer to any tangible or electronic records in YOUR possession, custody, or control, including, without limitation, paper files, electronic files, databases of any kind, audio recordings, video recordings, written notes, physical evidence, or any other record).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 3:

Respondent objects to this interrogatory on the grounds that it is over broad, calls for a

narrative, and is vague and ambiguous as phrased. The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: The responsive records were reviewed and evaluated for applicable exemptions.

SPECIAL INTERROGATORY NUMBER 4:

Describe in detail all steps YOU took to review YOUR INTERNAL RECORDS in response to THE SUPPLEMENTAL RECORDS REQUEST to determine if each record was disclosable under the Public Records Act, Government Code §§ 6250 *et seq.,* including without limitation the date on which YOU took each step.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 4:

Respondent objects to this interrogatory on the grounds that it is over broad, calls for a narrative, and is vague and ambiguous as phrased. The interrogatory is also broad and/or vague enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: The responsive records (if any) were reviewed and evaluated for applicable exemptions.

SPECIAL INTERROGATORY NUMBER 5:

State all of YOUR bases for not providing the records sought in THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 5:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 6:

State all facts supporting YOUR bases for not providing the records sought in THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 6:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected

from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 7:

State all of YOUR bases for not providing the records sought in THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 7:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information

contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 8:

State all facts supporting YOUR bases for not providing the records sought in THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 8:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 9:

Describe in detail all records responsive to THE RECORDS REQUEST that are in YOUR possession, custody or control, including the date of each record's creation, a list of

parties to any records consisting of COMMUINCATIONS, a description of the substance of each record, and the basis under CPRA for withholding each record.

(For the purpose of these interrogatories, the term "COMMUNICATIONS" shall mean and refer to the exchange or transmittal of information by any means whatsoever and is used in the broadest sense).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 9:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 10:

Describe in detail all records responsive to THE SUPPLEMENTAL RECORDS

REQUEST that are in YOUR possession, custody or control, including the date of each record's creation, a list of parties to any records consisting of COMMUINCATIONS, a description of the substance of each record, and the basis under the CPRA for withholding each record.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 10:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 11:

IDENTIFY all MEMBER(S) OF THE PUBLIC to whom records responsive to THE RECORDS REQUEST, or any part thereof, have been disclosed.

(For the purposes of these interrogatories, "MEMBER(S) OF THE PUBLIC," both in the

singular and in the plural, means and refers to the definition found in § 6252(b)-(c) of the California Public Records Act: "'Member of the public' means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment. 'Person' includes any natural person, corporation, partnership, limited liability company, firm, or association.").

(For the purposes of these interrogatories, "IDENTIFY" means with respect to each MEMBER OF THE PUBLIC, identify his, her, or its name, all variation of spelling thereof, all fictitious names by which that MEMBER OF THE PUBLIC is known or does business, and his, her, or its last known residence and business addresses, last known residence and business telephone numbers, and email address(es)).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 11:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 12:

IDENTIFY all MEMBER(S) OF THE PUBLIC to whom records responsive to THE SUPPLEMENTAL RECORDS REQUEST, or any part thereof, have been disclosed.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 12:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 13:

Describe in detail the manner in which records responsive to THE RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 13:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 14:

Describe in detail the manner in which records responsive to THE SUPPLEMENTAL RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 14:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 15:

Describe in detail the circumstances under which records responsive to THE RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 15:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 16:

Describe in detail the circumstances under which records responsive to THE SUPPLEMENTAL RECORDS REQUEST have been disclosed to MEMBER(S) OF THE PUBLIC.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 16:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: Not

applicable, as no such responsive documents were disclosed by Respondents to members of the public.

SPECIAL INTERROGATORY NUMBER 17:

Describe in detail the location and method of storage of records in YOUR possession, custody, or control that are responsive to THE RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 17:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: The responsive records (if any) are stored in the Human Resources and Special Operations Divisions in hard copy and/or electronic formats.

SPECIAL INTERROGATORY NUMBER 18:

Describe in detail the location and method of storage of records in YOUR possession, custody, or control that are responsive to THE SUPPLEMENTAL RECORDS REQUEST.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 18:

Respondent objects on the ground that the interrogatory is vague and ambiguous as phrased. Subject to, and without waiving, the objections, Respondent responds as follows: The responsive records (if any) are stored in the Human Resources and Special Operations Divisions in hard copy and/or electronic formats.

SPECIAL INTERROGATORY NUMBER 19:

State all facts PERTAINING TO any purported unwarranted invasion of personal privacy that would result from the disclosure of records sought in the CURRENT ACTION.

(For the purposes of these interrogatories, "PERTAINING TO" shall mean constituting, referring to, or relating to).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 19:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional

privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 20:

State all facts PERTAINING TO any purported unwarranted invasion into the records of a peace officer that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 20:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product

doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5. Additionally, the records pertaining to this interrogatory are exempt because these records are beyond the permissible scope of a CPRA request, as personnel records of sworn peace officers are exempt from production under the CPRA. [See, Gov. Code § 6254, subsection (k); Penal Code §§ 832.5 and 832.7; *Copley Press, Inc. v. Superior Court*, 39 Cal. 4th 1272 (2006); *Comm'n on Peace Officer Standards & Training v. Superior Court*, 42 Cal. 4th 278 (2007).]

SPECIAL INTERROGATORY NUMBER 21:

State all facts PERTAINING TO any purported intrusion into the deliberative process privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 21:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected

from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 22:

State all facts PERTAINING TO any purported unwarranted intrusion into the official information privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 22:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds

that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 23:

State all facts PERTAINING TO any purported intrusion into the attorney work-product protection that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 23:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291

(2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 24:

State all facts PERTAINING TO any purported intrusion into the attorney-client communication privilege that would result from the disclosure of records sought in the CURRENT ACTION.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 24:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information

contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 25:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(a).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 25:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 26:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(c).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 26:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 27:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(d).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 27:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Not applicable, as Respondent did not invoke Gov. Code § 6254, subsection (d) in response to Petitioner's CPRA requests.

SPECIAL INTERROGATORY NUMBER 28:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(f).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 28:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected

from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 29:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6254(k).

RESPONSE TO SPECIAL INTERROGATORY NUMBER 29:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d)

and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

SPECIAL INTERROGATORY NUMBER 30:

State all facts PERTAINING TO YOUR contention that the records sought in the CURRENT ACTION are exempt from disclosure under Government Code § 6255.

RESPONSE TO SPECIAL INTERROGATORY NUMBER 30:

Respondent objects to this interrogatory on the grounds that it is over broad (including in light of the specially-defined terms), and as worded can be interpreted as seeking through discovery information that is exempt from disclosure under the CPRA, based on the exemptions raised by Respondent in this matter, including the statutory exemptions and the constitutional privacy rights of various individuals (employees, both present and former, and other third parties). Additionally, the interrogatory is broad enough to encompass information protected from disclosure by the attorney-client communication privilege and/or the attorney work product doctrine. [See, *Coito v. Superior Court* (2012) 54 Cal.4th 480, 496; C.C.P. § 2018.010, et. seq.; Cal. Evid. Code § 950, et seq.] Further, Respondent objects to the interrogatory on the grounds that it is compound, and as phrased does not comply with C.C.P. § 2031.060, subsections (d) and/or (f). The interrogatory is unduly burdensome and oppressive. Lastly, Respondent objects to this request on the grounds that it is beyond the proper scope of discovery in California Public Records Act litigation. [See, *City of Los Angeles v. Superior Court*, 9 Cal.App.5th 272, 287-291 (2017).]

Subject to, and without waiving, the objections, Respondent responds as follows: Pursuant to C.C.P. § 2030.230, Respondent directs Petitioner to the responses and information contained in the following CPRA response letters sent to Petitioner from Deputy District Attorney Elizabeth Renner: letter dated April 20, 2018, attached to the Petition as Exhibit 2; letter dated May 4, 2018, attached to the Petition as Exhibit 4; and letter dated June 5, 2018, attached to the Petitioner as Exhibit 5.

DATED: 12-18-18

Respectfully submitted,

THOMAS E. MONTGOMERY, County Counsel

By _____
TIMOTHY M. WHITE, Senior Deputy
Attorneys for Respondents/Defendants, County of San Diego and Summer Stephan, District Attorney for the County of San Diego in her official capacity

First Amendment Coalition. v. County of San Diego, et al.
San Diego Superior Court Case No. 37-2018-00037504-CU-WM-CTL

VERIFICATION

I, ELIZABETH RENNER, serve as a Deputy District Attorney for the Appellate and Training Division at the District Attorney's Office for the County of San Diego. I am authorized to and do execute this Verification on behalf of the County of San Diego and the District Attorney's Office. I have read the forgoing RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE); and RESPONDENT COUNTY OF SAN DIEGO'S RESPONSE TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE), and know the contents thereof. Based on the information provided to me, I am informed and believe that the responses given are correct and complete and based upon such information and belief I certify that I believe them to be true.

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

12/18/2018
DATE

ELIZABETH RENNER

First Amendment Coalition v. County of San Diego, et al.
Superior Court Case No. 37-2018-00037504-CU-WM-CTL

PROOF OF SERVICE BY MAIL
[CCP 1013a(3) & 2015.5(b)]

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On December 18, 2018, I served the following document(s): **RESPONSE OF DISTRICT ATTORNEY SUMMER STEPHAN TO PETITIONER'S SPECIAL INTERROGATORIES (SET ONE) and VERIFICATION** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

JASSY VICK CAROLAN LLP
Jean-Paul Jassy, Esq.
Kevin L. Vick, Esq.
800 Wilshire Blvd., Ste 800
Los Angeles CA 90017
Tel: (310) 870-7048
Fax: (310) 870-7010
Email: jpjassy@jassyvick.com
Email: kvick@jassyvick.com
(*Attorneys for Petitioners*)

FIRST AMENDMENT COALITION
David E. Snyder, Esq.
Glen A. Smith, Esq.
534 4th Street, Suite B
San Rafael, CA 94901-3334
Tel: (415) 460-5060
Fax: (415) 460-5155
Email: dsnyder@firstamendmentcoalition.org
Email: gsmith@firstamendmentcoalition.org
(*Attorneys for Petitioners*)

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service this same day, at my business address shown above, following ordinary business practices.

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

Executed on December 18, 2018, at San Diego, California.

APRIL SAPIDA

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to this action. My business address is 800 Wilshire Blvd., Suite 800, Los Angeles, CA 90017.

On January 25, 2019, I served true copies of the following document(s) described as:

PETITIONER FIRST AMENDMENT COALITION'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF VERIFIED PETITION FOR WRIT OF MANDATE ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT AND ARTICLE 1, SECTION 3(b) OF THE CALIFORNIA CONSTITUTION; DECLARATION OF KEVIN L. VICK AND EXHIBITS A-D

on the interested party(ies) in this action as follows:

Thomas E. Montgomery, County Counsel
Timothy M. White, Senior Deputy
County of San Diego
1600 Pacific Highway, Room 355
San Diego, CA 92101

☑ **BY FIRST-CLASS MAIL:** I deposited said document(s) in a sealed envelope(s) with the United States Postal Service at Los Angeles, California, for delivery, with the postage fully prepaid. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party(ies) served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on January 25, 2019, at Los Angeles, California.

Marlene Rios