

1 DAVID LOY, Cal. Bar No. 229235
ANN CAPPETTA, Cal. Bar No. 354079
2 FIRST AMENDMENT COALITION
534 4th Street, Suite B
San Rafael, CA 94901-3334 Telephone:
3 415.460.5060
Email dloy@firstamendmentcoalition.org
4 acappetta@firstamendmentcoalition.org

ELECTRONICALLY FILED
Superior Court of California,
County of Solano
05/08/2024 at 06:11:12 PM
By: O. Camarena, Deputy Clerk

5 Attorneys for Proposed Intervenor
6 HOLLY McDEDE

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SOLANO

10 MATTHEW SHELTON, an Individual,
11 Plaintiff,
12
13 v.
14 NAPA VALLEY UNIFIED SCHOOL
DISTRICT; BENECIA UNIFIED
15 SCHOOL DISTRICT; and DOES 1-25,
inclusive,
16 Defendants.

Case No. CU24-03170

**DECLARATION OF HOLLY McDEDE IN
SUPPORT OF EX PARTE
APPLICATION FOR AN ORDER
GRANTING PROPOSED INTERVENOR
HOLLY McDEDE LEAVE TO
INTERVENE**

17 HOLLY McDEDE,
18 Proposed Intervenor.

Date: TBD
Time: TBD
Dept.: 10

The Hon. Christine N. Donovan

19
20
21 I, HOLLY McDEDE, declare as follows:

22 1. I made this declaration based on personal knowledge, and if called as a witness I
23 could and would testify competently to the facts stated herein.

24 2. On March 8, 2024, I made requests under the California Public Records Act
25 (“CPRA”) to Defendants Napa Valley Unified School District and Benicia Unified School
26 District (collectively, “Districts”) for all “records related to any and all claims of misconduct
27 against Matthew Joseph Shelton.”
28

1 3. A true and correct copy of the March 8 request to Napa Valley Unified School Dis-
2 trict is attached hereto as Exhibit 1.

3 4. A true and correct copy of the March 8 request to Benicia Unified School District is
4 attached hereto as Exhibit 2.

5 5. On March 18, 2024, I made requests under the CPRA to each of the Districts for
6 any separation agreements and settlements with Shelton, all other records related to his employ-
7 ment, and any reports of misconduct submitted to the Commission on Teacher Credentialing re-
8 garding Shelton.

9 6. A true and correct copy of the March 18 request to Napa Valley Unified School
10 District is attached hereto as Exhibit 3.

11 7. A true and correct copy of the March 18 request to Benicia Unified School District
12 is attached hereto as Exhibit 4.

13 8. With the exception of some staffing rosters, I have not received any of the records I
14 requested from either of the Districts, which informed me they are withholding the records due to
15 the lawsuit filed by Matthew Shelton and the temporary restraining order entered by this Court to
16 prevent disclosure of the records.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed this 8th day of May 2024 at Oakland, California.

19
20
21
22
23
24
25
26
27
28



HOLLY McDEDE

1 PROOF OF SERVICE

2 At the time of service, I was over 18 years of age and **not a party to this action**. I am
3 employed in the County of Marin, State of California. My business address is 534 4th Street,
Suite B, San Rafael, CA 94901-3334.

4 On May 8, 2024, I served true copies of the following document(s) described as
5 **DECLARATION OF HOLLY McDEDE IN SUPPORT OF EX PARTE APPLICATION**
6 **FOR AN ORDER GRANTING PROPOSED INTERVENOR HOLLY McDEDE LEAVE**
7 **TO INTERVENE** on the interested parties in this action as follows:

8 Kevin Gres Attorneys for Plaintiff Matthew Shelton
9 Law Offices of Kevin Gres
2049 Century Park East, Suite 3020
10 Los Angeles, CA 90067
11 Email: kevin@kevingres.com

12 Mary T. Hernández Attorneys for Defendant Napa Valley
13 Alex Sears Unified School District
Obianuju Nzewi,
14 Garcia Hernández Sawhney, LLP
2490 Mariner Square Loop, Suite 140
15 Alameda, CA 94501
16 Email: mhernandez@ghslaw.com;
asears@ghslaw.com; onzewi@ghslaw.com

17 Joshua Stevens Attorneys for Defendant Benicia
18 Fagen Friedman & Fulfrost LLP Unified School District
70 Washington Street, Suite 205
19 Oakland, California 94607
20 Email: jstevens@f3law.com

21 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
22 document(s) to be sent from e-mail address rregnier@firstamendmentcoalition.org to the persons
23 at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after
24 the transmission, any electronic message or other indication that the transmission was
25 unsuccessful.

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed on May 8, 2024, at East Palo Alto, California.
28



Robin P. Regnier

Exhibit 1



Holly McDede <hollyjmcdede@gmail.com>

CA Public Record Act request

1 message

Holly McDede <hollyjmcdede@gmail.com>
To: PRA@nvusd.org

Fri, Mar 8, 2024 at 4:54 PM

To whom it may concern:

This is a request made under the California Public Records Act, Government Code sections 7920.000 – 7931.000, for records in the possession or control of your agency.

I am requesting all public records related to any and all claims of misconduct against Matthew Joseph Shelton.

Such public records should include, but not be limited to, all complaints; allegations; claims; investigatory reports; analyses; summaries; memoranda and/or notes; interview recordings; transcripts and/or notes; reviews; emails, text or other electronic messages, voicemails, and/or other communications and/or correspondence; determinations; decisions; orders; resignation letters; employment reclassification documents; offers in compromise and/or settlement agreements; termination and/or transfer papers; letters of reproof and/or other disciplinary actions, whether imposed or not; referrals to law enforcement, administrative, and/or licensing agencies, departments, and/or bodies; appeals; court filings and/or rulings; and all similar materials notwithstanding the use of other terminology, nomenclature, or categorization by this or other involved public agencies.”

Complaints and related investigation reports are subject to disclosure where discipline was imposed or, where discipline was not imposed, if the complaint was of a "substantial nature" regardless of whether the complaint was substantiated. In *BRV, Inc. v. Superior Court*, section 6254(c) did not exempt from disclosure a report related to alleged misconduct (including sexual harassment) by a district superintendent. *BRV, Inc. v. Superior Court*, 143 Cal. App. 4th 742, 747-749 (2006).

I am not seeking any student names or identities, which is what FERPA is designed to protect, and any information that could identify students can be redacted.

Thank you for your assistance.

Best,

Holly McDede
Reporter
732-397-3323

Exhibit 2



Holly McDede <hollyjmcdede@gmail.com>

CA Public Record Act request

Holly McDede <hollyjmcdede@gmail.com>

Fri, Mar 8, 2024 at 4:35 PM

To: dwright@beniciaunified.org, gmartinez@beniciaunified.org, kgill@beniciaunified.org, TRahill@beniciaunified.org

To whom it may concern:

This is a request made under the California Public Records Act, Government Code sections 7920.000 – 7931.000, for records in the possession or control of your agency.

I am requesting all public records related to any and all claims of misconduct against Matthew Joseph Shelton.

Such public records should include, but not be limited to, all complaints; allegations; claims; investigatory reports; analyses; summaries; memoranda and/or notes; interview recordings; transcripts and/or notes; reviews; emails, text or other electronic messages, voicemails, and/or other communications and/or correspondence; determinations; decisions; orders; resignation letters; employment reclassification documents; offers in compromise and/or settlement agreements; termination and/or transfer papers; letters of reproof and/or other disciplinary actions, whether imposed or not; referrals to law enforcement, administrative, and/or licensing agencies, departments, and/or bodies; appeals; court filings and/or rulings; and all similar materials notwithstanding the use of other terminology, nomenclature, or categorization by this or other involved public agencies.”

Complaints and related investigation reports are subject to disclosure where discipline was imposed or, where discipline was not imposed, if the complaint was of a "substantial nature" regardless of whether the complaint was substantiated. In *BRV, Inc. v. Superior Court*, section 6254(c) did not exempt from disclosure a report related to alleged misconduct (including sexual harassment) by a district superintendent. *BRV, Inc. v. Superior Court*, 143 Cal. App. 4th 742, 747-749 (2006).

I am not seeking any student names or identities, which is what FERPA is designed to protect, and any information that could identify students can be redacted.

Thank you for your assistance.

Best,

Holly McDede
Reporter
732-397-3323

Exhibit 3



Holly McDede <hollyjmcdede@gmail.com>

CA Public Record Act Request

3 messages

Holly McDede <hollyjmcdede@gmail.com>
To: pra@nvusd.org

Mon, Mar 18, 2024 at 11:35 AM

March 18th, 2024

To whom it may concern:

This is a request made under the California Public Records Act, Government Code sections 7920.000 – 7931.000, for records in the possession or control of your agency.

I am requesting the following public records:

- All separation agreements and settlements involving Matthew Shelton
- All records of employment for Matthew Shelton, including performance evaluations, disciplinary records, commendations, termination notices, resignation notices, and any other documents related to his tenure
- Any and all reports of educator misconduct or other allegations submitted to the California Commission on Teacher Credentialing concerning Matthew Shelton

Thank you, please reach out if you have any questions, 732-397-3323.

Best,

Holly McDede
Reporter
732-397-3323

Noris Tregoning <ntregoning@nvusd.org>
To: Holly McDede <hollyjmcdede@gmail.com>

Mon, Mar 18, 2024 at 2:59 PM

Hello Holly,
Human Resources received your second PRA request for information pertaining to Matthew Shelton. Please be advised we have 10 days to respond to your request, which would be 3/28/2024.
The response to the first request is due by 3//21/24.

Please let me know if you have any questions or concerns.

Thank you,



Noris Tregoning
Executive Assistant
Napa Valley Unified School District
Human Resources

Phone: 707-253-4206
Web: www.nvusd.org
Email: ntregoning@nvusd.org

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

From: **PRA NVUSD** <pra@nvusd.org>
Date: Mon, Mar 18, 2024 at 11:38 AM
Subject: Fwd: CA Public Record Act Request
To: Noris Tregoning <ntregoning@nvusd.org>

Hello Noris,

We received the following PRA request. Please log in and respond accordingly.

Thank you.

Kind Regards,
Vera Morales
Executive Assistant to the Superintendent
Napa Valley Unified School District

Confidentiality Notice: This email message, including any attachments, is for the intended recipient's sole use and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by replying to this email and delete all copies of the original message.

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

From: **Holly McDede** <hollyjmcdede@gmail.com>
Date: Mon, Mar 18, 2024 at 11:36AM
Subject: CA Public Record Act Request
To: <pra@nvusd.org>

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Secured by Check Point

[Quoted text hidden]

Holly McDede <hollyjmcdede@gmail.com>
To: Noris Tregoning <ntregoning@nvusd.org>

Mon, Mar 18, 2024 at 3:00 PM

Thank you!

Holly McDede
Reporter
732-397-3323

[Quoted text hidden]

Exhibit 4



Holly McDede <hollyjmcdede@gmail.com>

CA Public Record Request

5 messages

Holly McDede <hollyjmcdede@gmail.com>
To: Georgina Martinez <gmartinez@beniciaunified.org>

Mon, Mar 18, 2024 at 11:48 AM

March 18th, 2024

To whom it may concern:

This is a request made under the California Public Records Act, Government Code sections 7920.000 – 7931.000, for records in the possession or control of your agency.

I am requesting the following public records:

- All separation agreements and settlements involving Matthew Shelton
- All records of employment for Matthew Shelton, including but not limited to job postings, applications material, interview notes
- Any and all reports of educator misconduct submitted to the California Commission on Teacher Credentialing concerning Matthew Shelton

I appreciate your assistance with this request,

Holly McDede
Reporter
732-397-3323

Georgina Martinez <gmartinez@beniciaunified.org>
To: Holly McDede <hollyjmcdede@gmail.com>
Cc: Damon Wright <dwright@beniciaunified.org>, Khushwinder Gill <kgill@beniciaunified.org>

Thu, Mar 28, 2024 at 1:05 PM

Good Afternoon Ms. McDede,

Please find attached your initial response to this request. We are closed for Spring Break next week, but would be happy to respond to any questions upon our return, on Monday, April 8th should you have any.

Don't let what you cannot do,
interfere with what you *can* do

John Wooden

All the best,

Georgina Martinez

Chief Assistant to the Superintendent, Dr. Damon J. Wright
and Executive Assistant to the Board of Trustees
Benicia Unified School District
350 East K Street. Benicia, CA 94510