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

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11 MATTHEW SHELTON, an Individual,  
12 Plaintiff,

13 v.

14 NAPA VALLEY UNIFIED SCHOOL  
DISTRICT; BENECIA UNIFIED SCHOOL  
15 DISTRICT; and DOES 1-25, inclusive,  
16 Defendants.

Case No. CU24-03170

**INTERVENOR HOLLY McDEDE’S  
SUPPLEMENTAL BRIEF IN  
OPPOSITION TO PRELIMINARY  
INJUNCTION**

Date: September 3, 2024  
Time: 1:30 pm  
Dept.: 3

17 HOLLY McDEDE,  
18 Intervenor.

The Hon. Stephen Gizzi

19  
20 As authorized by the Court in its order of June 24, 2024, Intervenor Holly McDede submits  
21 this supplemental brief in opposition to Plaintiff Matthew Shelton’s request for a preliminary  
22 injunction prohibiting Defendants Napa Valley Unified School District and Benicia Unified  
23 School District (collectively, “Districts”) from disclosing public records requested by McDede  
24 under the California Public Records Act.

25 In compliance with the Court’s order, the Districts served and filed indexes of the records  
26 they intended to disclose to McDede before Shelton filed this action. For the reasons stated in  
27 McDede’s opposition to a preliminary injunction, the public has a compelling interest in  
28 disclosure of those records because they document the Districts’ employment of Shelton and their

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1 response to well-founded allegations that he violated the special trust and confidence placed in  
2 him as a teacher by sexually abusing young students.

3 For example, the Benicia Unified School District index shows that Christina Moore was  
4 central to the investigation of allegations against Mr. Shelton. A lawsuit filed against the Benicia  
5 district alleges that Moore, the principal of Shelton’s school, “was made directly aware of  
6 SHELTON’s inappropriate conduct towards female students,” but because “Moore was close  
7 friends with SHELTON and his wife, she set out on a course to attempt to sweep these allegations  
8 under the rug to protect SHELTON” and “engaged in retaliatory conduct towards any students  
9 (and their parents) that reported SHELTON’s misconduct to her.” *Doe 2 et al. v. Benicia Unified*  
10 *School District et al.*, No. CU24-03148, Complaint ¶¶ 21–22 (Apr. 24, 2024). The suit further  
11 alleges that “SHELTON realized that he could not continue at Semple given the avalanche of  
12 accusations being made against him,” and “[a]s a result, SHELTON and Ms. Moore concocted a  
13 plan: SHELTON would quietly resign from BUSD to seek employment from West Contra Costa  
14 Unified School District (“WCCUSD”) and Ms. Moore would ensure that if a reference check was  
15 done, nothing negative would be said about SHELTON’s time at Semple.”<sup>1</sup> *Id.* ¶ 23.

16 Regardless of the result of that lawsuit, the public has a compelling interest in disclosure of  
17 public records that relate to the question whether Moore conducted a proper investigation of the  
18 allegations against Shelton or undermined the investigation due to her alleged relationship with  
19 Shelton. The Benicia district was prepared to disclose the records before Shelton filed suit, and  
20 nothing argued by Shelton justifies prohibiting the district from doing so.

21 As explained in McDede’s opposition to a preliminary injunction, Shelton has no  
22 cognizable privacy interest in preventing disclosure of such records, nor would disclosure deprive  
23 him of a fair trial, given that Shelton has only speculated about any potential prejudice. In any  
24 event, pretrial publicity does not inherently prevent a fair trial, and the Court may ensure an  
25

26  
27 <sup>1</sup> Another lawsuit has been filed against Benicia Unified School District arising from the  
28 allegations against Shelton. *Doe v. Benicia Unified School District et al.*, No. CU24-02702.  
The complaints in each lawsuit are attached to the request for judicial notice filed herewith.

1 impartial jury with careful voir dire and cautionary instructions, or if ultimately necessary a  
2 change of venue. Accordingly, Shelton’s request for a preliminary injunction should be denied.

3 **CONCLUSION**

4 For the foregoing reasons, and those stated in McDede’s opposition to a preliminary  
5 injunction, the Court is respectfully requested to deny Shelton’s request for a preliminary  
6 injunction, vacate the temporary restraining order, and allow the Districts to disclose public  
7 records requested by McDede.

8 Dated: August 16, 2024

9 Respectfully submitted,

10 FIRST AMENDMENT COALITION

11  
12 By



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15 ANN CAPPETTA  
16 Attorneys for HOLLY McDEDE  
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PROOF OF SERVICE

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

On August 16, 2024, I served true copies of the following document(s) described as **INTERVENOR HOLLY McDEDE’S SUPPLEMENTAL BRIEF IN OPPOSITION TO PRELIMINARY INJUNCTION** on the interested parties in this action as follows:

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 16, 2024, at East Palo Alto, California.

  
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Robin P. Regnier