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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

SAN JOSÉ SPOTLIGHT and FIRST
AMENDMENT COALITION,

Petitioners,

v.

CITY OF SAN JOSÉ and MAYOR SAMUEL
THEODORE LICCARDO, individually and as
an official for the City of San José

Respondents.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE AND DECLARATORY AND
INJUNCTIVE RELIEF UNDER THE
CALIFORNIA PUBLIC RECORDS ACT**

Petitioners San José Spotlight (“Spotlight”), a nonprofit digital news organization, and
First Amendment Coalition (“FAC”), a non-profit organization (collectively, “Petitioners”),
petition the Court, through this Verified Petition for Writ of Mandate, to command Respondents

1 City of San José (the “City”) and Mayor Samuel Liccardo (“Liccardo”), individually and as an
2 official for the City of San José (collectively, “Respondents”), to comply with the California
3 Public Records Act (“CPRA”), Government Code section 6250, *et seq.*, the California
4 Constitution, Article I, section 3(b), and San José Open Government Ordinance No. 12.21.010 and
5 to declare that Respondents have failed to do so.

6 INTRODUCTION

7 1. This Petition for Writ of Mandate under the California Public Records Act seeks to
8 enforce the public’s right of access to records, including but not limited to those relating to
9 communications between city staff and lobbyists for business and other interests. In particular, but
10 not exclusively, this Petition seeks to enforce the public’s right of access to communications sent
11 or received on non-governmental email accounts—a right squarely enunciated by the California
12 Supreme Court in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 620 (“*San Jose*”).
13 Despite the Supreme Court’s ruling in a case involving his own City, Mayor Liccardo continues to
14 engage in extensive work-related correspondence on his non-governmental electronic devices, a
15 practice discouraged by the Supreme Court’s ruling.

16 2. As explained more fully below, it is evident from the unlawful manner in which
17 Respondents have withheld records that, contrary to the *San Jose* decision, Respondents are either
18 not properly preserving or not properly producing—or both—emails and other records contained
19 on non-governmental devices and accounts, as required.

20 3. Between December 2020 and May 2021, Petitioners made several requests to
21 Respondents for access to public records pursuant to the CPRA. Respondents’ responses to these
22 requests were not in compliance with the CPRA, in particular (but not exclusively) by failing to
23 fully produce responsive documents from Respondent Liccardo’s personal email account and texts
24 from Liccardo’s personal device(s).

25 4. San José, more than other cities in California, is or should be aware of the
26 requirement under the CPRA that public agencies conduct an adequate search of, and produce
27 public records from, non-governmental devices or accounts, such as Liccardo’s personal email
28 account. In *San Jose*, this state’s high court held that “a city employee's writings about public

business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account.” (*San Jose, supra*, 2 Cal. 5th at p. 629.) This holding arose out of Respondents’ failure to produce such records in that case; Respondent Liccardo was himself Mayor of San José when the decision issued and was a city councilmember when the lawsuit was originally filed.

5. Because records on non-governmental accounts or devices constitute “public records” within the meaning of the CPRA, Respondents were obligated to conduct a thorough search of officials’ personal email accounts, including Liccardo’s. However, they did not do so until specifically prompted, and even now, after months of prodding and requests from Petitioners, they have not fully searched Liccardo’s personal email accounts. Respondents’ failure to search for, much less fully produce, records from personal devices and accounts appears in their responses to other requests by San José Spotlight, as set forth below. Even when Petitioner San José Spotlight specifically reminded the City of its obligation to search personal accounts, the record productions were incomplete and redacted information without sufficiently stated justification as required under California law. It is obvious from the responses provided by Respondents that the City of San José is not in compliance with the seminal California Supreme Court CPRA decision that bears the city’s name.

6. Upon information and belief, this failure is a widespread and longstanding pattern and practice.

PARTIES

7. Petitioner San José Spotlight is a nonprofit, community-supported digital news organization based in San José. It is dedicated to unbiased, independent political news and local issues.

8. Petitioner First Amendment Coalition is a nonprofit public interest organization based in San Rafael. It is dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs, including by protecting and promoting the “people’s right to know” about their government so that they may hold it accountable.

9. Petitioners are members of the public under Government Code section 6252, subdivision (b), and are beneficially interested in the outcome of these proceedings; they have a

1 clear, present and substantial right to the relief sought herein and no plain, speedy and adequate
2 remedy at law other than that sought herein. Under Government Code section 6258, “[a]ny person
3 may institute proceedings for injunctive or declarative relief or writ of mandate . . . to enforce his
4 or her right to inspect or to receive a copy of any public record or class of public records under this
5 chapter.”

6 10. Respondent City of San José is a local agency, under Government Code section
7 6252, subdivision (a), in possession of records subject to the CPRA, with offices in San José.
8 Respondent Mayor Samuel Liccardo is a government official in possession of records subject to
9 the CPRA, with offices in San José.

10 JURISDICTION AND VENUE

11 11. The relief sought by Petitioners is expressly authorized under Government Code
12 sections 6258 and 6259, subdivision (a), Code of Civil Procedure sections 1060 and 1085, *et seq.*,
13 Article 1, section 3(b) and Article VI, section 10 of the California Constitution, and San José Open
14 Government Ordinance No. 12.21.290. Venue is proper under Code of Civil Procedure sections
15 394 and 395, Government Code section 6259, subdivision (a). Petitioners are informed and
16 believe that some or all of the records to which they seek access are in Santa Clara County, and
17 that the acts and events giving rise to the claims occurred in Santa Clara County.

18 FACTS SUPPORTING THE CAUSES OF ACTION

19 San José Spotlight’s Request for the Largent Emails

20 12. On November 19, 2020, homeless advocate Scott Largent emailed Respondent
21 Liccardo at his government email address. (Ex. A.) Largent stated that he was “concerned that my
22 Emails are accessible by a records request and this can make my life very difficult.” (*Id.*) Liccardo
23 responded on January 12, 2021: “Please communicate with me at the following email: [redacted].
24 Please do not share the email address. I’m going to delete this email from my government
25 account.” (*Id.*)
26

27 13. However, when Spotlight submitted, on June 24, 2021, a CPRA request to
28 Respondents for “all email and text message communications” between Liccardo and Largent sent

1 or received after November 1, 2020 (“The Largent Emails”), Respondents claimed on July 20,
2 2021 that “City Staff did not identify any documents that are responsive to your request.” (Ex. B.)

3 14. On July 22, 2021, Spotlight notified City Attorney Nora Frimann that Spotlight
4 independently obtained emails between Liccardo and Largent that were clearly responsive to
5 Spotlight’s June 24, 2021 request. (Ex. C.) Spotlight inquired why the City had not provided
6 Liccardo and Largent’s email exchange—or any other records in response to that request. (*Id.*)
7 Spotlight notified Frimann that in the emails, Liccardo stated that he would “delete this email from
8 [his] government account” and directed Largent to contact him on his private email account. (*Id.*)

9
10 15. The city then abruptly changed its tune. A few hours later, Liccardo’s staff
11 member Henry Smith notified San José Spotlight that the June 24, 2021 CPRA request was
12 “prematurely closed” and that Liccardo would search his personal email account once he returned
13 from vacation. (Ex. D.) On August 9, 2021, Respondents produced four heavily redacted emails.
14 (Ex. A.) In a corresponding letter, Respondents did not explain why these public records were not
15 acknowledged or provided until after Spotlight exposed the city’s failure to produce or explain
16 withholding for obviously responsive records, but asserted that the City “handled the email at
17 issue appropriately and lawfully.” (Ex. E; Ex. F.)

18
19 16. In the August 9, 2021 letter, Respondents also asserted, inconsistent with the
20 CPRA, that “withholding of the email from disclosure would be proper to protect the privacy
21 interest of the resident who sent the email.” (Ex. F) The CPRA, however, permits redaction *at*
22 *most* to protect such privacy interests—not wholesale withholding of records. (See, e.g., Gov.
23 Code § 6253, subd. (a).) Indeed, the August 9 letter itself acknowledges this, stating that
24 “normally, we would redact Mr. Largent’s name to protect his identity as a potential whistleblower
25 under the official information privilege. However, because Mr. Largent and San José Spotlight has
26 made his identity public, we are not redacting his name.” (Ex. F.)
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1 17. Notably, Respondents’ August 9, 2021 letter does **not** assert that Respondents ever
2 searched through Liccardo’s personal emails, as required under the *San Jose* decision, prior to
3 being informed that Spotlight already had a copy of at least one responsive email. Respondents
4 ultimately produced largely unredacted emails between Liccardo and Largent, as set forth below,
5 in response to the “Personal Accounts Requests”. (See Ex. G.) However, one of the Largent
6 Request emails from January 13, 2021 at 6:27 AM was entirely withheld from the Personal
7 Accounts Requests production without explanation, indicating ongoing inconsistencies and issues
8 with Respondents' procedures. (See Ex. A.)

10 18. Upon information and belief, and based in part on Respondents’ behavior with
11 respect to the Largent Emails, Respondents regularly fail to search for public records residing on
12 non-governmental devices or accounts, particularly Liccardo’s non-governmental accounts.

14 19. Upon information and belief, and based in part on Respondents’ behavior with
15 respect to the Largent emails, Liccardo regularly and improperly deletes emails from his
16 governmental email account.

17 20. Liccardo frequently, if not exclusively, uses his personal email to conduct public
18 business. (Ex. H.) Indeed, he has instructed his staff to use his personal Gmail account to “ensure
19 [he] sees” messages and directs members of the public to use his personal email address. (Ex. I;
20 Ex. A [*See* January 12, 2021 email].) This practice appears to be well-known among Liccardo’s
21 staff, and his staff members have engaged in this practice as well. (Ex. J.)

23 21. When combined with the City’s and Liccardo’s regular failure to search through
24 Liccardo’s personal accounts, upon information and belief, these practices regularly result in an
25 absence of public access to the written communications of the Mayor of the largest city in the Bay
26 Area.

1 22. Based on Respondents' actions in response to the Largent Email Request, and upon
2 information and belief, Respondents' eventual decision to actually search Liccardo's personal
3 accounts in response to the Largent CPRA request is well outside the norm for the City of San
4 José. However, even if Respondents eventually searched Liccardo's personal accounts, their
5 responses have been insufficient under the CPRA, the California Constitution and the San José
6 Open Government Ordinance, Section 12.21.010, which incorporates San José Open Government
7 and Ethics Resolution No. 77135.

9 **The Personal Accounts Requests**

10 23. On July 30, 2021, Spotlight submitted a CPRA request to Respondents for all
11 public records residing on Liccardo's personal Gmail account, dated January 1, 2021 to July 30,
12 2021. (Ex. K.)

13 24. On July 26, 2021, FAC submitted a Public Records Act request to Respondents for
14 all emails from Mayor Liccardo's personal email account, all other communications from social
15 media, or any other personal communication devices which discuss city business, dated November
16 18, 2020 to July 26, 2021 (The "Personal Accounts Requests".) (Ex. L.)

17 25. In response to these requests, and unlike their response to the request for the
18 Largent Emails, Respondents have provided some records. However, based on information and
19 belief, the email production is incomplete, and emails are missing. Numerous attachments and
20 Google documents linked to the emails are also missing, in violation of the CPRA. Moreover,
21 Respondents have withheld information based on an assertion of Government Code section 6255,
22 but without providing any justification or explanation of the public interest in nondisclosure, as
23 required by Government Code section 6255 and San José Resolution No. 77135. Respondents
24 have also refused to provide, despite several requests from petitioners, a log of withheld
25 documents, or even to inform petitioners how many records are being withheld.
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2 26. Respondents have provided only one text message in response to the Personal
3 Accounts Requests (Ex. M), although it is apparent from the face of what Respondents *have*
4 produced that many more text messages exist, or at least did before improper deletion. For
5 example, the following documents, among others, indicate that additional text messages
6 responsive to the Personal Accounts Requests exist (or existed):
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- 8 • Liccardo emailed Attorney General Rob Bonta’s Chief of Staff, Viviana Becerra,
9 stating “I texted the Attorney General today.” (Ex. N.)
- 10 • In an email exchange with Ed Clendaniel of the Mercury News, Liccardo stated
11 “Yeah, I’m particularly frustrated because I had a text exchange with Borenstein
12 and sent an email to the first article’s author,” in reference to Mercury News
13 articles about Valley Transportation Authority Spending. (Ex. O.)
- 14 • In an email discussing an upcoming infrastructure bill, Liccardo stated that
15 “Therese texted me today to connect Alfredo and the MTC for a meeting on HSR
16 lobbying for the upcoming infrastructure bill.” (Ex. P.)
- 17 • In an email to Golden State Warriors executive Yoyo Chan, Liccardo stated “My
18 apologies for failing to remember to follow up on our text until today” regarding
19 donations for San José Aspires. (Ex. Q.)
- 20 • Liccardo’s staff member Isela Chaparro emailed Liccardo with the subject line,
21 “Just texted you Re: this Tomorrow” in reference to a Special Session for Harvard
22 Mayors. (Ex. R.)
- 23 • Alex Shoor with Catalyze SV emailed Liccardo “Per our text exchange, in response
24 to your request for an overview on Catalyze SV.” (Ex. S.)
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27. Respondents also withheld budget documents, calendars, and staff reports and memoranda, contrary to the CPRA and San José Resolution No. 77135.

28. In the end, Respondents took almost six months to respond to the Personal Accounts Requests, and the belated productions are still incomplete at best. Throughout the production, the City failed to provide an estimated date of completion, as required under the CPRA. (Ex. T.) (See Gov. Code § 6253, subd. (c).) On January 20, 2021, the City produced some additional documents and notified Petitioners that the City has “closed” the Personal Accounts Requests. (Ex. U.)

Spotlight's Guardino Request

29. Respondents' pattern and practice of failing to search for, much less produce, records residing on the personal accounts of Liccardo and other city officials appears again in Respondents' failure to conduct an adequate search for or produce documents in response to Spotlight's request for emails and texts involving Bloom Energy lobbyist Carl Guardino.

30. On December 12, 2020, Spotlight submitted a CPRA request seeking a copy of all email and text message communications between the San José City Council, Liccardo's office and Bloom Energy officials, including Guardino, over the last three months. (Ex. V.) The request specifically asked for items stored on personal devices. (*Id.*) Guardino's required lobbying report to the city shows that he had email or letter communications with eight members of the San José City Council, as well as with Liccardo on December 1, 2020. (Ex. W.) Respondents did not produce this correspondence.

31. Spotlight followed up with a CPRA request on April 17, 2021, specifically asking for the correspondence that Guardino’s lobbying report shows exists. (Ex. X.) The request noted that although these records were responsive to Spotlight’s December 12, 2020 request, Respondents did not produce them in response to that request. (*Id.*) The April 17, 2021 request specifically asked for not just the correspondence between Guardino and Liccardo (as well as eight councilmembers), but for “replies as well as emails/texts sent and received from personal devices and accounts as it relates to public business.” (*Id.*)

32. The City unilaterally granted itself six extensions to search for records over the course of nine months before ultimately “closing” the request without having produced any of the records referenced in the lobbying report. (Ex. Y.)

33. Later, in response to the Personal Accounts Requests, Respondents produced two December 1, 2020 email exchanges between Guardino and Liccardo. (Ex. Z.) The emails discussed language for the upcoming natural gas ban exemption granted to Bloom Energy. (*Id.*) These emails were certainly responsive to the December 12, 2020 Guardino Request, but were not produced in response to that request. (Ex. Z.) When asked why it took over a year to finally produce these emails—and only in response to a different, later request—Respondent Liccardo’s Chief Communications Officer, Rachel Davis, acknowledged that the emails should have been produced by calling their omission an “administrative overstep.” (Ex. AA.) It is unclear if either of these two emails is the email identified in Guardino’s lobbying report. (Ex. W.) If so, the email or emails should also have been produced in response to the April 17, 2021 Guardino Request as well. The City did not produce these emails in response to either request. The Personal Accounts Requests productions also revealed several previously unproduced emails that were responsive to Spotlight’s December 12, 2020 request. (Ex. BB.)

34. Upon receiving the Guardino Requests, Respondents either (a) failed to search for the relevant records, (b) found them but failed to produce them, or alternatively failed to explain why the records are exempt from disclosure, as required, or (c) improperly destroyed records that were responsive to the original December 12, 2020 and subsequent April 17, 2021 requests.

FIRST CAUSE OF ACTION

For Violation of the California Public Records Act, Article I

Section 3(b) of the California Constitution, and the San José Open Government Ordinance

35. Petitioners reallege Paragraphs 1 through 34 above as though fully incorporated herein.

36. Petitioners' requests each describe public records as defined by the CPRA.

37. Respondents violated the CPRA by failing to produce responsive records to those requests and/or by redacting responsive information from records they have produced, and the

1 exceptions to the CPRA that warrant withholding of material do not apply, including but not
2 limited to Respondents' failure to adequately demonstrate, as required under the CPRA and the
3 San José Open Government Ordinance, that information redacted from the records they have
4 produced can be lawfully withheld.

5 38. Respondents have repeatedly failed to conduct adequate searches in response to
6 Petitioners' requests, including but not limited to their failure to search personal devices and
7 accounts. These failures are violations of the CPRA.

8 39. Respondents have repeatedly violated the CPRA's mandate that agencies "shall
9 make [public] records promptly available" (Gov. Code § 6253, subd. (b)) and that agencies may
10 not "delay or obstruct the inspection or copying of public records." (Gov. Code § 6253, subd. (d).)
11 Respondents have also failed to comply with San José Resolution No. 77135, section 4.3.1.6(E),
12 requiring the City to provide an estimate as to when records will be made available.

13 40. An actual controversy exists as to whether the materials requested by Petitioners
14 must be disclosed, and whether those records, or any part thereof, are exempt from disclosure.

15 41. Petitioners have no plain, speedy and adequate remedy to obtain the records they
16 have requested, other than this Petition. Petitioner is entitled to institute proceedings for a writ of
17 mandate to enforce their rights and the public's rights to obtain records responsive to Petitioners'
18 requests. Furthermore, under Government Code section 6258, Petitioners are entitled to have the
19 proceedings resolved on an expedited basis consistent "with the object of securing a decision to
20 these matters at the earliest possible time." (Gov. Code section 6258.)

21 **SECOND CAUSE OF ACTION**

22 **For Declaratory and Injunctive Relief**

23 42. Petitioners reallege Paragraphs 1 through 41 above as though fully incorporated
24 herein.

25 43. The CPRA and California Constitution require disclosure of the public records
26 Petitioners have requested.

27 44. The burden lies with Respondents to demonstrate "on the facts of the particular
28 case the public interest served by not disclosing the record clearly outweighs the public interest

1 served by disclosure of the record.” (Gov. Code section 6255(a). Respondents have failed to carry
2 this burden and failed to carry the burden of showing any other potential exemption from the
3 CPRA.

4 45. The CPRA and California Constitution require Respondents to conduct an adequate
5 search of records in response to a PRA request. Respondents have failed to do so.

6 46. Respondents have demonstrated a pattern and practice of failing to adequately
7 search for and produce emails sent or received on non-governmental devices or accounts.
8 Respondent Liccardo has also engaged in a pattern and practice of deleting emails and texts on his
9 “private” electronic devices.

10 47. Petitioners seek a judicial determination that the records sought by Petitioners but
11 not yet disclosed by Respondents are public records as defined by Government Code section 6253,
12 subdivision (e), are subject to disclosure under Government Code section 6253, subdivisions (a)
13 and (b) and Article I, section 3(b) of the California Constitution, and that Respondents violated the
14 CPRA by failing to promptly make the requested materials available to the public.

15 48. Petitioners seek a judicial determination that the Respondents are in violation of the
16 mandate articulated by *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, that they search
17 for and produce public records sent or received on non-governmental devices and accounts.

18 49. Petitioners also seek an order, *inter alia*, prohibiting Respondents from allowing
19 employees to use only non-governmental accounts, i.e., that they must at a minimum copy
20 governmental accounts when sending communications that relate to the public’s business, as
21 outlined by the Supreme Court in the *San Jose* decision. (2 Cal.5th at 628 [advising that agencies
22 can “require that employees use or copy their government accounts for all communications
23 touching on public business”].) Petitioners additionally seek declaratory and injunctive relief that
24 if respondents deleted records responsive to petitioners’ requests, they violated the Public Records
25 Act and Government Code section 34090, which prevents deletion of records which are less than
26 two years old.
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1 **PRAYER FOR RELIEF**

2 Wherefore, Petitioners San José Spotlight and First Amendment Coalition pray for writ
3 relief and judgment as follows:

4 1. That the Court order Respondent Mayor Samuel Liccardo to conduct an adequate
5 search of his personal devices and accounts, and submit an affidavit “providing the agency and a
6 reviewing court with a sufficient factual basis upon which to determine whether contested items
7 were agency records or personal materials” pursuant to the procedure described in *City of San Jose*
8 *v. Superior Court* (2017) 2 Cal. 5th 608, 627-628.

9 2. That the Court order Respondents to do an adequate search of all the records
10 withheld or redacted, including a search for documents in personal accounts and documents held
11 on personal devices, and thereafter order such documents produced or, if produced but improperly
12 redacted, provided without such redactions.

13 3. That the Court order Respondents City of San José and Mayor Samuel Liccardo to
14 produce all of the records requested in Petitioners’ Public Records Act requests, including those
15 records currently being withheld by Respondents;

16 4. Alternatively, if the Court does not immediately order production of the records
17 requested, that it order Respondents to show cause why the records should not be released, to
18 prepare a log of withheld records, and thereafter order the requested records to be disclosed;

19 5. Alternatively, if the Court does not immediately order the requested records to be
20 disclosed and released, that the Court conduct an *in camera* review of the records requested, and
21 thereafter order them to be released;

22 6. For a declaration that the withheld materials are public records as defined by
23 Government Code section 6252, subdivision (e) in that they contain information relating to the
24 conduct of the people’s business, prepared, owned, used or retained by Respondents, and are
25 subject to disclosure under Article 1, section 3(b) of the California Constitution as writings of
26 public officials, and that Respondents violated the Public Records Act by both failing to promptly
27 make the materials available to Petitioners and the public, and by excessive delays;
28

1 7. For a declaration that Respondents' failure to search through personal devices of
2 city employees violated the CPRA.

3 8. For a declaration that Respondents' failure to adequately search through and
4 produce public records violated San José Open Government Ordinance No. 12.21.010 and that
5 Respondents "participate in education and training about the open government ordinance and the
6 consolidated open government and ethics resolution" pursuant to San José Open Government
7 Ordinance No. 12.21.440.

8 9. For an order prohibiting Respondent City of San José from allowing employees to
9 use only non-governmental accounts, i.e., that employees must at a minimum copy governmental
10 accounts, consistent with the California Supreme Court's observation that agencies should "adopt
11 policies that will reduce the likelihood of public records being held in employees' private
12 accounts," such as requiring that employees "use or copy their government accounts for all
13 communications touching on public business." (*City of San Jose v. Superior Court* (2017) 2 Cal.
14 5th 608, 628.)

15 10. That the court find that if respondents have deleted responsive records, they violated
16 the Public Records Act and Government Code section 34090, and ordering the respondents not to
17 delete records which are less than two years old;

18 11. For an award of attorneys' fees and costs to Petitioners pursuant to Government
19 Code section 6259, subdivision (d) and/or Code of Civil Procedure section 1021.5; and

20 12. For such other and further relief as the Court may deem just and proper.
21

22 Dated: February 3, 2022

23 CANNATA O'TOOLE FICKES & OLSON LLP

24
25 By



26 KARL OLSON

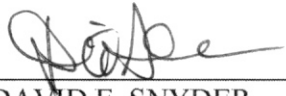
27 AARON FIELD

28 Attorneys for Petitioner SAN JOSÉ SPOTLIGHT

1 Dated: February 2, 2022

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3 FIRST AMENDMENT COALITION

4
5 By



DAVID E. SNYDER
MONICA N. PRICE
Attorneys for Petitioner FIRST
AMENDMENT COALITION

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VERIFICATION

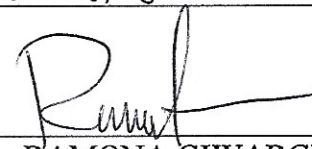
I, Ramona Giwargis, declare as follows:

1. I am the co-founder and CEO of San José Spotlight, one of the petitioners in this action, and I am authorized to make this verification on its behalf.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY AND INJUNCTIVE RELIEF UNDER THE CALIFORNIA PUBLIC RECORDS ACT. The same is true of my own knowledge, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

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

Executed this 2 day of February, 2022 at Livermore, CA.



RAMONA GIWARGIS

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VERIFICATION

I, David E. Snyder, declare as follows:

1. I am the Executive Director of First Amendment Coalition, one of the petitioners in this action, and I am authorized to make this verification on its behalf.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY AND INJUNCTIVE RELIEF UNDER THE CALIFORNIA PUBLIC RECORDS ACT. The same is true of my own knowledge, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

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

Executed this 2nd day of February, 2022 at San Rafael, California.



DAVID E. SNYDER