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ELECTRONICALLY FILED
Superior Court of California
County of Marin
09/06/2024

James M. Kim, Clerk of the Court
By: D. Harrison, Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF MARIN**

11 JOHN DOE, an individual,
12 Plaintiff/Petitioner,
13 vs.
14 MILL VALLEY SCHOOL DISTRICT,
15 Defendant/Respondent.
16 _____
17 Holly McDede,
18 Real Party in Interest.

Case No.: CV0003896

Assigned for all purposes to:
Hon.

**VERIFIED COMPLAINT FOR
PRELIMINARY AND PERMANENT
INJUNCTION AND PETITION FOR WRIT
OF MANDATE**

19
20 Plaintiff and Petitioner John Doe, by and through his attorneys Price, Postel & Parma, LLP,
21 hereby complains, petitions and alleges as follows:

22 **THE PARTIES**

- 23 1. Plaintiff and Petitioner John Doe (“John Doe”) is an individual residing in the State
24 of California.
- 25 2. Defendant and Respondent Mill Valley School District (“District”) is a public entity
26 located in the State of California, County of Marin.
- 27 3. Holly McDede (“Requester”) is an individual residing in the State of California.
- 28 4. Under rights to privacy granted by the Constitution of the State of California and due

1 to the sensitive nature of this case and this Complaint/Petition, Plaintiff/Petitioner is using the
2 fictitious name JOHN DOE. If, for any reason, the District cannot accurately determine John Doe’s
3 true identity, the District’s counsel can contact undersigned counsel and John Doe’s real name will
4 be provided.

5 **JURISDICTION AND VENUE**

6 5. Jurisdiction and venue are proper in this Court because the action arises under
7 California state law, John Doe resides in the State of California, the District is located in Marin
8 County, and all pertinent events and actions occurred and continue to occur in Marin County.

9 **GENERAL ALLEGATIONS**

10 6. The District is located 13 miles north of San Francisco and the Golden Gate Bridge
11 in Marin County. The District has 5 elementary schools and 1 middle school with an enrollment of
12 approximately 2,400 students in grades TK through 8. Four of the schools are located within the
13 City of Mill Valley, while two are located in the adjacent unincorporated areas of Strawberry and
14 Tamalpais Valley. The District also includes the unincorporated communities of Alto, Almonte,
15 Homestead Valley, and Muir Beach.

16 7. John Doe is an individual who is a former employee of the District.

17 8. The Requester is a reporter, editor and producer employed by KQED – a news media
18 outlet based in San Francisco, California.

19 9. The District maintains personnel records for its employees and former employees,
20 such as John Doe, concerning their employment with the District.

21 10. On or about June 7, 2024, the District received from the Requester a request
22 (“Request”) under the California Public Records Act (“CPRA”) (Cal. Gov. Code. § 7920.000, *et seq.*
23 (formerly Cal. Gov. Code § 6250, *et seq.*)).

24 11. The Request sought public records related to claims of sexual harassment, sexual
25 assault, or boundary crossing or grooming behavior made regarding teachers or other employees of
26 the District.

27 12. The Request also sought public records related to claims of sexual harassment, sexual
28 assault, or grooming made to the California Commission on Teacher Credentialing from 2014 to the

1 date the Request is fulfilled.

2 13. On or about August 23, 2024, the District provided notice of the Request to John Doe
3 (“Notice”), informing John Doe that the Request implicated his personnel documents concerning his
4 previous employment with the District, including documents regarding allegations of sexual
5 misconduct, sexual harassment, and/or grooming related to students.

6 14. Attached to the Notice were some of John Doe’s personnel records containing
7 documents relating to complaints of misconduct which allegedly took place during John Doe’s
8 employment with the District (“Personnel Records”).

9 15. The District intends to disclose John Doe’s Personnel Records to the Requester not
10 later than **September 13, 2024**, unless a court order mandates otherwise, which forced John Doe to
11 seek judicial relief to assert and protect his privacy rights.

12 **FIRST CAUSE OF ACTION**

13 **(Violation of Article I, Section 1 of the Constitution of the State of California)**

14 16. John Doe hereby realleges and incorporates by reference each and every allegation
15 contained in paragraphs 1 through 15 of this Complaint/Petition.

16 17. The California Constitution gives each California citizen an “inalienable” right to
17 pursue and obtain privacy under Article 1, Section 1, which reads as follows: “All people are by
18 nature free, independent and have inalienable rights. Among those are enjoying and defending life
19 and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety,
20 happiness, and privacy.”

21 18. The District has an obligation as a public entity to comply with the California
22 Constitution and protect all persons from any disclosure which would invade their privacy. The
23 District’s intended disclosure of John Doe’s Personnel Records would violate this basic tenet of
24 California law.

25 19. John Doe did not waive his right to privacy under the California Constitution, Article
26 1, Section 1, in connection with the Personnel Records. The District did not obtain consent from
27 John Doe, and John Doe will not consent to the release of his private Personnel Records to the public.

28 20. Allowing disclosure of John Doe’s Personnel Records to the Requester would serve

1 no interest other than the prurient interest of the media and readers/listeners/viewers hungry for
2 scandal.

3 21. The disclosure of the Personnel Records would cause irreparable harm to John Doe
4 in the form of embarrassment, harassment, humiliation, and harm to reputation, as well as economic
5 and non-economic injury.

6 22. At all times mentioned, the District has been able to exercise the discretion to
7 withhold the Personnel Records. Notwithstanding this ability, the District has refused to withhold
8 the Personnel Records and instead intends to deliver them to the Requester and the media.

9 23. John Doe has no plain, speedy, and adequate remedy in the ordinary course of the
10 law, other than the relief sought in this Complaint/Petition because, pursuant to the CPRA, no other
11 judicial, administrative, or contractual remedy is available to John Doe. Furthermore, release of the
12 Personnel Records would render any subsequent judicial, administrative, or contractual remedy
13 moot.

14 **SECOND CAUSE OF ACTION**

15 **(Violation of the California Public Records Act – Cal. Gov. Code § 7920.000, *et seq.*)**

16 24. John Doe hereby realleges and incorporates by reference each and every allegation
17 contained in paragraphs 1 through 23 of this Complaint/Petition.

18 25. The CPRA was enacted in 1968 to promote government accountability, but expressly
19 recognized every individual’s right to privacy: “In enacting this division, the Legislature, *mindful of*
20 *the right of individuals to privacy*, finds and declares that access to information concerning the
21 conduct of the people's business is a fundamental and necessary right of every person in this state.”
22 Cal. Gov. Code § 7921.000 (emphasis added).

23 26. Further, the CPRA “does not require disclosure of *personnel, medical, or similar*
24 *files*, the disclosure of which would constitute an *unwarranted invasion of personal privacy.*” Cal.
25 Gov. Code § 7927.700 (emphasis added).

26 27. Therefore, the CPRA may permit access to public records, but it does not require the
27 disclosure of private records of individuals, such as John Doe’s Personnel Records at issue in this
28 case.

1 and the CPRA and protect the confidentiality of John Doe’s Personnel Records.


2 B. That the Court issue a temporary restraining order, preliminary injunction and
3 permanent injunction, enjoining the District, its agents, servants, and employees, and all persons
4 acting under, in concert with, or for the District, from disclosing John Doe’s Personnel Records to
5 the Requester or to any other third party.

6 C. For attorneys’ fees and costs incurred in this action.

7 D. For such other and further relief as the Court may deem just and proper.

8
9 Dated: September 6, 2024

PRICE, POSTEL & PARMA LLP

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11 By: 
12 SHANNON D. BOYD
13 JEFF F. TCHAKAROV
14 Attorneys for
15 Plaintiff/Petitioner John Doe
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VERIFICATION

I, John Doe, am the Plaintiff and Petitioner in the above-captioned action. I have read the foregoing: **VERIFIED COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION AND PETITION FOR WRIT OF MANDATE** and know the contents thereof. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are 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 the State of California that the foregoing is true and correct. This Verification was executed on the 6th day of September, 2024, in the County of Alameda, in the State of California.



Declarant, Plaintiff/Petitioner John Doe