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5 Attorneys for Real Party in Interest
HOLLY McDEDE

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF MARIN
9

10 JOHN DOE, an Individual,
11 Plaintiff,

12 v.

13 MILL VALLEY SCHOOL DISTRICT,
14 Defendant.

15
16 HOLLY McDEDE,
17 Real Party in Interest.

Case No. CV0003896

**DECLARATION OF HOLLY McDEDE IN
SUPPORT OF MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO PRELIMINARY
INJUNCTION**

Date: November 6, 2024
Time: 1:30 p.m.
Dept.: H

The Hon. Sheila S. Lichtblau

18
19 I, HOLLY McDEDE, declare as follows:

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

22 2. On June 7, 2024, I made a request under the California Public Records Act
23 (“CPRA”) to Mill Valley School District (the “District”) for “all public records related to any and
24 all claims of misconduct against teachers or other school employees from 2014 to the date this
25 request is fulfilled” as well as “records related to any and all reports to the California Commission
26 on Teacher Credentialing from 2014 to the date this request is fulfilled.”

27 3. A true and correct copy of the original request to the District is attached hereto as
28 Exhibit 1.

1 4. On June 28, 2024, I updated the request to seek “public records related to claims of
2 sexual harassment, sexual assault, or boundary crossing or grooming behavior made regarding
3 teachers or other school employees” as well as “claims of sexual harassment, sexual assault, or
4 grooming made to the California Commission on Teacher Credentialing from 2014 to the date this
5 request is fulfilled.”

6 5. A true and correct copy of the updated request to the District is attached hereto as
7 Exhibit 2.

8 6. In a letter by email dated July 8, 2024, the District informed me that “the
9 information sought is both of a substantial nature and is well-founded.” The District told me it
10 located responsive records, which it would make available with redactions after sending notices to
11 individuals involved.

12 7. A true and correct copy of the July 8, 2024 communication with the District is
13 attached hereto as Exhibit 3.

14 8. I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed this 21st day of October 2024 at Oakland, California.

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HOLLY McDEEDE

EXHIBIT 1



Holly McDede <hollyjmcdede@gmail.com>

CA Public Record Act Request - Mill Valley

1 message

Holly McDede <hollyjmcdede@gmail.com>
To: communications@mvschools.org

Fri, Jun 7, 2024 at 8:00 AM

Good morning,

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 teachers or other school employees from 2014 to the date this request is fulfilled.

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.

I am also requesting records related to any and all reports to the California Commission on Teacher Credentialing from 2014 to the date this request is fulfilled.

Please let me know if you have any questions and I look forward to your response,

Holly McDede
Reporter
732-397-3323

EXHIBIT 2



Holly McDede <hollyjmcdede@gmail.com>

California Public Records Act Request

3 messages

Lindsey A. Soares <lsoares@lozanosmith.com>

Fri, Jun 14, 2024 at 4:27 PM

To: "hollyjmcdede@gmail.com" <hollyjmcdede@gmail.com>

Cc: Jaspreet Lochab-Dogra <jlochab@lozanosmith.com>, "Roman J. Muñoz" <rmunoz@lozanosmith.com>

Hello Ms. McDede,

Please see the attached correspondence from Roman J. Muñoz and Jaspreet Lochab-Dogra.

Thank you,



**Lindsey A. Soares | Legal Secretary to Jaspreet
Lochab-Dogra,**

**Sinead M. McDonough, McKenzie Hoffman, & Rebecca
Wilson**

One Capitol Mall, Suite 640, Sacramento, CA 95814

T: 916.329.7433 F: 916.329.9050

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 **061424 Clarification Response - McDede PRA 060724.pdf**
63K

Holly McDede <hollyjmcdede@gmail.com>

Fri, Jun 28, 2024 at 7:17 AM

To: "Lindsey A. Soares" <lsoares@lozanosmith.com>

Cc: Jaspreet Lochab-Dogra <jlochab@lozanosmith.com>, "Roman J. Muñoz" <rmunoz@lozanosmith.com>

Good morning,

Thank you for your request for clarification.

I can narrow this request to public records related to claims of sexual harassment, sexual assault, or boundary crossing or grooming behavior made regarding teachers or other school employees.

I can similarly narrow my request for records involving the Teacher Credentialing Commission, which would narrow that part of the request to claims of sexual harassment, sexual assault, or grooming made to the California Commission on Teacher Credentialing from 2014 to the date this request is fulfilled.

Please let me know if this helps.

Holly McDede
Reporter
732-397-3323

[Quoted text hidden]

Mecia L. Gill <mgill@lozanosmith.com>

Mon, Jul 8, 2024 at 12:42 PM

To: Holly McDede <hollyjmc dede@gmail.com>

Cc: "Roman J. Muñoz" <rmunoz@lozanosmith.com>, Jaspreet Lochab-Dogra <jlochab@lozanosmith.com>

Dear Ms. McDede:

On behalf of the Mill Valley School District, attached is its initial response to your California Public Records Act request dated June 7, 2024.

Sincerely,



Mecia L. Gill | Legal Secretary to Roman J. Muñoz,

Michael E. Smith, Travis J. Lindsey & Gabriela D. Flowers

One Capitol Mall, Suite 640, Sacramento, CA 95814

T: 916.329.7433 F: 916.329.9050

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From: Holly McDede <hollyjmc dede@gmail.com>

Sent: Friday, June 28, 2024 7:17 AM

To: Lindsey A. Soares <lsoares@lozanosmith.com>

Cc: Jaspreet Lochab-Dogra <jlochab@lozanosmith.com>; Roman J. Muñoz <rmunoz@lozanosmith.com>

Subject: Re: California Public Records Act Request

CAUTION: External E-Mail:

[Quoted text hidden]

 **070824 Initial Response - McDede PRA 060724 4891-0213-5503 1.pdf**
220K



Roman J. Muñoz
Attorney at Law

E-mail: rmunoz@lozanosmith.com

Jaspreet Lochab-Dogra
Attorney at Law

E-mail: jlochab@lozanosmith.com

June 14, 2024

By E-Mail: hollyjmcdede@gmail.com

Holly McDede

Re: California Public Records Act Request

Dear Holly McDede,

Our firm represents the Mill Valley School District (“District”), which is in receipt of your California Public Records Act (“CPRA”) (Gov. Code, § 7920.000 et seq.) request dated June 7, 2024, for specified records of the District. You specifically requested:

“[A]ll public records related to any and all claims of misconduct against teachers or other school employees from 2014 to the date this request is fulfilled.

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.

I am also requesting records related to any and all reports to the California Commission on Teacher Credentialing from 2014 to the date this request is fulfilled.”

The District has analyzed your request for information against the intent and specific provisions of the CPRA. Pursuant to Government Code section 7922.600, subdivision (a), subsection (1), the District hereby offers to assist you in clarifying your request. Please contact my legal assistant, Lindsey Soares at lsoares@lozanosmith.com, so that we can set up a time that is mutually agreeable to further discuss the necessary clarifications.

Limited Liability Partnership

One Capitol Mall, Suite 640 Sacramento, California 95814 Tel 916-329-7433 Fax 916-329-9050

Holly McDede
June 14, 2024
Page 2 of 2

Please feel free to contact me if you have any questions.

Sincerely,

LOZANO SMITH

A handwritten signature in black ink, appearing to be 'LS' or similar initials, enclosed within a large, stylized loop.

Jaspreet Lochab-Dogra

JAL/lis

EXHIBIT 3



Roman J. Muñoz
Attorney at Law

E-mail: rmunoz@lozanosmith.com

Jaspreet Lochab-Dogra
Attorney at Law

E-mail: jlochab@lozanosmith.com

July 8, 2024

By E-Mail: hollyjmcdede@gmail.com

Holly McDede

Re: California Public Records Act Request

Dear Holly McDede:

As you were previously informed, our firm represents the Mill Valley School District (“District”), which is in receipt of your California Public Records Act (“CPRA”) (Gov. Code, § 7920.000 et seq.) request dated June 7, 2024, for specified records of the District. You specifically requested:

“[A]ll public records related to any and all claims of misconduct against teachers or other school employees from 2014 to the date this request is fulfilled.

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.

I am also requesting records related to any and all reports to the California Commission on Teacher Credentialing from 2014 to the date this request is fulfilled.”

In our June 14, 2024, correspondence, we sought, pursuant to Government Code section 7922.600, subdivision (a), subsection (1), clarifications regarding your request. We had

Holly McDede

July 8, 2024

Page 2 of 3

requested that you contact Lindsey Soares at lsoares@lozanosmith.com, to set up a mutually agreeable time to further discuss the necessary clarifications.

On June 28, 2024, you responded to our correspondence with the following clarified request:

I can narrow this request to public records related to claims of sexual harassment, sexual assault, or boundary crossing or grooming behavior made regarding teachers or other school employees.

I can similarly narrow my request for records involving the Teacher Credentialing Commission, which would narrow that part of the request to claims of sexual harassment, sexual assault, or grooming made to the California Commission on Teacher Credentialing from 2014 to the date this request is fulfilled.

We interpret the use of the term “claims” in relation to the above-mentioned misconduct as records that satisfy the requirement that the information sought is both of a substantial nature and well-founded. (See *American Federation v. Regents of University of California* (1978) 80 Cal.App.3d 913; see also *Associated Chino Teachers v. Chino Valley Unified School District* (2018) 30 Cal.App.5th 530.) As a result, we believe the following exemptions are applicable to the request:

- Preliminary 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. Code, § 7927.500.)
- Personnel, personal contact information, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code, §§ 7927.700 and 7927.705.)
- Records may also be exempt under the “deliberative process privilege” to protect the decision-making processes of government agencies to promote candid discussion within the agency. (Gov. Code, § 7922.000; *Caldecott v. Superior Court* (2015) 243 Cal.App.4th 212, 225.)
- Documents revealing information where the public’s interest in obtaining the records is clearly outweighed by the public’s interest in the District not disclosing the requested information. (Gov. Code, § 7922.000(a).)

Accordingly, our initial review indicates the District has responsive records in its possession. For those records that are subject to disclosure, we anticipate the records will be made available to you once the District has had a reasonable time to conduct a search, identify responsive records, and send the legally required notices to the employees or former employees involved. (See *Marken v. Santa Monica-Malibu Unified School District* (2012) 202 Cal.App.4th 1250.) Should any responsive documents in the District’s possession be withheld, you will be promptly

Holly McDede

July 8, 2024

Page 3 of 3

notified of the basis for that determination and the name and title of the person responsible for that decision.

The District will make all reasonable efforts to provide the requested records to you in a manner consistent with the CPRA by no later than August 30, 2024, provided that we will timely notify you if this is not possible.

Please feel free to contact me if you have any questions.

Sincerely,

LOZANO SMITH

A handwritten signature in blue ink, appearing to be 'Roman J. Muñoz', written over the printed name.

Roman J. Muñoz
Jaspreet Lochab-Dogra

JAL/RJM/mg