3d Civ. No.: C102316
Placer County Superior Court No. S-CV-0052277
(The Honorable Glenn Holley)

IN THE COURT OF APPEAL

FOR THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

SACRAMENTO TELEVISION STATIONS INC. d/b/a CBS NEWS SACRAMENTO,

Petitioner,

vs.

SUPERIOR COURT FOR THE COUNTY OF PLACER,

Respondent,

CITY OF ROSEVILLE,

Real Party in Interest

REPLY IN SUPPORT OF VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER APPROPRIATE RELIEF

JEAN-PAUL JASSY (SBN 205513)
jpjassy@jassyvick.com
JORDYN OSTROFF (SBN 313652)
jostroff@jassyvick.com
JASSY VICK CAROLAN LLP
355 South Grand Avenue, Suite 2450
Los Angeles, CA 90071
310-870-7048

Attorneys for Petitioner
SACRAMENTO TELEVISION
STATIONS INC. d/b/a
CBS NEWS SACRAMENTO

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

California Constitution

State Statutes

Court Rules

Miscellaneous

INTRODUCTION

Section 7923.625 of the California Public Records Act ("CPRA") mandates disclosure of law enforcement footage that relates to a critical incident, which is defined as "[a]n incident involving the discharge of a firearm at a person by a peace officer."[1] Gov't C. § 7923.625. In the face of this unequivocal command from the Legislature, the City of Roseville admits—for the first time in this litigation—that Section 7923.625 requires at least that it disclose video or audio showing the "context leading up to the discharge, the discharge itself, and the officer's disengagement following the discharge." *See* Return at 38. The City also admits that the "whole purpose of the law is to provide transparency to the officers' conduct." *Id.* at 16; PA 33.

The City makes factual admissions too. As it tells the story of the incident at Mahany Park on April 6, 2023: the City's "officers arrived on scene" after receiving an "emergency call," the suspect and California Highway Patrol and the City's officers exchanged dozens of rounds of gunfire, the suspect Eric Abril fled and took two hostages, and, after Mr. Abril allegedly shot both hostages, killing one of them, he was finally arrested "about an hour after Roseville PD arrived on scene." *Id.*; *see also id.* at 12–13, 25. That is the incident that involved the discharge of firearms at Mahany Park that day, and it is footage of that incident that the City must disclose.

These legal and factual admissions, taken at face value, would require granting CBS's Petition and ordering disclosure of any recordings from the incident pursuant to Section 7923.625. But the City does not offer

[1] Unless otherwise indicated, all references are to the Government Code.

them at face value. Instead, in its Return, the City argues that it satisfied Section 7923.625 by disclosing just four 39-second videos of six shots fired by the City's officers and a few minutes of audio recordings from that day. *Id.* at 14. It supports this argument by asking this Court to adopt, at every turn, such a tortured and narrow reading of the terms of the statute as to render the statute's disclosure requirement essentially meaningless.

Specifically, the City contends that CBS is wrong to argue that the relevant incident here is the April 6 incident at Mahany Park that involved the discharge of a firearm. Instead, it says the statute requires only disclosure of footage relating to an incident that is the "smaller" "thirty-nine (39) seconds for each discharge" that are within the "greater" April 6 incident at Mahany Park. *Id.* at 38. At no time, either in this Court or in the court below, has the City ever explained where it came up with 39 second "incidents" (as opposed to 38 seconds or 40 seconds or anything else) as the proper amount to disclose from the hour of footage on *each* of its officers' four body-worn cameras.

The City has no basis for this Russian doll interpretation of incidents within incidents. First, contrary to the constitutional, statutory, and Supreme Court mandates for approaching the CPRA, the City's interpretation arbitrarily limits rather than favoring disclosure. Second, nowhere does the City actually explain how it can be squared with the basic requirement that statutory language be given its ordinary meaning. In common parlance, the "incident" involving a shooting is the hour-long one that unfolded at Mahany Park that day; not the arbitrary seconds-long one the City purportedly identified by applying a (brand new) atextual three-part test. Third, the City's read of the legislative history is simply wrong,

and, finally, its public policy arguments are at war with its own admissions that the purpose of the statute is to increase transparency.

The City next admits that it has the burden to establish the applicability of Section 7923.625(a)(2)'s exception for the disclosure of footage that would substantially interfere with an active investigation, and it admits that the only evidence it presented to the trial court was a Stipulation to Seal and Sealing Order[2] in a related criminal case. *Id.* at 48. The City admits that the Stipulation to Seal does not expressly mention *any* active investigation, and, while it is not clear on what basis it has to deny the allegation, the fact is the vast amount of records subject to the seal are not even the records sought in this case. *Id.* That is not all. The City also admits that the trial court did not expressly identify any active investigation. *Id.* Instead, it asks this Court to apply the doctrine of implied findings. *Id.* at 49. The problem with this band-aid is that the doctrine of implied findings is only applicable when based on evidence. But, again, the City points to *no record evidence* establishing (a) the existence of an active investigation, or (b) that disclosure *of each of the records at issue here* would substantially interfere with that investigation.

The City's arguments are contrary to the statutory text, the California Constitution, and an unbroken line of appellate authorities—all of which require courts to favor disclosure not withholding. The City's arguments on the facts fare no better because it lacks evidence, let alone the clear and convincing evidence required, to support withholding. CBS respectfully urges this Court to grant its Petition, reverse the trial court

[2] These have the same meanings here that they do in CBS's Petition.

decision, and direct the trial court to enter a new order granting CBS's CPRA petition.

I. THE CPRA MUST BE READ TO FAVOR DISCLOSURE

A. The City's Reliance on Section 7923.600 Is a Red Herring.

Eschewing the mandate of the CPRA and the California Constitution that the starting point for any analysis under the CPRA is that any provision favoring disclosure be broadly construed and any exception or exemption permitting withholding be narrowly construed, the City begins its analysis by arguing that the "Investigation Exemption specifically applies here." *Compare* Pet. 29–31 (collecting cases) *with* Return at 36–37 (citing Gov't C. § 7923.600). But this case is not about Section 7923.600. This case is about the mandatory disclosure requirements of Section 7923.625, which are an exception to the Investigation Exemption. Gov't C. § 7923.625 (explaining that "[n]otwithstanding any other provision of this article" footage of critical incidents must be disclosed). Thus, no matter how "broad" the City believes the Investigation Exemption to be, that is irrelevant to what Section 7923.625 says and means.[3]

Instead, first principles guide this Court in interpreting the meaning of Section 7923.625. Pet. at 30–31 (collecting cases). Among these principles is the "strong presumption in favor of disclosure of public records, and any refusal to disclose public information must be based on a specific exception to that policy." *Cal. State Univ. v. Superior Court*, 90 Cal.App.4th 810, 831 (2001); *see also ACLU v. Superior Court*, 3 Cal.5th

[3] The City cites *Williams v. Superior Court*, 5 Cal.4th 337 (1993), and *Haynie v. Superior Court*, 26 Cal.4th 1061 (2001), but those cases were decided decades before Section 7923.625 (introduced in the Legislature as AB 748) became law. *Castañares v. Superior Court*, 98 Cal.App.5th 295 (2023) post-dates the adoption of Section 7923.625 but has nothing to do with footage of "critical incidents" under that Section.

1032, 1038–39 (2017) ("*ACLU I*") ("[A]ll public records are subject to disclosure unless the Legislature has expressly provided to the contrary") (citation omitted). Another is that the government "bears the burden of proving an exemption applies." *ACLU v. Superior Court*, 202 Cal.App.4th 55, 67 (2011) ("*ACLU II*"); *see also* Pet. at 31 (collecting cases).

The City does not contest these settled principles nor could it. Therefore, this Court's analysis should be conducted against the background of this State's profound commitment to the principle that the "people have the right of access to information concerning the conduct of the people's business." *See* Cal. Const. art. 1, § 3(b)(1).

B. The Requested Records Are "Critical Incident" Footage That Must Be Disclosed Under Section 7923.625.

Properly viewed through a lens favoring disclosure, the City's argument in its Return falls apart, because it wrongly relies on the unrecognized presumption that disclosure statutes should be narrowly construed.

1. The City Retreats from Its Definition Advanced Below, Creating Yet Another Test Divorced from the Statutory Language.

Below, the City argued that an "incident involving the discharge of a firearm" under Section 7923.625 required disclosure of the "sphere of events and actions that surround the actual decision to discharge a firearm." PA110. According to the City, that "naturally includes the time leading up [to] the decision to discharge a firearm, the actual discharge of the firearm, and then the cessation of the discharge." *Id.* According to the City below, the "heart of this sphere is the discharge of the firearm itself." *Id.* The trial court rejected this definition, finding that the statute required disclosure of

more than the "firearm discharge and, seconds before and after," which the court below found would be "insufficient context to satisfy the statute." PA 418.

In its Return, the City abandons its "heart of the sphere" definition but maintains that it was proper for it to disclose "no more than thirty-nine (39) seconds for each discharge." Return at 38. It now suggests in passing that "incident involving" under Section 7923.625 should be defined by resort to a three-part test requiring disclosure of "the context leading up to the discharge, the discharge itself, and the officer's disengagement following the discharge." Return at 38. The City does not define what the "context leading up to the discharge" or the "officer's disengagement following the discharge" mean. Nor are those prongs or phrases found anywhere in the statute itself.

Apparently, the City contends that pursuant to this definition the recordings at issue may be arbitrarily cropped into disclosable snippets—four 39-second video clips and two disclosable audio clips, both totaling less than three minutes. Return 37, 40. At no point has the City ever tried to explain where it came up with the disclosure of 39 seconds out of approximately one hour of footage from each of four body-worn cameras. And its vague three-part test is transparently an attempt at an after-the-fact justification for releasing what it did. Nor has it explained the difference, if any, between its "heart of the sphere" definition or its new three-part test definition or how they both lead to the conclusion that only 39 seconds need be disclosed here. To the extent that both, as the City put it below, are narrowly cabined to "the discharge of a firearm itself" and not "*relate[d] to*" an "*incident involving* the discharge of a firearm," they are contrary to

the statutory text. Pet. 43 (explaining that the City's definition reads "relates to" and "incident involving" out of the statutory language).

2. The City Offers No Support for Its New Three-Part Test.

The City neither flags it is advancing in this Court a different definition than it did below nor does it explain where it finds support for its new definition in the text or the case law. Instead, the City points to a single case, *Castañares v. Superior Court*, and an administrative CalDOJ document as "guidance." *Id.* (citing 98 Cal.App.5th 295). Based on these, it argues that "different parts of a single recording may be categorized differently" under CPRA. *Id.* at 38–39. CBS does not quibble with that proposition in the abstract, but it is unclear how this authority supports either the City's new definition or the application of it requiring, purportedly, only the disclosure of 39 seconds of video. Indeed, after more than a year fighting CBS over the plain language of Section 7923.625, the City apparently still cannot explain why either its prior definition or its more recent one should prevail over the statute's plain meaning.

Castañares, on which the City relies, says nothing about how to determine if the requested recordings depict an "incident involving the discharge of a firearm." *Castañares* solely addresses the scope of Section 7923.600(a)—not the scope of the definition of a "critical incident" under Section 7923.625(e). It is also factually distinct. *Castañares* concerns over 91 hours of video footage from a 30-day pilot program in which drones were dispatched by officers in response to many different 911 calls. 98 Cal.App.5th at 300, 307–09. The court determined that it could not treat all 91 hours of footage as a monolith, because the 91 hours of footage captured far more than a "single event"; they captured footage related to multiple

different 911 calls. *Id*. at 307, 312. In contrast, the recordings sought by CBS represent footage from a single one-hour event at a single location on a single day.[4]

The City also points to the guidelines promulgated by the California Department of Justice (the "CalDOJ Guidelines") for reviewing an officer's use of force. But as CBS pointed out in the briefing before the trial court, those guidelines have nothing to do with the CPRA. *See* PA180. The purpose of the CalDOJ Guidelines is to "recommend uniform guidelines for the investigation" of officer-involved shootings resulting in the death of unarmed civilians. PA129–30. The purpose of Section 7923.625 is much different. Its purpose is, as the City admits, "to increase transparency and public understanding related to critical incidents." PA31; PA33 (City stating, "The whole purpose of the law is to provide transparency to the officers' conduct."). And the CalDOJ Guidelines make clear that even in their much narrower application, sufficient context is required to understand more than the moment of discharge—witnesses, positions, other evidence on the scene, and more are all relevant.[5] *See* PA180.

---

[4] Even if the footage from the four body-worn cameras on the scene were not continuous, an agency and its officers could not avoid disclosure by turning their cameras on and off during a critical incident.

[5] The City's other authority is inapposite too. Both *People v. Gonzalez*, 38 Cal.4th 932 (2006), and *People v. Mayfield*, 14 Cal.4th 668 (1997), cited at Return 37–38, merely articulate the requirement for authenticating video recordings as evidence: the provision of "testimony or other evidence 'that it accurately depicts what it purports to show.'" *Gonzalez*, 38 Cal.4th at 952; *Mayfield*, 14 Cal.4th at 747. Neither case has any bearing on how to interpret "depicts" in the CPRA context, and neither suggests that the City's short clips are sufficient to comply with the law. To the extent the City is suggesting that the term "depicts" must be narrowly interpreted, that suggestion runs directly contrary to the statutory and constitutional mandate that disclosure provisions be interpreted *broadly*. Cal. Const. art. 1, § 3(b)(2); *Cal. State Univ.*, 90 Cal.App.4th at 831.

No doubt the City focuses on irrelevant authority because the statutory language cuts against its new definition. The evolution of the City's position in this case demonstrates as much. For the City in the trial court, the "incident" was the discharge of the firearm itself. PA110. But under the text of Section 7923.625, the incident "involves" the discharge of the firearm, it is not the incident itself, and the disclosable footage broadly "relates to" the incident. Tacitly recognizing as much, the City now says that the "incident" means indeterminate seconds on either side of the discharge. Return at 41. As a result, the City is left awkwardly renaming the incident at Mahany Park as not an incident at all but instead a "larger criminal event" or "hostage situation."

Just like its three-part test is nowhere found in the statute, the terms "larger criminal event" and "hostage situation" do not appear in the statute either. *See generally* Gov't C. § 7923.625. They are not legally significant terms in this context; their only significance is to provide a fig leaf for the City's rewriting of the statutory language. Indeed, the City has to call the incident at Mahany Park that day anything but an "incident" to avoid the application of the plain meaning of the statute. This Court should not indulge the City's shifting positions or semantic gymnastics.

3. CBS's Interpretation Is Consistent with the Law Favoring Disclosure.

Instead, the Court should adopt the ordinary meaning of the statute: the incident involving the discharge of a firearm means the incident during which the officers discharged their firearms—here, the law enforcement response to the attempted execution of a warrant on Mr. Abril. As CBS explained, the ordinary meaning of Section 7923.625(e)'s statutory language "incident involving the discharge of a firearm," quite readily

suggests that there is an "incident" that is distinct from but "involves" the discharge of a firearm. This understanding of the statutory language does not require any idiosyncratic tests. It does not inject arbitrariness into how many seconds must be disclosed. It does not leave a police department with virtually unfettered discretion to decide when its officers have "disengaged" (whatever that means). And it comports not only with common usage but with the statutory purpose. *See* Pet. 43–44. Indeed, as the City noted, the "whole purpose" of the statute, after all, is transparency. PA33; *see also* PA167 (legislative history offered by the City states, "Ultimately, the goal of equipping police officers with body cameras is to provide a record of police conduct, which should improve public trust in law enforcement."). By enacting 7923.625 as an exception to the Investigative Exemption, the Legislature honored the Supreme Court's recognition that, in CPRA cases concerning "officer-involved shootings," the "balance tips strongly in favor of" disclosure and against an agency's desire to withhold records and information about the "conduct of its peace officers" from the public. *Long Beach Police Officers' Ass'n v. City of Long Beach*, 59 Cal.4th 59, 74 (2014).

Against this, the City argues counterintuitively that the term "involving" in the statute is somehow a *limiting* term. Return at 41. That position is a serious outlier. Usually, the question is not even whether "involving" is broad or limiting, but rather just *how broadly* "involving" should be construed. *See, e.g.*, *Allied-Bruce Terminix Cos. v. Dobson*, 513 U.S. 265, 273 (1995) (accepting that "involving" was a broad term and interpreting its full reach consistent with "the statute's language, background, and structure"). Here, considering the presumptions in favor

of disclosure under the Constitution and the CPRA, there can be little doubt that an "incident involving" is an expansive not narrow term. Pet. 43–44.

The only cases the City cites for its outlier view do not require a contrary conclusion. *See* Return 41. Both *People v. Coca*, 96 Cal.App.5th 451 (2023), and *Prudencio v. Holder*, 669 F.3d 472 (4th Cir. 2012), concern whether individuals were subject to removal from the United States for convictions of crimes "involving moral turpitude." All *Coca* holds is that a conviction for receipt of stolen property under California law does not qualify as a "crime involving moral turpitude."[6] 96 Cal.App.5th at 458–60. And, if anything, *Prudencio* supports CBS's position regarding statutory interpretation, which is that the language of Section 7923.625 must be interpreted in its "statutory context." *See* 669 F.3d at 481 ("The word 'involving' must be considered in its statutory context."); Pet. 29–30; *see also Larkin v. Workers' Comp. Appeals Bd.*, 62 Cal.4th 152, 157 (2015) ("[S]tatutory language typically is the best and most reliable indicator of the Legislature's intended purpose."). Again, the City concedes that the "whole purpose" of the statute is transparency. Return at 16; PA33. Therefore, its insistence that "involving" in this context is somehow a narrowing device is unpersuasive.[7]

---

[6] Of course, in the criminal context the rule of lenity, which requires a narrow construction of ambiguous statutes, controls, *People v. Manzo*, 53 Cal.4th 880, 889 (2012), unlike in the CPRA context, where courts must broadly interpret statutes in favor of disclosure.

[7] For much the same reason, the City's attempt to minimize *Moore v. City and County of San Francisco*, 2020 WL 7260530 (N.D. Cal. Dec. 10, 2020), falls flat. *See* Pet. 44–45. *Moore* actually concerns a provision of the CPRA similar to Section 7923.625 addressing disclosure of records of incidents involving the discharge of firearms. *See* 2020 WL 7260530, at *7 (analyzing Cal. Pen. C. § 832.7(b)). Section 832.7 of the Penal Code contains the phrases "relating to" and "incident involving." Cal. Pen. C. § 832.7(b). The *Moore* court correctly interpreted the statute broadly, concluding that relevant footage from a shooting incident included not only

Ultimately, CBS's read of the statute is the ordinary one that does not resort to atextual tests or to arbitrary applications of them.[8] This Court should reject the City's attempt to artificially narrow the ordinary meaning of the statute's text.

4. The Legislative History Does Not Support the City's Interpretation.

To try to shore up its idiosyncratic read of the statutory text, the City resorts to the legislative history, but this history merely confirms the City's reading is incorrect.

Essentially, the City argues that Section 7923.625(e) should be read narrowly because the legislative history shows that AB 748's proponents made certain concessions to get it passed. Return 43–44. This is misdirection. To be sure, the legislative bill analysis for AB 748 does state that "recent amendments narrow the bill to address [the] oppositions' concerns." Return 44. And, some of those amendments involved removing certain *other* "incidents" from what would count as "critical incidents" for the purposes of mandatory disclosure under Section 7923.625.[9] What

---

the moment that the plaintiff was shot, but also footage "at the beginning of the video" when subjects were introduced, and "after [the plaintiff] was shot." *See Moore*, 2020 WL 7260530, at *7.

[8] The City's truncated view of what constitutes the "incident" at issue is also at odds with how the incident has been portrayed in the City's own press releases and in the media, which describe what happened in Mahany Park on April 6, 2023 as not just a few seconds of shooting, but an event lasting from when officers arrived at the park to when Mr. Abril was taken into custody, *including* the period in which the officers discharged weapons. *See, e.g.*, City of Roseville, *April 7, 2023 update on shooting in Mahany Park* (Apr. 7, 2023), https://tinyurl.com/3ysvfptp; PA50 (City admitting that the April 7, 2023 press release speaks for itself); Michael McGough, et al., *Hostage killed, CHP officer injured in Roseville shooting. Suspect arrested*, THE SACRAMENTO BEE (Apr. 6, 2023), https://tinyurl.com/4z87rb6y.

[9] *See. e.g.,* https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bi

matters, though, is that an "incident involving the discharge of a firearm at a person by a peace officer or custodial officer" was *not* one of the ones removed.[10] In short, the "limitation" to which the analysis referred had nothing to do with the type of critical incident at issue here. *See* PA90.

The City then doubles down on its misdirection, asserting that the legislative history "intentionally and narrowly defines 'depicts' an 'incident involving' to mean in relation to 'discharge of a firearm at a person by a peace officer,' not the entire criminal event." Return 44-45. As an initial matter, the City again rewrites the statutory language. But in any event, it cites nothing to support this alleged intentional conduct by the Legislature. It cites nothing because there are no facts that support this argument. The City's unadorned, cavalier retelling of the legislative history should be given no weight whatever. *See* Br. of *Amici Curiae* First Amendment Coalition, et al. at 16–21 (explaining with reference to evidence legislative history).

5. Public Policy Considerations Do Not Support the City's Interpretation.

Finally, the City asserts that public policy "dictates the opposite" of CBS's position. Return 45. The City's position is unsupported.

Courts must give effect "to the public policy considerations that were given priority by the Legislature when it adopted" Section 7923.625 *Brown v. Montage at Mission Hills, Inc.*, 68 Cal.App.5th 124, 134 (2021). There is no dispute that the policies underlying the CPRA writ large, and

---

ll_id=201720180AB748&cversion=20170AB74894AMD (showing redline removing from the statute's reach an incident involving use of non-lethal force as well as the death of an individual in an agency's custody, among other types of critical incidents).

[10] *See* Note 9, *supra.*

Section 7923.625 in particular, are to promote *transparency*. *See City of San Jose v. Superior Court*, 2 Cal.5th 608, 616 (2017) ("When we interpret a statute, '[o]ur fundamental task . . . is to determine the Legislature's intent so as to effectuate the law's purpose.") (citation omitted). The California Supreme Court has made clear that the "whole purpose of CPRA is to ensure transparency in government activities," and the City has acknowledged that the "whole purpose" of Section 7923.625 "is to provide transparency to the officers' conduct. PA33; *see also* Return 16, 45 (noting that the goal of the statute is "enhancing public access to audio and video recordings"). So CBS does not understand how public policy cuts against its position.

Unable to escape from under this controlling precedent or its own admissions as to the public policy underlying Section 7923.625, the City simply declares that "there is no policy justification" for releasing more footage. Return 45. Respectfully, the policy justification is the plain language of the statute, the uncontested purpose of the statute, and the constitutionally presumptive right of access to public records. Nor can the City merely invoke the general interest in keeping law enforcement records confidential. Again, Section 7923.625 applies "notwithstanding" prohibitions against disclosure of investigatory records, and is a legislatively-designed exception to that exemption. The City's disagreement on this score is not with CBS but with the California Legislature.

Really, the City's public policy argument is more a parade of horribles. The City raises a hypothetical regarding a multi-day manhunt. *See* Return 45–46. That is nothing like the facts at issue here or, frankly, the facts that are most likely to be encountered by requesters and law

enforcement agencies, which involve the request for footage from a single, contained event with a clear beginning and end. Applying Section 7923.625 to the actual facts of this case, the "critical incident" recordings comprise the recordings from the moment that the Roseville Police Department arrived on the scene at Mahany Park, to approximately one hour later, when the suspect was apprehended.

Third, CBS is not "speculating" that the City unilaterally decided how much footage to produce. *See* Return 46. It is a fact. The City produced 39 seconds—out of approximately an hour—from each of the four body-worn cameras; an arbitrary few minutes of audio; and none of its drone footage. The City's argument is that it is only obligated to disclose recordings depicting the moment of discharge plus an arbitrary additional number of seconds of the City's unilateral and unexplained choosing (here, 38.99 seconds), and that CBS has no basis to quarrel with the City's selective disclosures. But as the City admits at the outset of its Return, the question is not the City's compliance with disclosure and nothing more but rather a disputed "question of statutory interpretation" for this Court to decide *de novo*. *See* Return 35 (agreeing with CBS that the interpretation of CPRA and its application to the facts must be reviewed *de novo*).

The constitutionally-based presumptive right of access, the clear language, the legislative history, and the agreed-upon purpose of Section 7923.625 all favor a broad reading of records that "relate to" a "critical incident." The City's arguments to the contrary are unavailing. An incident involving the discharge of a firearm requires disclosure of the video and audio related to the beginning of the incident involving the discharge to the end of it.

II. THE CITY PRESENTED NO EVIDENCE TO SATISFY ITS BURDEN TO WITHHOLD THE REQUESTED RECORDS

Because the records requested all fall within the ambit of disclosures required by Section 7923.625, the City can "*only*" withhold them if it meets its burden to establish application of an exemption to disclosure. Gov't C. § 7923.625 (emphasis added). The City invokes two exemptions to disclosure: Section 7923.625(a)(2)'s exemption for disclosure of recordings that would "substantially interfere" with an "active" investigation, and Section 7923.625(b)'s exemption for disclosures that would violate the reasonable expectation of privacy of a subject depicted in the recording. Return 47–55. The City does not dispute that it bears the burden to establish application of either of those exemptions. *See* Return 47; Pet. 31.

Although the City now relies on Section 7923.625(a), and the trial court based its ruling on that subsection, the City previously disavowed reliance on *any* exemption. Initial correspondence contained only boilerplate language citing a litany of statutory exemptions—*but not Section 7923.625(a) or (b)*. *See* PA24 (claiming "records are exempt from disclosure under Government Code Sections 7923.600, 7923.605, 7923.610, 7923.615, and/or 7923.620"). After CBS filed its Petition in the trial court, the City repeatedly asserted it was not withholding any responsive records under any exemption. *See, e.g.*, PA115 ("To be clear, Respondent has not withheld any audio or video footage that depicts the incident involving the discharge of a firearm at a person . . . ."); PA260 (same); PA212 ("That's why we've never claimed an exemption, that's why we've always produced all of the records that we have in our possession that are responsive to the request that was made"); PA217 ("We were never claiming an exemption.").

Consistent with its position that it was not relying on any exemption—and certainly not the 7923.625 exemptions—the City never satisfied the procedural requirements for invoking such exemptions. *See* Pet. 36. It is undisputed that, before the trial court issued its order, the City never "provide[d] in writing to [CBS] the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure," Gov't C. § 7923.625(a)(1), and that once a year had passed since the shooting incident, the City did not "provide in writing to [CBS] the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure," and the City did not "reassess withholding and notify [CBS] every 30 days," *id.* § 7923.625(a)(2); Return 50. It is also undisputed that, prior to the trial court's order, the City never "provide[d] in writing to [CBS] the specific basis for the expectation of privacy and the public interest served by withholding the recording," or attempt to "use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest." Gov't C. § 7923.625(b)(1). The City's prior conduct and statements are therefore inconsistent with its belated reliance on both Section 7923.625 exemptions.

A. The City Has Presented No Evidence—Let Alone the Requisite Clear and Convincing Evidence—that Disclosure Would Substantially Interfere with an Active Investigation

Even if the City's asserted exemption under Section 7923.625(a)(2) were entertained, the City comes nowhere close to satisfying its burden here because there is no evidence that *any* active investigation exists, let

alone clear and convincing evidence that disclosure would interfere with such an investigation.

The City agrees that it "may continue to delay disclosure of a recording *only* if the agency demonstrates by *clear and convincing evidence* that disclosure would substantially interfere with the investigation." Gov't C. § 7923.625(a)(2) (emphases added); Return 35, 47–48.

Tellingly, the City essentially ignores the nature of this weighty burden. The City argues that this Court need only review for "substantial evidence," *see, e.g.*, Return 48, 50. This is wrong. This court "must determine whether the evidence reasonably could have led to a finding made with the specific degree of confidence required by" the clear and convincing evidence standard, and that "when a heightened standard of proof applied before the trial court, an appropriate adjustment must be made to appellate review for sufficiency of the evidence." *Conservatorship of O.B.*, 9 Cal.5th 989, 1005–6, 1009–10 (2020). This means that the evidence must be "sufficiently strong to command the unhesitating assent of every reasonable mind." *Id.* at 998 n.2 (quoting *In re Angelia P.*, 28 Cal.3d 908, 919 (1981)).

Here, the City admits that the *only* purported evidence that the City presented to the trial court, and that it advances here, consists of (1) a Stipulation to Seal exhibits presented at the preliminary hearing in Mr. Abril's criminal case, and (2) the Sealing Order in that criminal case. *See* PA270–74; Return 48. Therefore, the City's withholding rises and falls on whether the Stipulation and Sealing Order constitute the kind of "clear and convincing evidence" required. They do not.

The contents of those documents are undisputed. The Court has before it and may independently review the exact same record that was

presented to the trial court. The Stipulation to Seal and Sealing Order cannot possibly command the unhesitating assent of every reasonable mind that the disclosure sought here would substantially interference with an investigation, let alone that an "active" investigation even exists.

1. There Is No Evidence of an Active Investigation.

Here, the City has never provided any *evidence* of an active investigation in this matter and it does not seriously contend otherwise. *See* Return 47–49. The Stipulation to Seal, the only evidence on which the Court below relied, does not identify any active investigation. So, the City spends most of its briefing along these lines arguing that the lack of any reference in the Stipulation is irrelevant to its burden because it is somehow "evident" from context that there is an "on-going investigation." *Id.* at 48. That is not all. The City also admits that the trial court's order expressly states that it was not relying on the Sealing Order. *Id.* In the face of this *express* disavowal by the trial court, the City asks this Court to apply the doctrine of implied findings. *Id.* at 48–49. In other words, the City asks not only that this Court disregard the trial court's express finding, but imply a finding directly contrary to an express finding.[11] This Court should not indulge the City's rewriting of the trial court's order.

In the end, the City provides only argument and vague assertions that an investigation remains ongoing in the form of the prospective criminal trial itself. Return 48. Of course, this is not evidence in the legal

[11] The City seems to suggest that the doctrine of implied findings allows this Court to "infer" that evidence of an active investigation exists. Return 49. Not so. It merely provides that appellate courts must infer that a trial court made certain factual findings in certain situations in which it is unclear whether the trial court did make such a finding. *See Fladeboe v. Am. Isuzu Motors, Inc.*, 150 Cal.App.4th 42, 58–62 (2007).

sense. *People v. Ramirez*, 10 Cal.5th 983, 1033 (2021); *El Dorado Irrigation Dist. v. Superior Court*, 98 Cal.App.3d 57, 62 (1979) ("Argument of counsel is not evidence", concluding "trial court had no evidentiary basis on which to base" its decision where it was based on "conclusionary and argumentative statement of counsel"). The City *never* submitted *evidence* explaining that any investigation (whatever that might be) was ongoing.[12]

At any rate, the City again ignores the text of the statute itself, which does not allow withholding merely because a prosecution is pending. As CBS pointed out, the Legislature knows how to permit withholding once criminal charges are filed. Pet. 35. It has done so elsewhere, but it did not do so in Section 7923.625. *Id.* Consistent with its refrain elsewhere, the City says the omission of this statutory language is "irrelevant." Return 49. But this is just the City's say-so, and is contrary to settled law. *Cnty. of Yuba v. Savedra*, 78 Cal. App. 4th 1311, 1322 (2000) ("the court may not assume the Legislature inadvertently omitted from one statute language it placed in another statute") (citation and marks omitted).

Not to be deterred, the City next contends (again in argument, not evidence) that *Mr. Abril's investigation is ongoing*. As *amici* point out, however, this argument makes no sense. The "investigation" that the statute contemplates is an *agency's* investigation—not the criminal *defendant's* investigation. *See* Gov't C. § 7923.625(a) (referring to "an active criminal or administrative investigation"); *see also* Br. of *Amici Curiae* First Amendment Coalition, et al. at 22–24. And, none of the cases the City cites prove otherwise nor excuse it from Section 7923.625's

[12] The City again falls back on the Investigatory Exemption. Once again, Section 7923.625 applies notwithstanding that Exemption.

evidentiary demand. *See, e.g.*, *Corenevsky v. Superior Court*, 36 Cal.3d 307, 313, 320 (1984) (noting only that "an indigent defendant has a constitutional right" to effective assistance of counsel, which may include "investigative services").

The City essentially asks this Court to ignore that it submitted no evidence establishing the existence of an active investigation despite the statutory demand of clear and convincing evidence. The City says it "does not matter" that the Stipulation to Seal—the very (and only) purported evidence on which the trial court relies—does not reference any investigation in the criminal matter at all, and that it "does not matter" that the trial court said it was not relying on the criminal court's Sealing Order. Return 48. But, again, because the trial court disclaimed any reliance on the Sealing Order, *see* PA419, the *only purported evidence supporting the trial court's ruling is a stipulation that says nothing about any active investigation*, *see* PA419–20.

2. There Is No Evidence of Substantial Interference.

Even if the City had provided adequate evidence of an active investigation in this matter, it still has not provided any evidence—let alone clear and convincing evidence—that further disclosure would substantially interfere with that investigation. Instead, the City asks the Court to accept *ipse dixit* assertions, unfounded inferences, inferential leaps there is no indication the trial court made, and unsupported conclusions without reference to any actual evidence. If the evidence existed, the City would point to it. It does not because there is none.

As an initial matter, the City yet again ignores the language of the statute. The statute itself provides examples of "substantial interference":

"endangering the safety of a witness or a confidential source." Gov't C. § 7923.625(a)(1). Neither the City's Return nor its briefing before the trial court provides any evidence of how there could—even theoretically—be interference with an active investigation here, let alone "substantial interference" akin to "endangering the safety of a witness or a confidential source." Instead, as explained below, the City impermissibly advances argument where the statute requires evidence, ignoring that it "is elementary . . that . . . argument is not evidence." *People v. Perez*, 2 Cal.4th 1117, 1125–26 (1992) (disapproving appellate court for failing "to focus on the evidence presented and the possible inferences drawn therefrom, but instead review[ing] the theories articulated in the prosecutor's argument"); *see also In re Marriage of Pasco*, 42 Cal.App.5th 585, 592–93 (2019) (finding trial court abused discretion by relying solely on "argument of counsel" and "unsworn statements," because neither constituted "actual evidence").[13]

It is undisputed that the Stipulation to Seal does not, on its face, apply to the footage from the four body-worn cameras that were present at the scene. *See* Return 50; PA272–74, 296–97. Understanding that, the City asks the Court to *assume* that the still photographs that the Stipulation to Seal does address "*may*" come from body-worn camera footage. Return 50. This assumption is not evidence. It reflects a series of untenable inferential leaps. The City appears to recognize that its assumption is not evidence, as

[13] That the City advances only argument and not evidence makes its Return largely irrelevant on this point. Indeed, the cases are legion that argument is not evidence, and therefore cannot excuse a ruling based solely on argument where evidence is required by law. *Janney v. CSAA Ins. Exch.*, 70 Cal.App.5th 374, 398 (2021); *Fuller v. Tucker*, 84 Cal.App.4th 1163, 1173 (2000); *see also* CACI 5002 ("What the lawyers say may help you understand the law and the evidence, but their statements and arguments are not evidence.").

demonstrated by its argument that the trial court "*could have* reasonably" inferred that disclosure of footage that was not even sealed could "have also" substantially interfered with the supposed investigation. *Id.* (emphasis added). There is no indication the trial court made these assumptions, and, in any event, they do not meet the "clear and convincing evidence" standard. If they could, then the heightened standard would have no meaning.

The City tries to equate the Stipulation to Seal's reference to Mr. Abril's "fair trial" rights with the required finding of substantial interference with an active investigation. Return 51. But these are not the same thing, and the CPRA's statutory scheme demonstrates that the Legislature knows how to distinguish between them. *See* Pet. 35–36. In SB 1421, the Legislature explicitly chose to "allow the delay of disclosure, as specified, for records relating to *an open investigation or court proceeding*, subject to certain limitations." Stats. 2017–18, ch. 988, Leg. Counsel's Digest (SB1421) (emphasis added). In contrast, in SB 748—the bill that became Section 7923.625—the Legislature specifically chose to exempt from disclosure only those "records that would substantially interfere with an *active investigation*." Stats. 2017–18, ch. 960, Leg. Counsel's Digest (AB 748) (emphasis added). Penal Code section 832.7, which SB 1421 amended, authorizes withholding of other records even after "criminal charges are filed related to the incident in which misconduct occurred or force was used . . . until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea." Pen. C. § 832.7(b)(8)(B). Section 7923.625(a) contains no such language, demonstrating that the Legislature meant to exclude from disclosure only recordings the disclosure of which would substantially

interfere with an *investigation*.

Recognizing this distinction, the City asks the Court to make yet another inferential leap in the absence of evidence. It again claims the trial court "could have reasonably" inferred, based on "expert opinion, common sense, and human experience," that further disclosure would substantially interfere with an investigation because there was media coverage of the case. Return 51. There is no evidence of any expert opinion in this case. "Common sense" is not evidence either. "Common sense" does not support the City's position, anyway. The California Highway Patrol already released several hours of footage from the Mahany Park incident, PA14, 64, 314, so "common sense" dictates that releasing more footage from the exact same event would not interfere with any investigation, much less "substantially" interfere. "Common sense" also dictates that, given that the District Attorney already charged Mr. Abril in connection with the incident, the prosecution believes it already has evidence to prove Mr. Abril is guilty beyond a reasonable doubt. The inferential leap that the City asks this Court to make would eviscerate Section 7923.625's transparency objectives, because the leap could be made in any case involving victims and media coverage.

The City also asks the Court to disregard the law providing that sealing orders in separate litigation do not prohibit disclosure of public records. Return 52. In making this request, the City ignores the law that CBS provided holding that courts interpreting the CPRA often look to the Freedom of Information Act ("FOIA") for guidance. *See* Pet. 39 n.10 (citing *Los Angeles Unified Sch. Dist. v. Superior Court*, 228 Cal.App.4th 222, 238 (2014)). The law with respect to the FOIA makes clear that the

Sealing Order in Mr. Abril's criminal matter cannot bind the trial court here. Pet. 39–40.[14]

Ignoring *Morgan v. U.S. Department of Justice*, 923 F.2d 195 (D.C. Cir. 1991), and the many other cases holding that sealing orders like the one at issue here cannot bar disclosure, *see* Pet. 39–40, the City continues to argue that the Sealing Order is sufficient to support its withholding—*even though* it refers *only* to sealing an "affidavit" (which is neither at issue nor in evidence in this case) and *even though* the criminal court did *not* apply the "clear and convincing" standard. *See* Return 52; PA270. Even if the Sealing Order could function to bar disclosure here, it is not clear and convincing evidence of substantial interference with an active investigation because: (1) the Stipulation to Seal on which the Sealing Order is based does not mention any investigation; and (2) the Sealing Order (which does not seal the body-worn camera footage at all) found only a "substantial probability" of prejudice to an investigation but not "clear and convincing evidence" of "substantial interference" with an investigation. PA270, 272–74. In other words, the evidence presented to the criminal court in support of the Stipulation to Seal did not include evidence of an active investigation, and the criminal court did not conclude there was "clear and convincing evidence" of "substantial interference" to an active investigation.

---

[14] The City cites *Williams v. Superior Court*, 5 Cal.4th 337, for the proposition that the Court should not accept that law. See Return 52. *Williams* is inapposite here. *Williams* did not involve a sealing order purporting to dictate what can be disclosed under the CPRA, and the trial court here rightly did not conclude that the Sealing Order dictates what can be disclosed. PA 419. CBS is not asking the Court to incorporate into the CPRA analysis the inapposite FOIA criteria rejected by the *Williams* court. See Return 52; *Williams*, 5 Cal.4th at 348–52.

The City improperly relies on the criminal court's "substantial probability" finding in its Sealing Order. *See* Return 52. The criminal court's use of the phrase "substantial probability" is likely drawn from the test in *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal.4th 1178 (1999), for sealing court records, as the City acknowledges. *See* Return 52; *NBC Subsidiary*, 20 Cal.4th at 1181 (requiring finding of "substantial probability" that an "overriding interest" will be prejudiced absent sealing). The "substantial probability" that *NBC Subsidiary* requires is *not* the same as the "clear and convincing" standard required by Section 7923.25(a)(2). Nowhere does *NBC Subsidiary* equate "substantial probability" with "clear and convincing." *See generally id.*; *see also In re Angelia P.*, 28 Cal.3d at 909 ("clear and convincing evidence" must be "sufficiently strong to command the unhesitating assent of every reasonable mind"). And, courts routinely find that sealing orders are insufficient to support withholding public records.[15] *See* Pet. 39–40. The City has no rebuttal to that point.

[15] While the criminal court purported to find that a substantial probability that disclosure of records would prejudice an overriding interest, the court's order was perfunctory, and, apparently, based solely on the parties' perfunctory stipulation concerning exhibits presented during the preliminary hearing, which, according to the record, did not include the body worn camera footage at all. PA270–74, 296–97. *See* Cal. R. Ct. 2.550(e)(1)(A) (sealing orders must "[s]pecifically state the facts that support the findings," which the criminal court below did not do); Cal. R. Ct. 2.551(a) (a "court must not permit a record to be filed under seal based solely on the agreement or stipulation of the parties"); *NBC Subsidiary*, 20 Cal.4th at 1190–1226 (Supreme Court decision from which Cal. R. Ct. 2.550 and 2.551 are derived). Although the propriety of the Sealing Order is not directly at issue in this case, that order does not, on its face, comply with the law or Rules of Court and should not be relied upon to support the City's position in any way. The court below correctly declined to rely on the criminal court's Sealing Order. PA419.

B. The City Presented No Evidence that Disclosure Would Violate a Subject's Privacy.

Although the City never argued before the trial court that the Section 7923.625(b) exemption regarding privacy applies here, it now argues that the exemption does apply. Return 53–55. The City did not raise this exemption in its opposition to the City's opening memorandum before the trial court, in its supplemental brief to the trial court, or at either hearing before the trial court.[16]

The *only* "evidence" to which the City now belatedly points to is its letter response to CBS's initial public records request, in which the responding officer stated in part that no additional records would be disclosed "out of respect for the privacy of the victims involved." *See* Return 53 (citing PA24). That letter does not cite Section 7923.625(b) at all. An argument based on a general assertion of "respect for the privacy of the victims involved" could apply to every single critical incident in which a person is shot or otherwise harmed. To accept this argument as sufficient to establish application of the Section 7923.625(b) exemption would eviscerate the disclosure rule.

The City does not dispute that the entire incident took place in a public park. Nor does the City seriously contend with the law providing that there is no reasonable expectation of privacy in such a public place, or that facts that have already become public are no longer private. *See* Pet. 51. Neither of the cases that the City cites are on point. *Thompson v. Spitzer*, *see* Return 54, has nothing to do with the principle that there is no

[16] The City now claims it did raise this exemption before the trial court, but this assertion is misleading—the City never cited Section 7923.625(b) or attempted to substantiate a privacy argument before the trial court. *See* Return 53 (citing PA114, 205–06).

expectation of privacy in a public place: that case concerned, among other things, whether the plaintiffs had waived their right to privacy in their DNA information, in which they had a privacy interest. *See* 90 Cal.App.5th 436, 458–60 (2023). *Catsouras v. Department of California Highway Patrol*, *see* Return 54, concerns claims brought by a decedent's family members after police officers released images of a decapitated corpse. *See generally* 181 Cal.App.4th 856 (2010). It is not a CPRA case at all. *Catsouras* does not weaken CBS's point that the California Highway Patrol's prior disclosure of seven hours of footage from Mahany Park in this case undermines any potential argument that release of additional footage from that event could violate any reasonable expectation of privacy. *See* Pet. 51.

In sum, even were the Court to entertain the City's newfound reliance on the exemption set forth at Section 7923.625(b), the City has failed to substantiate that exemption, even though it is—as the City admits, *see* Return 47—the City's burden to establish its applicability.

III. THIS COURT SHOULD ORDER IMMEDIATE DISCLOSURE OF THE REQUESTED RECORDS

To the extent that the City contends that no further records can be disclosed until the trial court conducts an in camera review, the City is wrong. In camera review "is not a substitute for the government's obligation to justify its withholding in publicly available and debatable documents, and it should be invoked only when the issue at hand could not be otherwise resolved." *ACLU II*, 202 Cal.App.4th at 87 (cleaned up). The City cannot ask for in camera review now to avoid meeting its burden to justify withholding responsive recordings—a burden it has failed to meet.

In any case, in camera review would serve no purpose here, where the City has presented no evidence that *any* portion of each one-hour body-

worn camera recording should be withheld. There is no basis for or need to review the footage to determine if an exemption applies because there is not clear and convincing evidence of an active investigation, and there is no dispute that all of the events occurred in a public park. Likewise, the City's purported "evidence" in support of withholding any other recordings (e.g., drone footage) consists of nothing but the Sealing Order and the Stipulation to Seal, which cannot, as a matter of law, justify withholding. In camera review of that footage would serve no purpose, either.

Moreover, time is of the essence. "[A] necessary corollary of the right to access is a right to timely access." *Courthouse News Serv. v. Planet*, 947 F.3d 581, 594 (9th Cir. 2020) (collecting cases). Prompt access to judicial records ensures that the public learns about important cases while they are still newsworthy, promotes accuracy in reporting, and informs public debate about cases and the institutions handling them. *Id.* at 594; *Grove Fresh Distribs., Inc. v. Everfresh Juice Co*., 24 F.3d 893, 897 (7th Cir. 1994) (delaying disclosure "undermines the benefit of public scrutiny"). CBS first requested these recordings from the City on June 12, 2023—over a year and a half ago at this point. No further delay should be injected into this process.

CONCLUSION

To support its artificially narrow reading of the statute and its reliance on the exemptions set forth in Sections 7923.625(a) and (b), the City inverts the constitutional presumption in favor of disclosure, rewrites the statutory language by superimposing a vague, atextual test on top of it, asks the Court to excuse its failure to adduce any evidence as required by the statute, and, in the place of that required evidence, substitute unsupported inferences and assumptions. This Court should not do so.

With respect to the City's restrictive interpretation of "critical incidents," the City tells the Court "it does not matter" that each of its disclosed video recordings are the same arbitrary 39 seconds long. Return 43. The City asks the Court to consider the continuous, hour-long recordings from each of the four body worn cameras that were present on the scene as tiny "critical incident" snippets, segregated from the remaining "hostage situation" or "larger criminal event," even though neither of the latter phrases appear anywhere in the statute. *See, e.g.*, Return 39, 40. The City urges the Court to take guidance on how to interpret terms like "involving" from cases that have absolutely nothing to do with the CPRA, while telling the Court to ignore on-point authorities that interpret those terms within the CPRA context. *See id.* 40–41; Pet. 44–45.

And with respect to the City's invocation of the Section 7923.625 exemptions, the City essentially asks the Court to ignore the fact that it previously—and repeatedly—disclaimed reliance on any exemptions, and that the City indisputably did not comply with the procedural requirements for invoking those exemptions. *See* Return 50; *see also* Gov't C. § 7923.625(a), (b). The City tells the Court it "does not matter" that the Stipulation to Seal does not reference any active investigation, or that the trial court did not rely on the Sealing Order. Return 48; PA272–73. The City asks the Court to ignore the fact that the Sealing Order references only an "affidavit" not at issue in this case, and that the Sealing Order sealed only the exhibits to the preliminary hearing—which plainly do not include any body-worn camera footage. Return 52; PA270. The City asks the Court to ignore the fact that the criminal court did not apply the "clear and convincing" evidence standard, claiming that "substantial probability" is close enough. Return 52. And the City says it is "beside the point" that

courts across the country have repeatedly held that the mere existence of a sealing order is insufficient to justify withholding public records. *Id.*; Pet. 39–40. In sum, the City's entire position rests on its hope that this Court will repeatedly ignore the law and the evidence (or lack thereof), and make inferential leaps that not even the trial court purported to make. The City's position is completely untenable and unsupported.

As such, CBS respectfully requests that the Court grant its Petition in full, and order the disclosure of all recordings held by the City "related to" the incident "involving" the officer-involved shooting on April 6, 2023 at Mahany Park, from the time the Roseville Police Department was dispatched to the scene at approximately 12:30 p.m., to the time the scene was secured about an hour later.

DATED: January 27, 2025 JASSY VICK CAROLAN LLP

By:_____
Jean-Paul Jassy

Attorneys for Petitioner
Sacramento Television Stations Inc.
d/b/a CBS News Sacramento

CERTIFICATE OF COMPLIANCE

I, Jean-Paul Jassy, certify pursuant to California Rule of Court 8.204(c), the text of the foregoing Reply In Support Of Verified Petition For Writ Of Mandate Or Other Appropriate Relief consists of 9,273 words in 13-point Times New Roman type as counted by the word-processing program used to prepare the brief.

DATED: January 27, 2025 JASSY VICK CAROLAN LLP

By:_____
Jean-Paul Jassy

Attorneys for Petitioner
Sacramento Television Stations Inc.
d/b/a CBS News Sacramento