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Plaintiff/Petitioner John Doe

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN

JOHN DOE, an individual,

Plaintiff/Petitioner,

vs.

MILL VALLEY SCHOOL DISTRICT,

Defendant/Respondent.

Holly McDede,

Real Party in Interest.

Case No.: CV0003896

Assigned for all purposes to:
Hon. Sheila S. Lichtblau, Dept. H

**PLAINTIFF/PETITIONER JOHN DOE'S
REPLY IN SUPPORT OF MOTION TO
PARTIALLY SEAL COURT RECORDS**

Hearing:

Date: July 9, 2025
Time: 1:30 p.m.
Place: Dept. H

Action filed: September 6, 2025
Trial date: Not Set

Plaintiff/Petitioner John Doe ("John Doe"), having been served with an Opposition to his
Motion to Partially Seal Court Records ("Motion"), filed by Real Party in Interest Holly McDede
("Requester"), submits this Reply in support of the Motion and asserts as follows:

1 **I. JOHN DOE HAS NOT WAIVED HIS RIGHT TO SEEK PARTIAL SEALING OF**
2 **COURT RECORDS**

3 John Doe has never disputed the public’s right of access to court records and readily
4 acknowledged in his Motion that, *generally*, courts have refrained from entertaining requests to seal
5 documents that are already a matter of public record. Motion 6:8-14; *Est. of Hearst*, 67 Cal. App.
6 3d 777, 782 (1977); *Savaglio v. Wal-Mart Stores, Inc.*, 149 Cal. App. 4th 588, 600–01 (2007).
7 However, the Requester’s argument that John Doe waived his right to seek retroactive sealing of
8 court records containing descriptions of the **Constitutionally** Protected Allegations¹ is severely
9 undermined by binding legal precedent, as well as by purely practical considerations and the equities
10 of this case.

11 As argued in more detail in the Motion, California courts have ordered the retroactive sealing
12 of already-public court records in circumstances where overriding privacy interests overcome the
13 right of public access to the records. *In re M.T.*, 106 Cal. App. 5th 322 (2024) (“*M.T.*”). The
14 Requester attempts to first ignore *M.T.* by citing to cases decided prior to *M.T.*, and then to
15 distinguish the *M.T.* case by asserting that, unlike *M.T.*, John Doe has provided no credible evidence
16 that he has actually faced or will face harassment when his identity and the Court-Ordered
17 Disclosable Allegations become public. Opp’n 11:17-18.

18 Actually, in support of his Motion, John Doe submitted a declaration attesting to the fact
19 that, if the Court’s records are not partially sealed as proposed and the public is able to identify him
20 as the person targeted by the Constitutionally Protected Allegations, he will suffer grave and
21 irreparable harm in the form of embarrassment, harassment, humiliation, and harm to his reputation
22 in the community, as well as economic and non-economic injury. Motion (Doe Decl. ¶ 3).
23 Moreover, with regard to at least one of the Constitutionally Protected Allegations, this Court has
24 already concluded in its PI Order that “[p]eople who are believed to be sexually attracted to minors
25

26
27 ¹ For ease of reference, all capitalized terms used herein, unless defined, shall have the same
28 meaning as the definitions assigned to them in the Motion. Tellingly, the Requester seeks to
diminish the Court’s finding that these allegations were constitutionally protected under John Doe’s
constitutional right to privacy by seeking to redefine them as “Baseless Allegations” in her
Opposition. Opp’n 7:18.

1 are pariahs,” and their personal and professional lives are likely to be decimated by such accusations.
2 PI Order (Ex. A, p. 8). In its Writ Order, this Court also concluded that “[i]t is practically self-
3 evident that disclosing an unfounded [Constitutionally Protected Allegation] could have disastrous
4 consequences, personally and professionally, for the educator.” Writ Order 22:15-17 (emphasis
5 added).

6 The damaging consequences of publicizing the Constitutionally Protected Allegations
7 cannot be overstated. Unless the Court’s records are partially sealed as requested in the Motion, the
8 Constitutionally Protected Allegations will be *de facto* disclosed to the general public, which is
9 guaranteed to destroy John Doe’s personal and professional life. This “disastrous consequence” is
10 so “self-evident” and assured that it begs the question: *Does John Doe need to wait until he inevitably*
11 *suffers irreparable harm before he can seek the retroactive sealing of court records proposed in the*
12 *Motion?* The damaging nature of the Constitutionally Protected Allegations, combined with John
13 Doe’s declaration attesting to the irreparable harm said allegations will undoubtedly inflict when the
14 Requester – a freelance media reporter – makes them available to the public at large, provide
15 sufficient evidence to support John Doe’s privacy interest in retroactively sealing parts of the court
16 record in this case, pursuant to the legal standard and precedent set forth in *M.T.*

17 The Requester’s “waiver” argument is also undermined by purely practical considerations.
18 The Requester suggests that “Doe could have proactively moved to file evidence and references to
19 allegations under seal to prevent those facts from entering the public domain, but he did not.” Opp’n
20 9:27-10:1. However, as explained in more detail in the Motion, descriptions, discussions and
21 references to the Constitutionally Protected Allegations are scattered all over the publicly available
22 court file. At the same time, motion practice seeking the sealing of essentially every pleading filed
23 in this case was completely unnecessary after September 19, 2024, when this Court entered an order
24 granting John Doe’s Ex Parte Application to Proceed Under Fictitious Name and requiring all parties
25 not to disclose John Doe’s position at the District, school site of employment at the District, and
26 dates relating to John Doe’s employment at the District. By foregoing a request to seal nearly all
27 filings in this litigation, John Doe avoided redundant motion practice which undoubtedly would have
28 been opposed by the Requester and her counsel – the First Amendment Coalition – and would have

1 resulted in nothing more than waste of judicial resources. Instead, John Doe opted to proceed under
2 a fictitious name, which allowed all parties and the Court to freely and thoroughly discuss the details
3 of the Personnel Records and all Allegations of Misconduct contained therein in order to reach a
4 court decision on the merits of John Doe’s reverse CPRA action.

5 The Requester further suggests that “[Doe] could have also submitted evidence to the Court
6 denying allegations without describing the content of those allegations by simply referencing the
7 already sealed Notice of Lodgment.” Opp’n 10:1-8. However, as the Requester herself reminds the
8 Court in her Opposition, she and her counsel “had no access to the [sealed] underlying records ...
9 and learned all facts about the [Allegations of Misconduct] from Doe’s own declarations and
10 arguments.” Opp’n 17:2-5. Denying the Allegations of Misconduct without describing them and
11 by simply making vague references to the Personnel Records already filed under seal would have
12 deprived the Requester from an opportunity to meaningfully respond to Doe’s arguments and would
13 have put the Court at a disadvantage, as it would have been unable to hear and consider John Doe’s
14 explanations.

15 Instead, John Doe adopted the most pragmatic litigation approach under the circumstances
16 of this case and proceeded to discuss all Allegations of Misconduct under a fictitious name, with an
17 order not to disclose identifying details. Now that the Court has decided that some of the Allegations
18 of Misconduct are disclosable while others are not, the most practical course of action is to
19 seal/redact only those parts of the public court file which contain discussions of the Constitutionally
20 Protected Allegations before the Court-Ordered Disclosable Allegations are made public along with
21 John Doe’s identity. Proceeding in this fashion would not only ensure that John Doe will avoid
22 irreparable harm inflicted by his name being associated with the Constitutionally Protected
23 Allegations, but would also preserve intact the legal and practical effect of the Court’s Writ Order.

24 Accordingly, the equities of this case demand that the Court reject the Requester’s “gotcha”
25 litigation tactics disguised in the Opposition as a “waiver” argument and the Court should grant the
26 partial retroactive sealing of the public court file sought in the Motion.

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28 ///

1 **II. JOHN DOE’S PRIVACY INTEREST OVERRIDES THE PUBLIC’S INTEREST IN**
2 **UNRESTRICTED ACCESS TO COURT RECORDS**

3 The Requester also argues that John Doe’s right to privacy fails to overcome the public’s
4 interest in maintaining access to public court records. Opp’n 12:25-28. While John Doe agrees with
5 the Requester that the public has the right to access judicial records documenting the basis for this
6 Court’s decisions, a delicate balance must be struck between that right and John Doe’s interest in
7 keeping the Constitutionally Protected Allegations out of the public realm once those allegations can
8 be linked to John Doe’s identity. The Court has already found and concluded that John Doe has an
9 overriding, constitutionally protected privacy interest in some of the Allegations of Misconduct,
10 which overcomes the right of unrestricted public access to the Personnel Records. Based on John
11 Doe’s overriding privacy interest, the Court has prohibited disclosure of the Constitutionally
12 Protected Allegations, as clearly set forth in the Court’s Writ Order. Writ Order at 24:12-21. To
13 ensure that the Writ Order achieves its full legal and practical effect, it is now necessary to seal/redact
14 those parts of the public court file containing discussions of the Constitutionally Protected
15 Allegations that would certainly defeat the purpose of the Writ Order should they remain accessible
16 by the public at large.

17 Moreover, John Doe is seeking only a partial sealing/redaction of the public record in this
18 case. Specifically, and as explained in more detail in the Motion, John Doe is not seeking to
19 completely eliminate the Proposed Sealed Records from the public domain. Instead, John Doe
20 proposes the creation of a “Public Version of the Proposed Sealed Records,” in which all references
21 to the Constitutionally Protected Allegations would be redacted. The Public Version of the Proposed
22 Sealed Records would then replace the Proposed Sealed Records and become regular court records
23 available to the public, thereby ensuring that the public retains access to all filings forming the basis
24 of the Court’s decisions in this case.

25 Additionally, the partial sealing/redaction of the public court file proposed by John Doe is
26 not final or irreversible because, going forward, any person with a legitimate interest in the
27 sealed/redacted records may request that this Court unseal the records, subject to the requirements
28 of Rule 2.551(h). This narrowly tailored remedy would ensure that John Doe’s privacy interest is

1 protected, while also preserving the people’s right to “know what was done in their courts,” as
2 advocated by the Requester.

3 The Requester insists that “the very material [John Doe] seeks to seal is exculpatory and
4 mitigates the risk of any reputational harm from a connection between his name and allegations the
5 Court has determined to be baseless.” Opp’n 14:15-18. However, mitigation does not equal
6 elimination! The only way to guarantee the preservation of John Doe’s privacy interest in the
7 Constitutionally Protected Allegations – a privacy interest established by this Court – is to
8 completely eliminate all descriptions, discussions and even references to the Constitutionally
9 Protected Allegations from the public court file. After all, the purpose of this Court’s Writ Order is
10 not to “exculpate” or “mitigate” the Constitutionally Protected Allegations, but to completely
11 prevent their disclosure to the public.

12 Furthermore, as the Requester points out in the Opposition, this Court indeed concluded in
13 the Writ Order that some of the Constitutionally Protected Allegations are “not well-founded” and
14 that some of the remaining materials in the Personnel Records are “exonerating” and “not very
15 sensitive;” however, the Court did not reach such conclusions with regard to all of the
16 Constitutionally Protected Allegations. More importantly, the fact remains that the mere assertion
17 of the Constitutionally Protected Allegations is sufficient to inflict irreparable harm to John Doe,
18 regardless of the Court’s analysis of their credibility or sensitivity. This is especially true of the
19 Constitutionally Protected Allegations of sexual nature, which – by their very existence – are
20 guaranteed to have a devastating effect on John Doe’s personal and professional life, as
21 acknowledged by this Court in its orders. PI Order (Ex. A, pp. 8, 11); Writ Order 22:15-17.

22 Last but not least, the Requester’s reliance on *Marino v. Rayant*, 110 Cal. App. 5th 846, 332
23 Cal. Rptr. 3d 1 (2025) is completely inapposite. In *Marino*, the trial court denied Rayant’s sealing
24 request because the unfounded allegations against him had been available to the public over the
25 course of one year **along with Rayant’s identity**, and thus “any harm to privacy [had] already
26 occurred.” *Marino*, 332 Cal. Rptr. 3d at 6. The trial court also found that Rayant’s sealing request
27 “was not narrowly tailored in that it sought to seal the entire court file.” *Ibid*. The Court of Appeal
28 affirmed the trial court’s decision by focusing its analysis on Rayant’s failure to show substantial

1 probability that his privacy interest would be prejudiced if the record was not sealed. *Id.* at 13-14.
2 The Appellate Court held that Rayant’s alleged prejudice from the unsealed court file was either
3 speculative (diminished employment prospects) or failed to override the public’s right of access to
4 court records (additional airport screenings). *Ibid.*

5 Unlike *Marino*, the Constitutionally Protected Allegations described in the public record of
6 this case have not been associated with John Doe’s true identity, and thus the Court can still prevent
7 inevitable and irreparable harm to John Doe by granting his sealing request set forth in the Motion.
8 Unlike *Marino*, John Doe’s sealing request is narrowly tailored and targets only those portions of
9 court filings containing descriptions or references to the Constitutionally Protected Allegations,
10 which would only be redacted and not completely eliminated from the public record. Unlike *Marino*,
11 the prejudice to John Doe from associating his identity with the Constitutionally Protected
12 Allegations is anything but speculative. As this Court has already established, especially with regard
13 to the allegations of sexual nature, it is “self-evident” that the Constitutionally Protected Allegations
14 would have “disastrous consequences” for the personal and professional life of an educator such as
15 John Doe.

16 Granting John Doe’s narrowly tailored and very reasonable sealing request would ensure that
17 the decimation of a person’s life is avoided with minimal incursion into the public’s right to know.


18 **III. CONCLUSION**

19 For all of the foregoing reasons, as well as those set forth in the Motion, good cause exists to
20 retroactively seal parts of the court record in this case, and John Doe respectfully urges the Court to
21 grant the Motion in its entirety and enter the proposed sealing order submitted concurrently
22 therewith.

23 Respectfully submitted,

24 Dated: July 1, 2025

PRICE, POSTEL & PARMA LLP

25
26 By: 
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28 JEFF F. TCHAKAROV
Attorneys for
Plaintiff/Petitioner John Doe

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

On July 1, 2025, I served the foregoing document described as
**PLAINTIFF/PETITIONER JOHN DOE'S REPLY IN SUPPORT OF MOTION TO
PARTIALLY SEAL COURT RECORDS** on all interested parties in this action by the original
and/or true copy thereof enclosed in sealed envelopes, addressed as follows:

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- ☐ BY MAIL: I placed the original and/or true copy in a sealed envelope addressed as indicated herein. I am readily familiar with the firm's practice of collection and processing documents for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
- ☒ BY E-MAIL: I caused to be e-mailed a true copy to the e-mail addresses listed herein.
- ☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ **(FEDERAL)** I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on July 1, 2025, at Santa Barbara, California.

Aeria Bolden

Signature

Aeria Bolden