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HOLLY McDEDE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MARIN

JOHN DOE, an Individual,

Plaintiff,

v.

MILL VALLEY SCHOOL DISTRICT,

Defendant.

HOLLY McDEDE,

Real Party in Interest.

Case No. CV0003896

**[PROPOSED] ORDER DENYING  
PLAINTIFF/PETITIONER JOHN DOE'S  
MOTION TO PARTIALLY SEAL COURT  
RECORDS**

Date: July 9, 2025  
Time: 1:30 p.m.  
Dept.: H  
Judge: The Hon. Sheila S. Lichtblau

1 Plaintiff and Petitioner John Doe's Motion to Partially Seal Court Records came on for  
2 hearing in Courtroom H of the above-captioned Court on July 9, 2025, at 1:30 p.m., the Honorable  
3 Sheila S. Lichtblau presiding. Shannon DeNatale Boyd appeared via Zoom on behalf of John Doe.  
4 Jaspreet Lochab-Dogra appeared via Zoom on behalf of Defendant Mill Valley School District.  
5 Ann Cappetta appeared via Zoom on behalf of Real Party in Interest Holly McDede. The Court  
6 having reviewed and considered the Motion to Partially Seal Court Records, all papers in support  
7 of and in opposition thereto, as well as oral arguments during the hearing on the matter, issues the  
8 following orders:


9 **IT IS HEREBY ORDERED** that Doe's Motion to Partially Seal Court Records is denied.  
10 The Court's tentative ruling, a copy of which is attached hereto as **Exhibit A**, is now the order of  
11 the Court.

12 **IT IS HEREBY ORDERED** that the preliminary injunction entered by the Court on  
13 November 7, 2024 is vacated and no longer in effect, and that the Court's order of June 25, 2025  
14 staying enforcement of the Court's March 17, 2025 Order re: Motion for Judgment on Petition for  
15 Writ of Mandate is vacated.

16 **IT IS SO ORDERED.**

17 Dated:

18 **07/11/2025**

19   
Hon. Sheila S. Lichtblau  
Judge of the Superior Court

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At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Marin, State of California. My business address is 534 4th Street, Suite B, San Rafael, CA 94901-3334.

On July 10, 2025, I served true copies of the following document(s) described as **[PROPOSED] ORDER DENYING PLAINTIFF/PETITIONER JOHN DOE’S MOTION TO PARTIALLY SEAL COURT RECORDS** on the interested parties in this action as follows:

Shannon DeNatale Boyd  
Jeff F. Tchakarov  
Price, Postel & Parma LLP  
200 East Carrillo Street, Fourth Floor  
Santa Barbara, CA 93101  
Email: [sdb@appplaw.com](mailto:sdb@appplaw.com); [jft@appplaw.com](mailto:jft@appplaw.com); [rmunoz@lozanosmith.com](mailto:rmunoz@lozanosmith.com);  
[jlochab@lozanosmith.com](mailto:jlochab@lozanosmith.com)

Roman J. Muñoz  
Jaspreet Lochab-Dogra  
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One Capitol Mall, Suite 640  
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**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address rregnier@firstamendmentcoalition.org to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on July 10, 2025, at East Palo Alto, California.

  
Robin P. Regnier

## **Exhibit A**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 07/09/25      TIME: 1:30 P.M.      DEPT: H      CASE NO: CV0003896

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF:      JOHN DOE

vs.

DEFENDANT:      MILL VALLEY SCHOOL  
DISTRICT

NATURE OF PROCEEDINGS: MOTION - SEAL

**RULING**

Petitioner John Doe's ("Petitioner") motion to partially seal court records is DENIED.

**BACKGROUND**

This case concerns the release of personnel records (the "Records") describing alleged misconduct by Petitioner, who is a former employee of Respondent Mill Valley School District ("District"). On June 7, 2024, real party in interest Holly McDede ("Requester"), a reporter for KQED, submitted a request ("the Request") under the California Public Records Act ("CPRA") to the District. The District notified Petitioner that it would disclose the Records.

Petitioner responded by bringing this action asserting causes of action for violations of the California State Constitution and CPRA. Petitioner sought a writ of mandate "commanding the District to comply with the California Constitution and the CPRA and protect the confidentiality of [the] Records."

On November 7, 2024, the Court issued a preliminary injunction prohibiting the District from disclosing any of Petitioner's personnel records to any third party without Petitioner's express written consent until final adjudication of this case.

On March 17, 2025, this Court issued its order granting the writ of mandamus, in part. Specifically, the Court prohibited the District from disclosing itemized Records it found would violate Petitioner's constitutional right to privacy ("Protected Records"). This Court also denied mandamus, and thus permitted disclosure of the Records, relating to listed incidents and communications involving Petitioner ("Disclosable Records"). The Court order ordered that prior to any disclosure of Disclosable Records, any pages of the Records consisting solely of Protected Records material must be removed, and any and all references to the Protected Records contained within pages also containing Disclosable Records must be redacted prior to disclosure.

## LEGAL STANDARD

The right to access court proceedings and court documents is rooted in the First Amendment to the United States Constitution. (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1212.) The California Constitution also provides that “[t]he people have the right of access to information concerning the conduct of the people’s business.” (Cal. Const., art. I, § 3(b)(1).)

California Rules of Court (“CRC”), rules 2.550 and 2.551 codify these principles and provide for ongoing judicial scrutiny to ensure sealing orders do not violate the public’s right of access. Rules 2.550 and 2.551 “apply to records sealed or proposed to be sealed by court order.” (CRC, rule 2.550(a)(1).) “[R]ecord’ means all or a portion of any document, paper, exhibit, transcript, or other thing filed or lodged with the court, by electronic means or otherwise.” (CRC, rule 2.550(b)(1).) Unless confidentiality is required by law, court records are presumed to be open to public review. (CRC, rule 2.550(c).) No record may be filed under seal without a court order, and a party seeking such an order must file a motion or application with the court and serve the parties. (CRC, rule 2.551(a) and (b).) The moving party must publicly file a redacted version and lodge an unredacted version conditionally under seal with the court. (CRC, rule 2.551(b)(1).)

“A court may order that a record be filed under seal only if it expressly finds facts that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest.” (CRC, rule 2.550(d); see also *NBC Subsidiary, supra*, (1999) 20 Cal.4th 1178, 1217-1218.) The Advisory Committee Comment to rule 2.550 explains, “[V]arious statutory privileges, trade secrets, and privacy interests, when properly asserted and not waived, may constitute ‘overriding interest.’ ”

The court’s order sealing a record must “[s]pecifically state the facts that support the findings” (CRC, rule 2.550(e)(1)(A)) and “[d]irect the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each document or page must be included in the public file.” (CRC, rule 2.550(e)(1)(B).)

## DISCUSSION

Petitioner now seeks an order to partially seal the following documents, which were previously filed with the Court:

10/09/2024: Plaintiff/Petitioner John Doe’s Notice Of Motion And Motion For Preliminary Injunction; Memorandum Of Points And Authorities; Declarations Of John Doe And Shannon D. Boyd In Support Thereof;

10/23/2024: Real Party In Interest Holly McDede’s Memorandum Of Points And Authorities In Opposition To Preliminary Injunction;

10/23/2024: Respondent Mill Valley School District's Opposition To Petitioner's Motion For Preliminary Injunction;

10/30/2024: Plaintiff/Petitioner John Doe's Reply In Support Of Motion For Preliminary Injunction;

11/07/2023: Order Regarding Plaintiff/Petitioner John Doe's Motion For Preliminary Injunction;

01/22/2025: Plaintiff/Petitioner John Doe's Notice Of Motion And Motion For Judgment On Petition For Writ Of Mandate; Memorandum Of Points And Authorities; Declarations Of John Doe And Shannon D. Boyd In Support Thereof;

02/05/2025: Real Party In Interest Holly McDede's Opposition To Plaintiff/Petitioner John Doe's Motion For Judgment On Petition For Writ Of Mandate;

02/05/2025: Respondent Mill Valley School District's Opposition To Petitioner's Motion For Judgment On Petition For Writ Of Mandate;

02/11/2025: Plaintiff/Petitioner John Doe's Reply In Support Of Motion For Judgment On Petition For Writ Of Mandate;

3/17/2025: Order re: Motion for Judgment on Petition for Writ of Mandate (Redacted) ("Writ Order");

Motion to Partially Seal Court Records, as well as Oppositions, Reply and Order thereon.

Petitioner requests that the Clerk of the Court place the above identified documents "under seal" until further order, permit his counsel to submit redacted versions of the documents which removes references to the Protected Records ("Public Version"), and the Clerk shall post the Public Version on the case docket in place of the initially filed versions of the documents.

While District does not oppose the motion, Requestor opposes and argues the documents have already been filed and thus the right to move for an order to seal is waived. "If the party seeking the sealing order files the documents with the court before the motion to seal is granted, the right to move for an order sealing the documents is waived. The court cannot entertain a later motion to seal documents that are already a matter of public record. (*Savaglio v. Wal-Mart Stores, Inc.* (2007) 149 Cal.App.4th 588, 601.) As Requestor argues, Petitioner chose to litigate in the public domain and did not attempt to follow the procedures outlined in CRC rule 2.551 to prevent disclosure of any private or confidential information. Petitioner cites to no pertinent authority which permits the removal of numerous previously filed documents from the Court's record, revision by way of unspecified redaction by counsel and subsequent refile of revised versions of the documents, particularly after the Court has ruled on the merits of the action, as is the case here.

Petitioner relies on *In re M.T.* (2024) 106 Cal.App.5th 322 to support the relief he requests; however, it is factually distinct. In *M.T.*, appellant was born a male, but presented as a female since she was a minor. (*M.T., supra*, 106 Cal.App.5th at 328.) When appellant was 19

years old, she petitioned to legally change her name and gender to align with her gender identity. The petition was granted by the Stanislaus Superior Court in 2018. In 2023, appellant requested the trial court seal the entire record of her name change and gender marker correction. (*Id.*) Appellant asserted she was repeatedly harassed after she was “outed” on social media, identified her as transgender and disclosing her workplace, residential address, phone number, and former name which caused her to shut down all social media accounts. (*Id.*) The trial court denied appellant’s request to seal her entire record. The Court of Appeal found that the trial court erred in denying Petitioner’s retroactive request to seal given her overriding privacy and future safety interests in concealing her changed gender marker which overcame public’s right of access. (*Id.* at 336-344.) The Court found the circumstances presented the presumably rare case in which narrowly tailoring a sealing order mandated sealing the entire record to achieve her concerns.

Here, however, Petitioner has not presented sufficient facts for the Court to make the express findings required by CRC rule 2.550. He has not made any showing similar to the one in *M.T.* Indeed, Petitioner was aware of the facts and implications underling the Request, and a result filed this action. However, Petitioner’s declaration in support of this unusual request contains a single sentence addressing his overriding interest and prejudice wherein he states: “If the public is able to identify me as the person targeted by the [Protected Records], I will suffer grave and irreparable harm in the form of embarrassment, harassment, humiliation, and harm to my reputation in the community, as well as economic and non-economic injury.” (Doe Decl., 3.) This is not sufficient for the Court to making the findings necessary to award Petitioner the retroactive relief he seeks.

The proposed removal of documents, redacting and refileing is not a narrowly tailored request. The less restrictive means exist to achieve any potential overriding interest would have been for Petitioner to initially follow procedures outlined in CRC rule 2.551.

Therefore, the motion is denied.

***All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.***

***The Zoom appearance information for June, 2025 is as follows:***

***<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjjEOSHnzEGafG.I>***

Meeting ID: 161 548 7764

Passcode: 502070

***If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court’s website: <https://www.marin.courts.ca.gov>***