

FILED
Superior Court of California
County of Marin
09/11/2025
James M. Kim, Clerk of the Court
A. Andres, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN

JOHN DOE et. al.

Petitioner,

vs.

MILL VALLEY SCHOOL DISTRICT
Respondent.

Case No.: CV0003896

ORDER

HOLLY MCDEDE,
Real Party in Interest.

The motion of real party in interest Holly McDede ("Requester") is GRANTED in part and DENIED in part. The request for an order "(1) partially unsealing the Court's order of judgment dated March 17, 2025; (2) making the partially unsealed version of the Court's order of judgment publicly available in a manner consistent with the Court's typical practices for public access to court records is GRANTED. The requests to (3) vacate the Court's order granting Doe anonymity dated September 18, 2024; and (4) unseal any sealed records or redacted material in the court records insofar as it contains Doe's true name or, in the alternative, directing Doe to file a statement identifying his full and true name" are DENIED.

BACKGROUND

This case concerns the release of personnel records (the "Records") describing alleged misconduct by petitioner John Doe ("Petitioner"), who is a former employee of Respondent Mill Valley School District ("District"). On June 7, 2024, Requester, a reporter for KQED, submitted a

1 request (“the Request”) under the California Public Records Act (“CPRA”) to the District. The
2 District notified Petitioner that it would disclose the Records.

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

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

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

18 **REQUESTS 1 AND 2**

19 Petitioner does not oppose these requests. Petitioner shall submit a proposed redacted version
20 of the order of judgment within 10 days of the date of this order to the Court for review with a
21 courtesy hard copy to be delivered in chambers.

22 **REQUESTS 3 AND 4**

23 Legal Standard

24 An “important constitutional right is implicated when a party is allowed to proceed
25 anonymously: the right of public access to court proceedings. Among the guarantees of the First
26 Amendment to the United States Constitution is that court proceedings are open and public. Public
27 access to court proceedings is essential to a functioning democracy. It promotes trust in the integrity
28 of the court system, and it exposes abuses of judicial power to public scrutiny. The right of public

1 access applies not only to criminal cases, but also to civil proceedings... And the right to access
2 court proceedings necessarily includes the right to know the identity of the parties.” (*Department of*
3 *Fair Employment and Housing v. Superior Court of Santa Clara County* (2022) 82 Cal.App.5th 105,
4 110-111, citations omitted.) “Much like closing the courtroom or sealing a court record, allowing a
5 party to litigate anonymously impacts the First Amendment public access right. Before a party to a
6 civil action can be permitted to use a pseudonym, the trial court must conduct a hearing and apply the
7 overriding interest test: A party’s request for anonymity should be granted only if the court finds that
8 an overriding interest will likely be prejudiced without use of a pseudonym, and that it is not feasible
9 to protect the interest with less impact on the constitutional right of access. In deciding the issue, the
10 court must bear in mind the critical importance of the public’s right to access judicial proceedings.
11 Outside of cases where anonymity is expressly permitted by statute, litigating by pseudonym should
12 occur ‘only in the rarest of circumstances.’ (*Id.* at 111-112, citation omitted.) “[T]he balance
13 between a party’s need for anonymity and the interests weighing in favor of open judicial
14 proceedings may change as the litigation progresses. ...” (*Does I thru XXIII v. Advanced Textile*
15 *Corp.* (9th Cir. 2000) 214 F.3d 1058, 1069.)

16 Discussion

17 Petitioner argues that Requester waived the right to contest his use of a pseudonym by failing
18 to seek reconsideration of the ex parte order granting him Doe status within the time limits set by
19 Code of Civil Procedure, section 1008. That statute sets forth the requirements for a motion for
20 reconsideration. A court “acts in excess of jurisdiction” when it grants a motion for reconsideration
21 that does not fulfill all of the requirements specified in that statute. (See *Gilberd v. AC Transit* (1995)
22 32 Cal.App.4th 1494, 1500; *Kerns v. CSE Ins. Group* (2003) 106 Cal.App.4th 368, 391 [“[W]e hold
23 that the procedural prerequisites set forth for reconsideration of orders . . . are jurisdictional as
24 applied to the actions of parties to civil litigation.”].) This is explicit in the statute itself: “This section
25 specifies the court’s jurisdiction with regard to applications for reconsideration of its orders and
26 renewals of previous motions, and applies to all applications to reconsider any order of a judge or
27 court, or for the renewal of a previous motion, whether the order deciding the previous matter or
28 motion is interim or final. No application to reconsider any order or for the renewal of a previous

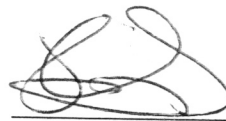
1 motion may be considered by any judge or court unless made according to this section.” (Code Civ.
2 Proc., § 1008, subd. (e).)

3 Although Requester’s motion is not titled as a request for reconsideration, in effect, Requester
4 is asking the court to reconsider its order granting Petitioner Doe status. Section 1008’s time limit to
5 do that has long since expired and judgment has been entered in this case. “[E]ntry of judgment
6 divests the trial court of authority to rule on a motion for reconsideration.” (*Safeco Ins. Co. v.*
7 *Architectural Facades Unlimited, Inc.* (2005) 134 Cal.App.4th 1477, 1482; accord *Meinhardt v. City*
8 *of Sunnyvale* (2024) 16 Cal.5th 643, 660.)

9 There is no doubt that anonymous litigation and the sealing of court records both impact the
10 First Amendment public access right. California Rule of Court 2.551, subdivision (h) expressly
11 authorizes motions, applications, and petitions to unseal records. And courts recognize that the
12 balance of need for anonymity and the interest in open judicial proceedings may change as the
13 litigation progresses. (*Does I thru XXIII, supra*; see also *Doe v. Massachusetts Institute of*
14 *Technology* (2022) 46 F.4th 61, 73.)

15 Nonetheless, Requester may not bring a motion asking the court to reconsider an order
16 in which the time to reconsider has already passed. Accordingly, Requester’s requests to vacate the
17 Court’s order granting Doe anonymity dated September 18, 2024, and unseal any sealed records or
18 redacted material in the court records insofar as it contains Doe’s true name or, in the alternative,
19 directing Doe to file a statement identifying his full and true name,” are denied.

20
21
22
23 Dated: September 11, 2025



24 _____
25 Sheila Shah Lichtblau
26 Judge of the Superior Court
27
28

Superior Court of the State of California County of Marin 3501 Civic Center Dr PO Box 4988 San Rafael, CA 94913-4988	<div style="text-align: right;"><small>FOR COURT USE ONLY</small></div> <div style="text-align: center;"> ELECTRONICALLY FILED Superior Court of California County of Marin 09/11/2025 <small>James M. Kim, Clerk of the Court A. Andres, Deputy</small> </div>
JOHN DOE vs. MILL VALLEY SCHOOL DISTRICT	
<div style="text-align: center;">Proof – Service</div>	<div style="text-align: center;">Case Number: CV0003896</div>

I am over the age of 18 years and not a party to the above action. My business address is 3501 Civic Center Dr, San Rafael, CA 94913. On September 11, 2025, I served the following document(s):

- **Order - on Motion to Partially Unseal Order of Judgment**

On the interested parties in said action, by sending the above document(s) to the addresses indicated below:

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I declare under penalty of perjury, that the foregoing is true and correct.

Executed at San Rafael, California
 On: September 11, 2025

James M. Kim
Clerk of the Court and Executive Officer
 Superior Court of the State of California
 County of Marin
 By: A. Andres, Deputy Clerk