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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES**

12 [Exempt from filing fees by Gov. Code § 6103]

13 LOS ANGELES CENTER FOR  
14 INVESTIGATIVE JOURNALISM,

15 Petitioner

16 v.

17 CITY OF EL MONTE,

18 Respondent.

19 Case No. 26 STCP 00390  
20 Hon. Curtis A. Kin  
21 Dept. 86  
22 Stanley Mosk Courthouse

23 **CITY’S ANSWER TO VERIFIED**  
24 **PETITION FOR DECLARATORY RELIEF**  
25 **AND CODE CIV. PROC. § 1085 WRIT OF**  
26 **MANDATE UNDER STATE PUBLIC**  
27 **RECORDS ACT AND OTHER LAWS**

28 Petition Filed: January 27, 2026

1 Respondent City of El Monte (“City”), hereby answers the Verified Petition for Declaratory  
2 Relief and Writ of Mandate (“Petition”) filed by Petitioner, Los Angeles Center for Investigative  
3 Journalism (“Petitioner”).

4 **GENERAL DENIALS**

- 5 A. In response to Paragraph 19 of the Petition,<sup>1</sup> the City admits the City received  
6 Petitioner’s request under the California Public Records Act (Gov. Code section 7920 et  
7 seq.). Except as specifically admitted here, the City lacks sufficient knowledge or  
8 information to form a belief as to the truth of the remaining allegations contained in the  
9 Petition, and on that basis denies each and every remaining allegation contained therein.
- 10 B. Answering the Petition in its entirety, City denies each and every allegation that states an  
11 interpretation or conclusion of law or characterizes the legal effect or meaning of facts  
12 alleged insofar as those characterizations and conclusions are not specifically referenced  
13 below.

14 **RESPONSES TO PETITIONER’S ALLEGATIONS**

15 1. Answering Paragraph 1, to the extent the paragraph alleges legal conclusions, no  
16 admission or denial is required. To the extent the paragraph describes Petitioner’s attempt or desire to  
17 obtain records, the Administrative Record in this case speaks for itself and requires neither admission  
18 nor denial. As to the remaining allegations, City lacks sufficient information and knowledge to form a  
19 belief as to such allegations and on that basis denies them.

20 2. Answering Paragraph 2, to the extent the paragraph quotes a statute, the law speaks for  
21 itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission or denial  
22 is required. To the extent the paragraph is deemed to include factual allegations, they are denied.

23 3. Answering Paragraph 3, to the extent the paragraph quotes a statute and caselaw, the law  
24 speaks for itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission  
25 or denial is required. To the extent the paragraph is deemed to include factual allegations, they are  
26 denied.

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27 <sup>1</sup> Hereinafter, all references to “Paragraph” followed by a number correspond to the Petition’s  
28 numbered paragraphs.

1           4.    Answering Paragraph 4, to the extent the paragraph quotes caselaw, the law speaks for  
2 itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission or denial  
3 is required. To the extent the paragraph is deemed to include factual allegations, they are denied.

4           5.    Answering Paragraph 5, to the extent the paragraph alleges legal interpretations or  
5 conclusions, no admission or denial is required. To the extent the paragraph is deemed to include  
6 factual allegations, they are denied.

7           6.    Answering Paragraph 6, to the extent the paragraph alleges legal interpretations or  
8 conclusions, no admission or denial is required. To the extent the paragraph describes the City’s  
9 response to Petitioner’s request, the Administrative Record in this case speaks for itself and requires  
10 neither admission nor denial. As to the remaining allegations, City lacks sufficient information and  
11 knowledge to form a belief as to such allegations and on that basis denies them.

12          7.    Answering Paragraph 7, to the extent the paragraph alleges legal interpretations or  
13 conclusions, no admission or denial is required. To the extent the paragraph is deemed to include  
14 factual allegations, they are denied.

15          8.    Answering Paragraph 8, to the extent the paragraph alleges legal interpretations or  
16 conclusions, no admission or denial is required. City lacks sufficient knowledge or information to  
17 form a belief as to the truth of the remaining allegations contained in said paragraph, and on that basis,  
18 denies each and every allegation contained therein.

19          9.    Answering Paragraph 9, City admits it falls within the definition of a “local agency.” City  
20 denies, generally and specifically, each and every remaining allegation contained therein.

21          10. Answering Paragraph 10, to the extent the paragraph quotes a statute, the law speaks for  
22 itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission or denial  
23 is required. To the extent the paragraph is deemed to include factual allegations, they are denied.

24          11. Answering Paragraph 11, to the extent the paragraph quotes a statute, the law speaks for  
25 itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission or denial  
26 is required.

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1           12. Answering Paragraph 12, to the extent the paragraph alleges legal interpretations or  
2 conclusions, no admission or denial is required. To the extent the paragraph is deemed to include  
3 factual allegations, they are denied.

4           13. Answering Paragraph 13, City admits that venue in this Court over this action is proper to  
5 the extent it is brought under Government Code section 7923.100. Except as specifically admitted  
6 herein, City lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
7 allegations contained in said paragraph, and on that basis, denies each and every remaining allegation  
8 contained therein.

9           14. Answering Paragraph 14, City lacks sufficient knowledge or information to form a belief  
10 as to the truth of the allegations contained in said paragraph, and on that basis denies, generally and  
11 specifically, each and every allegation contained therein.

12           15. Answering Paragraph 15, to the extent the paragraph alleges legal interpretations or  
13 conclusions, no admission or denial is required. To the extent the paragraph describes a statute, the  
14 law speaks for itself. To the extent the paragraph alleges Petitioner's reasons for requesting records,  
15 City lacks sufficient information and knowledge to form a belief as to such allegations and on that  
16 basis denies them. To the extent the paragraph is deemed to include factual allegations, they are  
17 denied.

18           16. Answering Paragraph 16, to the extent the paragraph quotes a statute, the law speaks for  
19 itself. To the extent the paragraph alleges legal interpretations or conclusions, no admission or denial  
20 is required.

21           17. Answering Paragraph 17, to the extent the paragraph quotes an official record, the  
22 Administrative Record in this case speaks for itself and requires neither admission nor denial. To the  
23 extent the paragraph alleges legal interpretations or conclusions, no admission or denial is required.  
24 To the extent the paragraph is deemed to include factual allegations, they are denied.

25           18. Answering Paragraph 18, to the extent the paragraph quotes an official record, the  
26 Administrative Record in this case speaks for itself and requires neither admission nor denial. To the  
27 extent the paragraph alleges legal interpretations or conclusions, no admission or denial is required.  
28 To the extent the paragraph is deemed to include factual allegations, they are denied.

1           19. Answering Paragraph 19, City admits the City received Petitioner’s request under the  
2 California Public Records Act. To the extent the paragraph describes Petitioner’s request, the  
3 Administrative Record in this case speaks for itself and requires neither admission nor denial. As to  
4 the remaining allegations, City lacks sufficient information and knowledge to form a belief as to such  
5 allegations and on that basis denies them.

6           20. Answering Paragraph 20, to the extent the paragraph quotes a record, the Administrative  
7 Record in this case speaks for itself and requires neither admission nor denial. To the extent the  
8 paragraph alleges legal interpretations or conclusions, no admission or denial is required. To the  
9 extent the paragraph is deemed to include factual allegations, they are denied.

10           21. Answering Paragraph 21, to the extent the paragraph quotes a record, the Administrative  
11 Record in this case speaks for itself and requires neither admission nor denial. To the extent the  
12 paragraph alleges legal interpretations or conclusions, or characterizes the record, no admission or  
13 denial is required. To the extent the paragraph is deemed to include factual allegations, they are  
14 denied.

15           22. Answering Paragraph 22, to the extent the paragraph describes a record, the  
16 Administrative Record in this case speaks for itself and requires neither admission nor denial. To the  
17 extent the paragraph alleges legal interpretations or conclusions, no admission or denial is required.  
18 As to the remaining allegations, City lacks sufficient information and knowledge to form a belief as to  
19 such allegations and on that basis denies them.

20           23. Answering Paragraph 23, to the extent the paragraph describes the City’s response to  
21 Petitioner’s request, the Administrative Record in this case speaks for itself and requires neither  
22 admission nor denial. As to the remaining allegations, City lacks sufficient information and  
23 knowledge to form a belief as to such allegations and on that basis denies them. or characterizes

24           24. Answering Paragraph 24, the City incorporates by reference each of its responses  
25 hereinabove to Paragraphs 1 through 23 of the Petition, inclusive, as if each said response were fully  
26 set forth herein.

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1 **SECOND AFFIRMATIVE DEFENSE**

2 (Complies with Law)

3 34. The conduct and actions of the City in its response to Petitioner’s request for records  
4 complies with all provisions of State and local law, including without limitation the California Public  
5 Records Act (Gov. Code section 7920 et seq.).

6 **THIRD AFFIRMATIVE DEFENSE**

7 (No Duty)

8 35. Petitioner fails to state a basis on which a writ of mandate can be granted because the  
9 City has no duty to perform the acts sought to be compelled and there is no corresponding right in  
10 Petitioner thereto under the Public Records Act.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 (Exemptions)

13 36. Petitioner seeks records that are subject to privileges and statutory exemptions including  
14 without limitation the “catchall” and other exemptions set forth in the Public Records Act.

15 **FIFTH AFFIRMATIVE DEFENSE**

16 (Proper Exercise of Discretion)

17 37. Petitioner fails to state a basis on which a writ of mandate or injunctive or declaratory  
18 relief can be granted because the City has properly exercised discretion, and, based upon the facts and  
19 law, has not abused its discretion.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 (No Prejudice)

22 38. The Petition is barred in whole or in part because City did not and has not committed any  
23 prejudicial abuse of discretion with respect to the matters alleged in the Petition.

24 **SEVENTH AFFIRMATIVE DEFENSE**

25 (Exhaustion)

26 39. The Petition is barred in that Petitioner failed to exhaust its administrative remedies.

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1 **EIGHTH AFFIRMATIVE DEFENSE**

2 (Unclean Hands)

3 40. The Petition is barred by the equitable doctrine of unclean hands.

4 **NINTH AFFIRMATIVE DEFENSE**

5 (Statute of Limitations)

6 41. As a separate and distinct affirmative defense to the Petition and to each claim for relief  
7 contained therein, City is informed and believes, and on that basis alleges, that some or all of  
8 Petitioner’s claims are barred by the applicable statute of limitations.

9 **TENTH AFFIRMATIVE DEFENSE**

10 (Doctrine of Waiver)

11 42. Petitioner is not entitled to the relief sought because the Petition is equitably barred by  
12 the doctrine of waiver.

13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 (Good Faith)

15 43. At all times alleged in the Petition, City acted in good faith and without wrongful intent.

16 **TWELFTH AFFIRMATIVE DEFENSE**

17 (No Cost Recovery)

18 44. Petitioner is not entitled to court costs and attorney fees under Government Code  
19 § 7923.115. Further, Petitioner is not entitled to recover fees under CCP § 1021.5 because Petitioner  
20 does not seek enforcement of an important right affecting the public interest, and does not seek to  
21 confer a benefit on the general public where the financial burden of private enforcement is unjust.

22 **THIRTEENTH AFFIRMATIVE DEFENSE**

23 (Reservation)

24 45. The Petition does not describe its allegations with sufficient particularity or clarity to  
25 allow City to determine what other defenses may exist. City reserves the right to amend and  
26 supplement its Answer and Affirmative Defenses and bring other claims by way of cross-claim or  
27 third-party demand as City deems appropriate.

1 WHEREFORE, Respondent City prays for judgment as follows:

- 2 1. That Petitioner take nothing on its Petition and that the Petition and each cause of action  
3 asserted therein be dismissed with prejudice;
- 4 2. That no order, declaration, or injunction in favor of Petitioner shall issue;
- 5 3. That the City be awarded its costs and attorney fees for defending this action; and
- 6 4. For such other relief as this Court may deem just and proper.

7  
8 Respectfully submitted,

9 Dated: March 17, 2026

OLIVAREZ MADRUGA LAW ORGANIZATION, LLP  
By: /s/ *Lloyd Pilchen*  
Attorneys for Respondent, CITY OF EL MONTE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3  
4 I am employed in the County of Los Angeles, State of California. I am over the age of  
5 eighteen years and am not a party to the within action. My business address is 500 South Grand  
6 Avenue, 12th Floor, Los Angeles, CA 90071.

7 On March 17, 2026, I served a true and correct copy of the foregoing document titled:

8 **CITY’S ANSWER TO VERIFIED PETITION FOR DECLARATORY**  
9 **RELIEF AND CODE CIV. PROC. § 1085 WRIT OF MANDATE**  
10 **UNDER STATE PUBLIC RECORDS ACT AND OTHER LAWS**

11 on the parties in this action:

<p>12 David Loy 13 Aaron R. Field 14 Juniper W. Licinio 15 FIRST AMENDMENT COALITION 16 534 4th Street, Suite B 17 San Rafael, CA 94901-3334  18 Attorneys for Petitioner, 19 LOS ANGELES CENTER FOR 20 INVESTIGATIVE JOURNALISM</p>	<p>DLoy@firstamendmentcoalition.org AField@firstamendmentcoalition.org JWLicinio@firstamendmentcoalition.org RRegnier@firstamendmentcoalition.org</p>
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21  **BY ELECTRONIC TRANSMISSION.** I transmitted a PDF version of this document by  
22 electronic mail to the persons listed above using the email addresses indicated. The  
23 service transmission was reported as complete, and a copy of Receipt/Confirmation Page  
24 will be maintained with the original document in this office.

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

27 Executed on March 17, 2026, at Los Angeles, CA.

28   
\_\_\_\_\_  
Erika Santoyo