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COUNTY OF SAN JOAQUIN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN JOAQUIN

12 INVESTIGATIVE REPORTING
PROGRAM,

13 Petitioner,

14 v.

15 COUNTY OF SAN JOAQUIN,

16 Respondent.

Case No. STK-CV-UWM-2025-0009718

**RESPONDENT’S ANSWER TO
VERIFIED PETITION FOR WRIT OF
MANDATE FOR VIOLATION OF THE
CALIFORNIA PUBLIC RECORDS ACT**

Assigned for All Purposes to:
Hon. Robert Waters, Dept. 11B

Action Filed: July 17, 2025
Trial Date: Not Set

1 **ANSWER TO COMPLAINT**

2 Respondent, COUNTY OF SAN JOAQUIN (“Respondent”), responds to the Verified
3 Petition for Writ of Mandate (“Petition”) of Petitioner INVESTIGATIVE REPORTING
4 PROGRAM (“Petitioner”) as follows. If an averment is not specifically admitted, it is hereby denied.

5 **INTRODUCTION**

6 1. Paragraph 1 of the Petition includes only non-factual introductory matter and does
7 not contain any factual matter or material allegations requiring a response by Respondent. The
8 paragraph contains no factual allegations but instead only legal conclusions and explication. To the
9 extent the paragraph is read to contain some factual allegation requiring a response from
10 Respondent, it denies each and every such allegation.

11 2. Paragraph 2 of the Petition includes only non-factual introductory matter and does
12 not contain any factual matter or material allegations requiring a response by Respondent. The
13 paragraph contains no factual allegations but instead only legal conclusions and explication. To the
14 extent the paragraph is read to contain some factual allegation requiring a response from
15 Respondent, it denies each and every such allegation.

16 3. Paragraph 3 of the Petition includes only non-factual introductory matter and does
17 not contain any factual matter or material allegations requiring a response by Respondent. The
18 paragraph contains no factual allegations but instead only legal conclusions and explication. To the
19 extent the paragraph is read to contain some factual allegation requiring a response from
20 Respondent, it denies each and every such allegation.

21 4. Answering Paragraph 4 of the Petition, Respondent admits that Petitioner has made
22 a written request for 34 autopsy reports. Respondent admits that it did not, in response to Petitioner’s
23 written request, assert exemptions or claim the reports were not subject to disclosure.

24 5. Paragraph 5 of the Petition includes only non-factual introductory matter and does
25 not contain any factual matter or material allegations requiring a response by Respondent. The
26 paragraph contains no factual allegations but instead only legal conclusions and explication. To the
27 extent the paragraph is read to contain some factual allegation requiring a response from
28 Respondent, it denies each and every such allegation.

1 the autopsy reports requested by Petitioner. Respondent admits that 44 North San Joaquin Street
2 Sixth Floor, Suite 627 Stockton, CA 95202 is the address of the Board of Supervisors Office. The
3 remainder of the paragraph contains no material factual allegations but instead only legal
4 conclusions and explication that do not require a response from Respondent. To the extent the
5 paragraph is read to contain further factual allegation requiring a response from Respondent, it
6 denies each and every such allegation except as expressly admitted herein.

7 **JURISDICTION AND VENUE**

8 13. Answering paragraph 13 of the Petition, respondent admits that the Court has
9 jurisdiction over the Petition. To the extent the paragraph is read to contain further factual allegation
10 requiring a response from Respondent, it denies each and every such allegation except as expressly
11 admitted herein

12 14. Answering paragraph 14 of the Petition, Respondent admits that venue is proper in
13 this Court and that the Respondent's principal place of business is in the County of San Joaquin.
14 Respondent lacks sufficient information or belief to form a belief as to the truth of the allegation
15 that is in possession of and maintains all of 34 reports requested by Petitioner

16 **FACTS SUPPORTING THIS ACTION**

17 15. Answering paragraph 15 of the Petition, the paragraph contains no factual allegations
18 requiring a response from Respondent, but instead only legal conclusions. To the extent said
19 paragraph is read to contain some factual allegation requiring a response from the Respondent, it
20 denies each and every such allegation.

21 16. Answering paragraph 16 of the Petition, Respondent admits that the Legislature
22 adopted Senate Bill 1421 in 2018. Respondent admits that, in 2021, the Legislature adopted Senate
23 Bill 16. The remainder of the paragraph contains no material factual allegations but instead only
24 legal conclusions and explication that do not require a response from Respondent. To the extent the
25 paragraph is read to contain further factual allegation requiring a response from Respondent, it
26 denies each and every such allegation except as expressly admitted herein.

27 17. Answering paragraph 17 of the Petition, Respondent admits that the County of San
28 Joaquin Sheriff-Coroner sent a letter to the County Board of Supervisors on June 17, 2009,

1 recommending increasing of the fee for coroner’s reports from \$16 to \$25. Respondent admits that
2 the letter says, “This fee covers the cost of clerical staff to research and pull case paperwork, make
3 copies, locate files in archives, and prepare documents for mailing.” Respondent denies that the
4 letter stated that the “\$25 fee was based on more than the duplication fee.” Respondent denies each
5 and every allegation in this paragraph except as expressly admitted herein.

6 18. Answering paragraph 18 of the Petition, Respondent admits that, on June 25, 2009,
7 the County of San Joaquin Board of Supervisors adopted Resolution 09-333 establishing a \$25 fee
8 for coroner’s reports. Respondent admits that **Exhibit A** to the Petition is a copy of a June 17, 2009,
9 letter from the Sheriff-Coroner and a copy of Resolution 09-0333. As to the remainder of the
10 paragraph, Respondent lacks sufficient information or belief to form a belief as to the truth of the
11 allegations contained therein, and on that basis denies each and every allegation contained in that
12 paragraph. Respondent denies each and every allegation in this paragraph except as expressly
13 admitted herein.

14 19. Answering paragraph 19 of the Petition, Respondent admits that **Exhibit B** is a copy
15 of an Audit of Fees released by the San Joaquin County Auditor-Controller’s Office on May 10,
16 2023. Respondent admits that the Report says that the “Total Cost per Unit” of “Report, other” was
17 \$114.42, and that the “Total Cost per Unit” for “Report, next of kin, first copy,” was \$100.12.
18 Respondent admits that the particular document attached as **Exhibit B** does not list, individually,
19 costs “such as those involved in creating, locating, or reviewing an autopsy report, or redacting any
20 information from a copy of the report provided to a member of the public.” Respondent denies that
21 the Audit of Fees “does not explain how it arrived at either figure.” Respondent denies each and
22 every allegation in this paragraph except as expressly admitted herein.

23 20. Answering paragraph 20 of the Petition, Respondent admits that **Exhibit C** is a copy
24 of a memorandum that the Office of the Medical Examiner issued to the Board of Supervisors.
25 Respondent admits that, on November 27, 2023, the Office of the Medical Examiner issued a
26 memorandum to the Board of Supervisors recommending that the County of San Joaquin retain a
27 \$25 fee for coroner’s reports in lieu of a higher \$114 fee which the public could view as excessive.
28 Respondent admits that the particular document attached as **Exhibit C** states, “A 58-county study

1 determined the median fee charged” for autopsy reports “is \$13.” Respondent denies each and every
2 allegation in this paragraph except as expressly admitted herein.

3 21. Answering paragraph 21 of the petition, Respondent lacks information or belief
4 sufficient to form a belief as to the truth of the allegations contained therein, and on that basis denies
5 each and every allegation contained in that paragraph.

6 22. Answering paragraph 22 of the petition, Respondent admits that **Exhibit E** is a copy
7 of County of San Joaquin Resolution 24-10. Respondent admits that, as set forth in **Exhibit E**, on
8 January 9, 2024, the County of San Joaquin Board of Supervisors adopted Resolution 24-10,
9 maintaining a flat fee of \$25 for “Report, (Others).” As to the remaining factual allegations,
10 Respondent denies each and every allegation in this paragraph except as expressly admitted herein.

11 23. Answering paragraph 23 of the petition, Respondent admits that, on March 3, 2025,
12 Petitioner submitted a California Public Records Act Request for autopsy reports related to officer-
13 involved-shootings or uses of force by police. Respondent admits that **Exhibit F** is a copy of
14 Petitioner’s Public Records Act Request. Respondent admits that the request attached as **Exhibit F**
15 claimed, “In past requests for autopsy reports . . . the Medical Examiner’s office provided these
16 records free of charge. In response to a similar request submitted by me on 5/13/24, initially, the
17 Medical Examiner’s Office said it would charge “\$.10 per page up to 21 pages, and \$.07 thereafter,”
18 then subsequently revised that charge to \$25 per autopsy report.” Respondent denies each and every
19 allegation in this paragraph except as expressly admitted herein.

20 24. Answering paragraph 24 of the Petition, Respondent admits that the County of San
21 Joaquin responded to Petitioner on March 21, 2025. Respondent admits that **Exhibit G** is a copy of
22 the March 21, 2025, response. Respondent admits that the response says the cost per record was \$25
23 irrespective of whether only portions were requested. Respondent denies that the response stated the
24 County would “only produce the autopsy reports to Petitioner” at \$25 per record regardless of
25 portion requested. Respondent denies each and every allegation in this paragraph except as expressly
26 admitted herein.

27 25. Answering paragraph 25 of the Petition, Respondent admits that **Exhibit H** is a copy
28 of an August 22, 2024, response by the County of San Joaquin to Petitioner and a copy of County

1 of San Joaquin Resolution 24-10. Respondent admits that the August 22, 2024, report states that a
2 \$25 fee for reports was set by statute initially codified in Resolution #R-09-333 and further codified
3 in R-24-10. Respondent denies each and every allegation in this paragraph except as expressly
4 admitted herein.

5 26. Answering paragraph 26 of the Petition, Respondent denies that Petitioner has not
6 paid any fees for autopsy reports requested by Petitioner. On information and belief, Petitioner has
7 Petitioner has paid for some reports as of August 2025, which Respondent has properly released.
8 On information and believe, Petitioner has also requested other reports and Respondent lacks
9 information and belief sufficient to form a belief as to the \$850 cost of the reports alleged in the
10 paragraph, and on that basis denies it. Respondent denies each and every allegation in this paragraph
11 except as expressly admitted herein.

12 27. Answering paragraph 27 of the Petition, Respondent denies that Petitioner has
13 refused to pay fees for reports. On information and belief, Petitioner has paid for some reports as of
14 August 2025, which Respondent has properly released. Respondent admits that the total cost of 34
15 reports at \$25 is, mathematically, \$850. Respondent denies each and every allegation in this
16 paragraph except as expressly admitted herein.

17 28. Answering paragraph 28 of the Petition, Respondent denies each and every allegation
18 contained therein.

19 29. Answering paragraph 29 of the Petition, Respondent admits that it has not asserted
20 that the autopsy reports are exempt from disclosure under the California Public Records Act.
21 Respondent denies each and every remaining factual allegation in the paragraph. The remainder of
22 the paragraph contains no material factual allegations but instead only legal conclusions and
23 explication that do not require a response from Respondent. To the extent the paragraph is read to
24 contain further factual allegation requiring a response, Respondent denies each and every such
25 allegation.

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**CAUSE OF ACTION FOR VIOLATION OF THE CALIFORNIA PUBLIC RECORDS
ACT AND THE CALIFORNIA CONSTITUTION (GOV. CODE § 7920.000 ET SEQ.;
PENAL CODE § 832.7(b); CA. CONST. ART, 1 § 3(b)(1))**

30. Answering paragraph 30 of the Petition, the paragraph contains no factual allegations, but instead merely incorporates by reference the allegations contained in the preceding paragraphs. In response thereto, Petitioner similarly incorporates by this reference its responses to each corresponding allegation as stated above. To the extent a response is required, Petitioner denies each and every allegation contained in this paragraph.

31. Answering paragraph 31 of the Petition, the paragraph contains no factual allegations requiring a response from Respondent, but instead only legal conclusions and explication. To the extent said paragraph is read to contain some factual allegation requiring a response from Respondent, it denies each and every such allegation.

32. Answering paragraph 32 of the Petition, the paragraph contains no factual allegations requiring a response from Respondent, but instead only legal conclusions and explication. To the extent said paragraph is read to contain some factual allegation requiring a response from Respondent, it denies each and every such allegation.

33. Answering paragraph 33 of the Petition, the paragraph contains no factual allegations requiring a response from Respondent, but instead only legal conclusions and explication. To the extent said paragraph is read to contain some factual allegation requiring a response from Respondent, it denies each and every such allegation.

34. Answering paragraph 34 of the Petition, the paragraph contains no factual allegations requiring a response from Respondent, but instead only legal conclusions and explication. To the extent said paragraph is read to contain some factual allegation requiring a response from Respondent, it denies each and every such allegation.

35. Answering paragraph 35 of the Petition, the paragraph contains no factual allegations requiring a response from Respondent, but instead only legal conclusions and explication. To the extent said paragraph is read to contain some factual allegation requiring a response from Respondent, it denies each and every such allegation.

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1 36. Answering paragraph 36 of the Petition, the paragraph contains no factual allegations
2 requiring a response from Respondent, but instead only legal conclusions and explication. To the
3 extent said paragraph is read to contain some factual allegation requiring a response from
4 Respondent, it denies each and every such allegation.

5 37. Answering paragraph 37 of the Petition, the paragraph contains no factual allegations
6 requiring a response from Respondent, but instead only legal conclusions and explication. To the
7 extent said paragraph is read to contain some factual allegation requiring a response from
8 Respondent, it denies each and every such allegation.

9 38. Answering paragraph 38 of the Petition, the paragraph contains no factual allegations
10 requiring a response from Respondent, but instead only legal conclusions and explication. To the
11 extent said paragraph is read to contain some factual allegation requiring a response from
12 Respondent, it denies each and every such allegation.

13 39. Answering paragraph 39 of the Petition, the paragraph contains no factual allegations
14 requiring a response from Respondent, but instead only legal conclusions and explication. To the
15 extent said paragraph is read to contain some factual allegation requiring a response from
16 Respondent, it denies each and every such allegation.

17 40. Answering paragraph 40 of the Petition, the paragraph contains no factual allegations
18 requiring a response from Respondent, but instead only legal conclusions that Respondent has acted
19 unlawfully. To the extent said paragraph is read to contain some factual allegation requiring a
20 response from Respondent, it denies each and every such allegation.

21 41. Answering paragraph 41 of the Petition, the paragraph contains no factual allegations
22 requiring a response from Respondent, but instead only legal conclusions and explication. To the
23 extent said paragraph is read to contain some factual allegation requiring a response from
24 Respondent, it denies each and every such allegation.

25 42. Answering paragraph 42 of the Petition, the paragraph contains no factual allegations
26 requiring a response from Respondent, but instead only legal conclusions and explication. To the
27 extent said paragraph is read to contain some factual allegation requiring a response from
28 Respondent, it denies each and every such allegation.

1 43. Answering paragraph 43 of the Petition, the paragraph contains no factual allegations
2 requiring a response from Respondent, but instead only legal conclusions and explication. To the
3 extent said paragraph is read to contain some factual allegation requiring a response from
4 Respondent, it denies each and every such allegation.

5 44. Answering paragraph 44 of the Petition, the paragraph contains no factual allegations
6 requiring a response from Respondent, but instead only legal conclusions and explication. To the
7 extent said paragraph is read to contain some factual allegation requiring a response from
8 Respondent, it denies each and every such allegation.

9 45. Answering paragraph 45 of the Petition, the paragraph contains no factual allegations
10 requiring a response from Respondent, but instead only legal conclusions and explication. To the
11 extent said paragraph is read to contain some factual allegation requiring a response from
12 Respondent, it denies each and every such allegation.

13 46. Answering paragraph 46 of the Petition, the paragraph contains no factual allegations
14 requiring a response from Respondent, but instead only legal conclusions and explication. To the
15 extent said paragraph is read to contain some factual allegation requiring a response from
16 Respondent, it denies each and every such allegation.

17 47. Answering paragraph 47 of the Petition, the paragraph contains no factual allegations
18 requiring a response from Respondent, but instead only legal conclusions and explication. To the
19 extent said paragraph is read to contain some factual allegation requiring a response from
20 Respondent, it denies each and every such allegation.

21 48. Answering paragraph 48 of the Petition, the paragraph contains no factual allegations
22 requiring a response from Respondent, but instead only legal conclusions and explication. To the
23 extent said paragraph is read to contain some factual allegation requiring a response from
24 Respondent, it denies each and every such allegation.

25 49. Answering paragraph 49 of the Petition, Respondent lacks sufficient information or
26 belief to form a belief as to the truth of the allegations contained therein, and on that basis denies
27 each and every allegation contained in that paragraph.

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1 50. Answering paragraph 50 of the Petition, the paragraph contains no factual allegations
2 requiring a response from Respondent, but instead only legal conclusions and explication. To the
3 extent said paragraph is read to contain some factual allegation requiring a response from
4 Respondent, it denies each and every such allegation.

5 51. Answering paragraph 51 of the Petition, the paragraph contains no factual allegations
6 requiring a response from Respondent, but instead only legal conclusions and explication. To the
7 extent said paragraph is read to contain some factual allegation requiring a response from
8 Respondent, it denies each and every such allegation.

9 52. Answering paragraph 52 of the Petition, the paragraph contains no factual allegations
10 requiring a response from Respondent, but instead only legal conclusions and explication. To the
11 extent said paragraph is read to contain some factual allegation requiring a response from
12 Respondent, it denies each and every such allegation.

13 53. Answering paragraph 53 of the Petition, the paragraph contains no factual allegations
14 requiring a response from Respondent, but instead only legal conclusions and explication. To the
15 extent said paragraph is read to contain some factual allegation requiring a response from
16 Respondent, it denies each and every such allegation.

17 54. Answering paragraph 54 of the Petition, the paragraph contains no factual allegations
18 requiring a response from Respondent, but instead only legal conclusions and explication. To the
19 extent said paragraph is read to contain some factual allegation requiring a response from
20 Respondent, it denies each and every such allegation.

21 55. Answering paragraph 55 of the Petition, the paragraph contains no factual allegations
22 requiring a response from Respondent, but instead only legal conclusions and explication. To the
23 extent said paragraph is read to contain some factual allegation requiring a response from
24 Respondent, it denies each and every such allegation.

25 56. Answering paragraph 56 of the Petition, the paragraph contains no factual allegations
26 requiring a response from Respondent, but instead only legal conclusions and explication. To the
27 extent said paragraph is read to contain some factual allegation requiring a response from
28 Respondent, it denies each and every such allegation.

1 57. Answering paragraph 57 of the Petition, the paragraph contains no factual allegations
2 requiring a response from Respondent, but instead only legal conclusions and explication. To the
3 extent said paragraph is read to contain some factual allegation requiring a response from
4 Respondent, it denies each and every such allegation.

5 58. Answering paragraph 58 of the Petition, the paragraph contains no factual allegations
6 requiring a response from Respondent, but instead only legal conclusions and explication. To the
7 extent said paragraph is read to contain some factual allegation requiring a response from
8 Respondent, it denies each and every such allegation.

9 59. Answering paragraph 59 of the Petition, the paragraph contains no factual allegations
10 requiring a response from Respondent, but instead only legal conclusions and explication. To the
11 extent said paragraph is read to contain some factual allegation requiring a response from
12 Respondent, it denies each and every such allegation.

13 60. Answering paragraph 60 of the Petition, the paragraph contains no factual allegations
14 requiring a response from Respondent, but instead only legal conclusions and explication. To the
15 extent said paragraph is read to contain some factual allegation requiring a response from
16 Respondent, it denies each and every such allegation.

17 61. Answering paragraph 61 of the Petition, Respondent admits that it has informed
18 Petitioner that, upon receipt of fees, records will be released to Petitioner. The remainder of the
19 paragraph contains no material factual allegations but instead only legal conclusions and explication
20 that do not require a response from Respondent. To the extent the paragraph is read to contain further
21 factual allegation requiring a response from Respondent, it denies each and every such allegation
22 except as expressly admitted herein.

23 62. Answering paragraph 62 of the Petition, the paragraph contains no factual allegations
24 requiring a response from Respondent, but instead only legal conclusions and explication. To the
25 extent said paragraph is read to contain some factual allegation requiring a response from
26 Respondent, it denies each and every such allegation.

27 63. Answering paragraph 63 of the Petition, the paragraph contains no factual allegations
28 requiring a response from Respondent, but instead only legal conclusions and explication. To the

1 extent said paragraph is read to contain some factual allegation requiring a response from
2 Respondent, it denies each and every such allegation.

3 64. Answering paragraph 64 of the Petition, the paragraph contains no factual allegations
4 requiring a response from Respondent, but instead only legal conclusions and explication. To the
5 extent said paragraph is read to contain some factual allegation requiring a response from
6 Respondent, it denies each and every such allegation.

7 65. Answering paragraph 65 of the Petition, the paragraph contains no factual allegations
8 requiring a response from Respondent, but instead only legal conclusions and explication. To the
9 extent said paragraph is read to contain some factual allegation requiring a response from
10 Respondent, it denies each and every such allegation.

11 66. Answering paragraph 66 of the Petition, the paragraph contains no factual allegations
12 requiring a response from Respondent, but instead only legal conclusions and explication. To the
13 extent said paragraph is read to contain some factual allegation requiring a response from
14 Respondent, it denies each and every such allegation.

15 67. Answering paragraph 67 of the Petition, the paragraph contains no factual allegations
16 requiring a response from Respondent, but instead only legal conclusions and explication. To the
17 extent said paragraph is read to contain some factual allegation requiring a response from
18 Respondent, it denies each and every such allegation.

19 68. Answering paragraph 68 of the Petition, the paragraph contains no factual allegations
20 requiring a response from Respondent, but instead only legal conclusions and explication. To the
21 extent said paragraph is read to contain some factual allegation requiring a response from
22 Respondent, it denies each and every such allegation.

23 69. Answering paragraph 69 of the Petition, the paragraph contains no factual allegations
24 requiring a response from Respondent, but instead only legal conclusions and explication. To the
25 extent said paragraph is read to contain some factual allegation requiring a response from
26 Respondent, it denies each and every such allegation.

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AFFIRMATIVE DEFENSES

Respondent pleads the following separate defenses. Respondent reserves the right to assert additional affirmative defenses that discovery indicates are proper.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. As a separate and first affirmative defense to the Petition, and to the purported causes of action set forth therein, Respondent alleges that the Petition fails to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

(Consent)

2. As a separate and second affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner is barred from prosecuting the purported causes of action set forth in the Petition because Petitioner, and/or the persons and/or entities acting on his behalf, consented to and acquiesced in the subject conduct.

THIRD AFFIRMATIVE DEFENSE

(Estoppel)

3. As a separate and third affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner is barred in whole or in part from prosecuting the purported causes of action set forth in the Petition by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

4. As a separate and fourth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner’s claims are barred because Petitioner failed to exhaust his administrative remedies.

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FIFTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 818.2)

5. As a separate and fifth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 820.2.

SIXTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 820.2)

6. As a separate and sixth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 820.2.

SEVENTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 820.6)

7. As a separate and seventh affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 820.6.

EIGHTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 820.8)

8. As a separate and eighth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 820.8.

NINTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 821.6)

9. As a separate and ninth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 821.6.

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TENTH AFFIRMATIVE DEFENSE

(Immune from Liability - Govt Code 822.2)

10. As a separate and tenth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Respondent is immune from liability on all causes of action pursuant to California Government Code Section 822.2.

ELEVENTH AFFIRMATIVE DEFENSE

(Laches)

11. As a separate and eleventh affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner is barred in whole or in part from prosecuting the purported causes of action set forth in the Petition by the doctrine of laches.

TWELFTH AFFIRMATIVE DEFENSE

(Mootness)

12. As a separate and twelfth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that the actions complained of are not likely to recur.

THIRTEENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

13. As a separate and thirteenth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that the purported causes of action asserted in the Petition are barred by such statutes of limitation as may be applicable, including, but not limited to, California Code of Civil Procedure Sections 335, 335.1, 336, 337, 338, 339, 340, 340.5, 340.9, 343, 344 and 474.

FOURTEENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

14. As a separate and fourteenth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner is barred in whole or in part from prosecuting the purported causes of action set forth in the Petition by the doctrine of unclean hands.

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FIFTEENTH AFFIRMATIVE DEFENSE

(Waiver and Estoppel)

15. As a separate and fifteenth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that as a result of his own acts and/or omissions, Petitioner has waived any right which he may have had to recover, and/or is estopped from recovering, any relief sought against Respondent.

SIXTEENTH AFFIRMATIVE DEFENSE

(Waiver)

16. As a separate and sixteenth affirmative defense to the Petition and each purported cause of action contained therein, Respondent alleges that Petitioner is barred in whole or in part from prosecuting the purported causes of action set forth in the Petition by the doctrine of waiver.


PRAYER FOR RELIEF

Wherefore, Respondent prays as follows:

1. That Petitioner take nothing by reason of its Petition and that judgment be entered against Petitioner in favor of Respondent;
2. That Respondent be awarded its attorney’s fees and costs incurred in defending this action;
3. That Respondent be granted such other and further relief as the Court may deem just and proper.

Dated: September 5, 2025

COLE HUBER LLP

By: 

Ronald J. Scholar
Tyler J. Sherman
Attorneys for Respondent
COUNTY OF SAN JOAQUIN

COLE HUBER LLP
2281 LAVA RIDGE COURT, SUITE 300
ROSEVILLE, CALIFORNIA 95661

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PROOF OF SERVICE

**Investigative Reporting Program v. County of San Joaquin
San Joaquin County Case No. STK-CV-UWM-2025-0009718**

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 Placer, State of California. My business address is 2281 Lava Ridge Court, Suite 300, Roseville, CA 95661.

On September 5, 2025, I served true copies of the following document(s) described as

RESPONDENT'S ANSWER TO VERIFIED PETITION FOR WRIT OF MANDATE FOR VIOLATION OF THE CALIFORNIA PUBLIC RECORDS ACT

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Cole Huber LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Roseville, California.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address kmorris@colehuber.com 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 September 5, 2025, at Roseville, California.

/s/ Kirsten Morris
Kirsten Morris

