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7 Attorneys for Respondent
COUNTY OF RIVERSIDE

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE

10
11 CHRISTOPHER DAMIEN and THE NEW
YORK TIMES COMPANY,

12 Plaintiffs,

13 v.

14 COUNTY OF RIVERSIDE and DOES 1-10,
15 inclusive,

16 Defendant.

Case No. CVRI2506919

**RESPONDENT COUNTY OF
RIVERSIDE'S ANSWER TO
PETITIONERS' VERIFIED PETITION
FOR DECLARATORY RELIEF AND
WRIT OF MANDATE**

17 Action Filed: December 4, 2025
18 Trial Date: None Set

19 Unlimited Civil Case
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1 Respondent COUNTY OF RIVERSIDE (“County”) answers Petitioners CHRISTOPHER
2 DAMIEN (“Damien”) and THE NEW YORK TIMES COMPANY’s (collectively, “Petitioners”)
3 Verified Petition For Declaratory Relief And Writ Of Mandate as follows:

4 **INTRODUCTION**

5 1. Responding to Paragraph 1, the County answers that these are purported statements
6 of law to which no response is required from the County. To the extent this paragraph contains
7 allegations against the County, the County denies generally and specifically each and every
8 allegation contained therein.

9 2. Responding to Paragraphs 2-5, the County denies generally and specifically each
10 and every allegation contained therein as phrased by Petitioners.

11 **PARTIES**

12 3. Responding to Paragraph 6, the County lacks information or belief sufficient to
13 admit or deny the allegations and on that basis denies them.

14 4. Responding to Paragraph 7, the County admits that Petitioner The New York Times
15 Company publishes *The New York Times* newspaper and www.nytimes.com and is headquartered
16 at 620 Eighth Avenue, New York, NY 10018.

17 5. Responding to Paragraph 8, the County admits that it is a local agency within the
18 meaning of Government Code Section 7920.510 that, through the Riverside County Sheriff’s
19 Office and its Sheriff Chad Bianco, administers local detention facilities within the meaning of
20 Penal Code Section 832.10(a)(2). The County further admits that its detention facilities include
21 the Robert Presley Detention Center, the Larry D. Smith Correctional Facility, the Cois Byrd
22 Detention Center, the John Benoit Detention Center, and the Blythe Jail, as well as the Riverside
23 University Medical Center to the extent that it houses County detainees and jail inmates. As to the
24 remainder of the paragraph, the County lacks information or belief sufficient to admit or deny the
25 allegations and on that basis denies them.

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1 **JURISDICTION AND VENUE**

2 6. Responding to Paragraphs 9-11, the County answers that these are purported
3 statements of law to which no response is required from the County.

4 7. Responding to Paragraph 12, the County admits only that venue in this Court is
5 proper because the events giving rise to Petitioners’ claims occurred in the County of Riverside.

6 **FACTUAL BACKGROUND**

7 8. Responding to Paragraphs 13-17, the County denies generally and specifically each
8 and every allegation contained therein as phrased by Petitioners.

9 9. Responding to Paragraphs 18-19, the County lacks information or belief sufficient
10 to admit or deny the allegations and on that basis denies them.

11 10. Responding to Paragraph 20, the County admits that Damien made two Public
12 Records Act Requests to the County, which the County designated as C000505-043024 (“Request
13 505”) and C001089-082924 (“Request 1089”). With respect to Request 505, the County avers
14 that Damien requested Coroner’s Reports for 46 individuals, including the Coroner’s
15 Investigation, Bio Tox, and Autopsy Reports for each individual. The County admits that in
16 Request 1089, Damien requested investigation reports regarding 14 alleged in-custody deaths and
17 video collected by the County in its investigations of 12 alleged in-custody deaths. As to the
18 remaining allegations, the County denies generally and specifically each and every allegation
19 contained therein.

20 11. Responding to Paragraph 21, the County admits the allegations contained therein.

21 12. Responding to Paragraph 22, the County denies that on May 1, 2024 it “denied the
22 request in its entirety” and avers that it asserted lawful exemptions to Petitioners’ request and
23 directed Petitioners to make their request in writing to the Coroner’s Office.

24 13. Responding to Paragraph 23, the County denies that it “revised its response” as
25 framed by Petitioners. As to the remainder of the paragraph, the County admits to the remaining
26 allegations contained therein.

27 14. Responding to Paragraphs 24-30, the County admits the allegations contained
28 therein.

1 15. Responding to Paragraph 31, the County admits only that Exhibit D contains a
2 copy of Steven Sherman’s August 16, 2024 correspondence. As to the remaining allegations, the
3 County lacks information or belief sufficient to admit or deny the allegations and on that basis
4 denies them.

5 16. Responding to Paragraph 32, the County admits only that Exhibit D contains a
6 copy of Maya Gandhi’s August 16, 2024 and August 22, 2024 correspondence. As to the
7 remaining allegations, the County lacks information or belief sufficient to admit or deny the
8 allegations and on that basis denies them.

9 17. Responding to Paragraph 33, the County admits the allegations contained therein.

10 18. Responding to Paragraph 34, the County admits only that on September 12, 2024,
11 Tim Tai sent an e-mail to outside counsel for the County stating that he was replacing Ms. Gandhi
12 as counsel and sent a follow-up e-mail on September 17, 2024 confirming the five reports that
13 Petitioners alleged remained outstanding at that time. The County further admits that Exhibit D
14 contains a copy of these correspondence. As to the remaining allegations, the County lacks
15 information or belief sufficient to admit or deny the allegations and on that basis denies them.

16 19. Responding to Paragraph 35, the County admits only that Exhibit D contains a
17 copy of Steven Sherman’s October 7, 2024 correspondence.

18 20. Responding to Paragraph 35, the County admits the allegations contained therein
19 related to Steven Sherman’s October 7, 2024 correspondence. As to the remaining allegations, the
20 County answers that these are purported statements of law to which no response is required from
21 the County.

22 21. Responding to Paragraph 36, the County admits the allegations contained therein.

23 22. Responding to Paragraph 37, the County admits only that on November 1, 2024, it
24 asserted that cases related to three of the requested coroner’s reports, for Chacon, Niroula, and
25 Contreras, were “still under investigation and cannot be released or inspected until the cases are
26 adjudicated.” As to the remaining allegations, the County admits the allegations contained
27 therein.

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1 23. Responding to Paragraph 38, the County admits that on May 7, 2025, it advised
2 Petitioners that SB519 did not cover the Contreras report, stated, “After further review with legal
3 counsel, Robert Presley Detention Center incident RC-240040003 does not fall under the Senate
4 Bill 519 definition of an ‘In Custody Death’”, and advised that the report was exempt from
5 disclosure. To the extent this paragraph contains purported statements of law, the County answers
6 no response is required from the County. As to the remaining allegations against the County, the
7 County denies generally and specifically each and every allegation as phrased by Petitioners.

8 24. Responding to Paragraph 39, the County denies generally and specifically each and
9 every allegation contained therein as phrased by Petitioners.

10 25. Responding to Paragraph 40, the County admits that Damien made a second Public
11 Records Act Requests to the County on August 29, 2024. The County admits that in Request
12 1089, Damien requested investigation reports regarding 14 alleged in-custody deaths and video
13 collected by the County in its investigations of 12 alleged in-custody deaths. The County admits
14 that Exhibit F contains a copy of Damien’s request.

15 26. Responding to Paragraphs 41-44, the County admits the allegations contained
16 therein.

17 27. Responding to Paragraph 45, the County avers that with respect to the video
18 recordings related to Ayala, Contreras, Spratt, and Viramontes, the County advised in its October
19 9, 2024 correspondence that while “SB519 does mandate the release of these videos, the videos in
20 this matter are not yet completed and the investigation is still ongoing at the time of [Damien’s]
21 request, so the release at this time is exempted by law.” The County further advised that “once the
22 investigation is complete, the related videos are completed, and the statutory time frame has
23 passed, the records will be made public in a timely manner in accordance with other previously
24 existing records that may be pending redaction and release.” As to the remaining allegations, the
25 County admits the allegations contained therein.

26 28. Responding to Paragraph 46, the County denies generally and specifically each and
27 every allegation as phrased by Petitioners.

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1 **PRAYER FOR RELIEF**

2 39. As to Petitioners' Prayer for Relief, the County denies Petitioners were injured or
3 damaged in any amount or sum, or at all, by reason of any act or omission of the County, and
4 therefore denies Petitioners are entitled to any of the relief requested, in any capacity.

5 **AFFIRMATIVE DEFENSES**

6 AS SEPARATE AND AFFIRMATIVE DEFENSES, the County alleges as follows:

7 **FIRST AFFIRMATIVE DEFENSE**

8 40. The Petition fails to state facts sufficient to constitute a cause of action against the
9 County.

10 **SECOND AFFIRMATIVE DEFENSE**

11 41. The Petition is barred because Petitioners failed to join all necessary and
12 indispensable parties.

13 **THIRD AFFIRMATIVE DEFENSE**

14 42. The Petition is barred by the applicable statute of limitations.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 43. The Petition is barred by the doctrine of laches.

17 **FIFTH AFFIRMATIVE DEFENSE**

18 44. At all relevant times, the County acted reasonably, in good faith, without malice,
19 and in accordance with good practice and the apparent authority of the statutory and decisional
20 law of the State of California and the United States.

21 **SIXTH AFFIRMATIVE DEFENSE**

22 45. The Petition, and each and every purported claim therein, fails to state a claim
23 against the County.

24 **SEVENTH AFFIRMATIVE DEFENSE**

25 46. Petitioners have suffered no actual injury due to the County's conduct.

26 **EIGHTH AFFIRMATIVE DEFENSE**

27 47. Petitioners' cause of action is barred to the extent they failed and/or refused to
28 exercise reasonable efforts to mitigate their alleged damages.

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NINTH AFFIRMATIVE DEFENSE

48. The Petition is barred to the extent that Petitioners’ requested relief violates public policy.

TENTH AFFIRMATIVE DEFENSE

49. Petitioners’ recovery, if any, must be reduced proportionately to the extent that any damages alleged by Petitioners are caused and/or contributed to by Petitioners own action and/or by the actions of third parties.

ELEVENTH AFFIRMATIVE DEFENSE

50. The Petition is barred by the doctrine of estoppel by virtue of Petitioners’ conduct.

TWELFTH AFFIRMATIVE DEFENSE

51. The Petition is barred by Petitioners’ failure to exhaust administrative remedies.

THIRTEENTH AFFIRMATIVE DEFENSE

52. Petitioners are not entitled to recover any fees from the County.

FOURTEENTH AFFIRMATIVE DEFENSE

53. The Petition fails to allege facts sufficient to state a claim for attorneys’ fees against the County .

FIFTEENTH AFFIRMATIVE DEFENSE

54. At all relevant times, the County acted within the scope of discretion, with due care, and good faith fulfillment of responsibilities pursuant to applicable statutes, rules and regulations, within the bounds of reason under the circumstances, and with the good faith belief that its actions comported with all applicable laws.

SIXTEENTH AFFIRMATIVE DEFENSE

55. The Petition is barred because Petitioners lack standing.

SEVENTEENTH AFFIRMATIVE DEFENSE

56. The County denies that Petitioners have been deprived of any rights, privileges, or immunities guaranteed by the laws of the United States or by the laws of the State of California.

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EIGHTEENTH AFFIRMATIVE DEFENSE

57. Th County denies that it violated Petitioners’ state, federal, constitutional, or other rights.

NINETEENTH AFFIRMATIVE DEFENSE

58. The Petition is barred because Petitioners would be unjustly enriched if they prevailed on the Petition.

TWENTIETH AFFIRMATIVE DEFENSE

59. The County is entitled to immunity from Petitioners’ claims, pursuant to the Eleventh Amendment of the United States Constitution.

TWENTY-FIRST AFFIRMATIVE DEFENSE

60. The Court lacks jurisdiction because Petitioners’ claims against the County are moot.

TWENTY-SECOND AFFIRMATIVE DEFENSE

61. The Petition is barred by reason of the fact that the acts alleged to have been committed by the County were privileged and committed in the exercise of the County’s legal rights with a good faith belief in the existence of those rights.

TWENTY-THIRD AFFIRMATIVE DEFENSE

62. Petitioners suffered no damages that were directly or proximately caused by the County.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

63. The Petition is barred by waiver.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

64. The Petition is barred by Petitioners’ unclean hands.

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TWENTY-SIXTH AFFIRMATIVE DEFENSE

65. Because the Petition is couched in conclusory terms, the County cannot fully anticipate all affirmative defenses that may be applicable to this action. Accordingly, the right to assert additional affirmative defenses, if and to the extent that such affirmative defenses are applicable, is hereby reserved.

Dated: February 9, 2026

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Delaney K. Sirmay
Nathan A. Oyster
Caylin W. Jones
Delaney K. Sirmay
Attorneys for Respondent
COUNTY OF RIVERSIDE

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PROOF OF SERVICE

**Damien, et al., v. County of Riverside
Case No. CVRI2506919**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 Los Angeles, State of California. My business address is 444 South Flower Street, 40th Floor, Los Angeles, CA 90071-2942.

On February 9, 2026, I served true copies of the following document(s) described as **RESPONDENT COUNTY OF RIVERSIDE’S ANSWER TO PETITIONERS’ VERIFIED PETITION FOR DECLARATORY RELIEF AND WRIT OF MANDATE** on the interested parties in this action as follows:

DAVID LOY, Cal. Bar No. 229235
AARON R. FIELD, Cal. Bar No. 310648
FIRST AMENDMENT COALITION
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San Rafael, CA 94901-3334
Telephone: 415.460.5060
dloy@firstamendmentcoalition.org
afield@firstamendmentcoalition.org

Attorneys for Petitioners
CHRISTOPHER DAMIEN and
NEW YORK TIMES COMPANY

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address lespinoza@bwslaw.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 February 9, 2026, at Los Angeles, California.



Leticia Espinoza