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6 Attorneys for Respondent
CITY OF SAN DIEGO

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

8
9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO**

11 FIRST AMENDMENT COALITION,

Case No. 25CU033245C

12 Petitioner,

**DECLARATION OF STACY J.
PLOTKIN-WOLFF IN SUPPORT OF
CITY OF SAN DIEGO'S OPPOSITION
TO MOTION FOR JUDGMENT
GRANTING VERIFIED PETITION
FOR DECLARATORY RELIEF AND
WRIT OF MANDATE**

13 v.

14 CITY OF SAN DIEGO,

15 Respondent.

I/C Judge: Hon. Terrie E. Roberts
Date: June 12, 2026
Time: 10:30 a.m.
Dept.: 68
Complaint filed: June 25, 2025
Trial: Not Set

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22 I, **STACY J. PLOTKIN-WOLFF**, declare as follows:

23 1. I am an attorney duly licensed and authorized to practice law in the State of
24 California and the Southern District of California; I am a Lead Deputy City Attorney for the City
25 of San Diego, and the City Attorney of San Diego is the attorney of record for Defendant City of
26 San Diego. The facts set forth in this Declaration are true and correct based upon my own personal
27 knowledge and, if called as a witness, I could and would testify competently to each of the facts
28 set forth herein.

1 2. I have personal knowledge of the matters stated in this affidavit, except where
2 stated on information and belief, and as to those matters I believe them to be true. If called as a
3 witness, I could and would competently testify to the facts stated herein.

4 3. On March 12, 2025, the City received the California Public Records Act (CPRA)
5 request at issue in the case at bar from the First Amendment Coalition on March 12, 2025. The
6 request sought:

7 On behalf of the First Amendment Coalition, I request copies of the
8 following records related to the San Diego Police Department's arrest of or use of
9 force on Marcus Evans on or about October 25, 2024 (the "Incident"):

10 1. All video or audio recordings relating to or depicting the
11 Incident.

12 2. All records relating to any report, investigation, or findings
13 concerning the Incident, including but not limited to any incident reports;
14 investigative reports; photographs; transcripts or recordings of interviews;
15 materials compiled and presented for review to the district attorney or to
16 any person or body charged with determining whether to file criminal
17 charges against an officer in connection with an incident, whether the
18 officer's action was consistent with law and agency policy for purposes
19 of discipline or administrative action, or what discipline to impose or
20 corrective action to take; documents setting forth findings or
21 recommended findings; and copies of disciplinary records relating to the
22 incident, including any letters of intent to impose discipline, any documents
23 reflecting modifications of discipline due to the Skelly or grievance process,
24 and letters indicating final imposition of discipline or other documentation
25 reflecting implementation of corrective action.

26 4. The City responded to the CPRA request by providing a redacted version of the call
27 log and asserting exemptions under the CPRA based a prosecutorial investigation by the United
28 States Department of Justice and the ongoing internal investigation. The City closed the request
on March 24, 2025.

 5. On March 25, 2025, Marcus Evans filed a lawsuit against the City and numerous
officers in which he alleged civil rights violations and personal injuries arising from the incident
of October 25, 2024. I represented the City and the officers in that lawsuit.

 6. On scene on October 24, 2024 and October 25, 2024 while officers with the San
Diego Police Department was 619 News Media, which recorded and then broadcast video
coverage of the incident, including all relevant contacts the officers had with the occupants of the

1 home in which Evans was located and the interactions the officers had with Evans. The video can
2 be found at <https://www.youtube.com/watch?v=L2ERgHIR80k>.

3 7. Attached to this declaration as **Exhibit 1** is a true and correct copy of the printout
4 from NextRequest on which FAC's request was received, and which documents the City's
5 production, exemptions, and closure of the request.

6 8. Attached to the accompanying Request for Judicial Notice are true and correct
7 copies of:

8 **Exhibit 1:** Senate Judiciary Analysis of AB 748 dated June 25, 2018 (2017-
9 2018 Reg. Sess.); and

10 **Exhibit 2:** Assembly Committee on Privacy and Consumer Protection Analysis
11 of AB 748 dated August 29, 2018 (2017-2018 Reg. Sess.)

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct and that this declaration was executed on this 16th day of March 2026
14 at San Diego, California.



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16
17 Stacy J. Plotkin-Wolff

EXHIBIT 1

City of San Diego

 NextRequest

Request Visibility: Published

Request 25-1937 Closed




Dates


Received


March 12, 2025 via web

Requester

 David Loy

 dloy@firstamendmentcoalition.org

 534 Fourth Street, Suite B, San Rafael, CA, 94901

 619.701.3993

 First Amendment Coalition

Staff assigned

Departments

Police

Point of contact

Angela Laurita

Request

On behalf of the First Amendment Coalition, I request copies of the following records related to the San Diego Police Department's arrest of or use of force on Marcus Evans on or about October 25, 2024 (the "Incident"):

1. All video or audio recordings relating to or depicting the Incident.
2. All records relating to any report, investigation, or findings concerning the Incident, including but not limited to any incident reports; investigative reports; photographs; transcripts or recordings of interviews; materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of

disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

[Show less](#)

Timeline

Documents

Request published Anyone with access to this request

March 24, 2025, 9:35pm

Request closed Anyone with access to this request

02c. Released – Redacted and/or Withheld

All responsive documents have been released except those that have been redacted and/or withheld pursuant to:

[Law enforcement investigation]

Government Code section 7923.600

[records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of,any state or local police agency... are exempt from disclosure]

Government Code section 7922.000

The public interest in the nondisclosure of personal identifying information clearly outweighs the public interest in disclosure.

Government Code section 7923.615

This information is protected from disclosure pursuant to Government Code section 7923.615.

Government Code section 7922.000

The public interest in disclosure is outweighed by other factors.

Government Code section 7927.705
[other state or federal law]

Information you have requested is protected from disclosure pursuant to Government Code section 7927.705:

Evidence Code section 1043

March 21, 2025, 9:50am by Angela Laurita, Public Records Administration Manager (Staff)

 **Document(s) released** Anyone with access to this request

E24100036129_Redacted.pdf

March 21, 2025, 9:49am by Angela Laurita, Public Records Administration Manager (Staff)

 **Message to requester** Requester + Staff

Good morning,

In response to your request, all responsive records have been uploaded. Some of the records you requested are redacted/withheld pursuant to the following Government Code exemption(s):

BWC - withheld pursuant to the following Government Code exemption(s):

Government Code section 7923.600 [investigatory files]

The person making the decision to withhold the records is Capt. Charles Lara.

911/Audio files/Talk Radio-group - withheld pursuant to Government Code sections 7923.600 & 7923.615; Haynie v. Superior Court, 26 Cal 4th 1061 (2001); and Government Code section 7922.000 [public interest in non-disclosure outweighs public interest in disclosure]

The person making the decision to withhold the records is Roxanne Cahill, Police Dispatch Administrator.

SDPD does not transcribe calls.

CAD report - redacted pursuant to Government Code section 7923.600 [investigatory files] and Government Code section 7922.000 [personal identifying information]

The person making the decision to redact the records is Capt. Charles Lara.

The records you requested for item #2 are withheld pursuant Government Code section 7923.600 [investigatory files] and Government Code section 7927.705 [Evidence Code section 1043] [peace officer personnel records]

The people making the decision to withhold the records are Capt. Charles Lara and Lt. Tristan Schmottlach.

Kind regards.

March 21, 2025, 9:49am by Angela Laurita, Public Records Administration Manager (Staff)

Message to requester Requester + Staff

Please be advised that City staff have received your CPRA request. Within the next 10 days, we will determine whether your request seeks copies of disclosable

records in the City's possession or whether the City will require an extension. If your request is submitted on a Saturday, Sunday, or City holiday, the City considers the request received on the following business day.

March 12, 2025, 2:26pm



Department assignment

Anyone with access to this request

Police

March 12, 2025, 2:26pm by the requester



Request opened

Anyone with access to this request

Request received via web

March 12, 2025, 2:26pm by the requester