Susan E. Seager (SBN 204824)
Jack Lerner (SBN 220661)
UNIVERSITY OF CALIFORNIA, IRVINE
SCHOOL OF LAW
PRESS FREEDOM PROJECT
INTELLECTUAL, ARTS, AND TECH CLINIC
PO Box 5479
Irvine, CA 92616-5479
T: (949) 824-5447 / F: (949) 824-4234
Emails: sseager1.clinic@law.uci.edu;
jlerner@law.uci.edu

David Loy (SBN 22935)
Aaron R. Field (SBN 310648)
FIRST AMENDMENT COALITION
534 4th Street, Suite B
San Rafael, CA 94901-3334
T: (415) 460-5060
Emails: dloy@firstamendmentcoalition.org;
afield@firstamendmentcoalition.org

Attorneys for Petitioner
INVESTIGATIVE REPORTING PROGRAM

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

INVESTIGATIVE REPORTING PROGRAM,

Petitioner,

vs.

COUNTY OF SAN JOAQUIN,

Respondent.

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

PETITIONER'S REPLY IN SUPPORT OF MOTION FOR JUDGMENT

Judge: Hon. Robert T. Waters
Date: April 16, 2026
Time: 9:00 a.m.
Dept.: 11B

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

INTRODUCTION

Respondent County of San Joaquin fails to cite any authorities or statutes to support its idiosyncratic theory that a local government body is free to set its own fees for disclosing public records and dub its local fee provision a "statute" akin to a law enacted by the Legislature. If adopted, the County's unfounded idea would allow 58 county governments, some 500 cities, and other local agencies across California to adopt their own fees for public records, likely creating an inconsistent patchwork of "substantial financial barriers to access," *Nat'l Lawyers Guild v. City of Hayward*, 9 Cal.5th 488, 507 (2020), in direct violation of California law. There is no limiting principle to the County's position, which this Court is respectfully requested to reject.

When the Public Records Act refers to a "statutory fee" for public records, the word "statutory" is simply an adjective version of "statute" and means what it always does: a state statute enacted by the state Legislature – not a local law. The County cannot enact a "statute" setting its own fees for public records any more than the Legislature can enact a county ordinance or resolution. The County's position is not consistent with basic rules of statutory construction or the authorities cited by the parties. The Public Records Act places strict limits on when and how much local governments may charge for public records in general. In addition, the Right to Know Act specifically limits charges for the autopsy reports at issue here. A local government like the County may not write these statutory limits out of existence.

Even if there were any doubt that the County's position is wrong, Article I, section 3(b)(2) of the California Constitution requires this Court to construe the applicable laws broadly in favor of disclosure and narrowly against obstacles to disclosure such as potentially crushing fees for public records. For all of these reasons, Petitioner's motion should be granted.

I. The Term "Statute" Excludes Local Laws Such as Ordinances and Resolutions

A. The Plain Meaning of the Terms "Statutory" and "Statutory Fee" Forecloses the County's Position and Confirms the Local Fee is Unlawful

This case is governed by familiar principles of statutory interpretation. *E.g.*, *People v. Rhodius,* 17 Cal. 5th 1050, 1057 (2025) ("[T]he statute's plain meaning controls the court's

interpretation unless its words are ambiguous.") (quotation marks and citations omitted); *Hohenshelt v. Superior Ct.*, 18 Cal. 5th 310, 330–331, 335 (2025) ("We begin by examining the statute's words, giving them a plain and commonsense meaning. We do not, however, consider the statutory language in isolation. ... [W]e construe the words in question in context, keeping in mind the nature and obvious purpose of the statute[.]") (quotation marks and citations omitted); *Nat'l Lawyers Guild*, 9 Cal. 5th at 498 (When "[t]he issue before [the court] is one of statutory interpretation, ... [the court] begin[s] by looking to the statutory language" and "[i]f the language is clear in context, [the court's] work is at an end."); *Delaney v. Superior Ct.*, (1990) 50 Cal. 3d 785, 798 (1990) (cited by the County, Opp. p. 6) ("If the language is clear and unambiguous there is no need for [statutory] construction, nor is it necessary to resort to indicia of the intent of the Legislature (in the case of a statute)[.]").

The County's reading of "statute" and "statutory fee" is inconsistent with the plain and established meaning of those terms for two reasons. *First*, the words "statute" and "statutory" in Government Code section 7922.530(a) mean what they say. When the Legislature uses a legal term of art like "statute" or "statutory" without defining it, the term of art means the same thing as when the Legislature has defined that same term elsewhere. *Air Wis. Airlines Corp. v. Hoeper*, 571 U.S. 237, 248 (2014) ("[I]t is a cardinal rule of statutory construction that, when Congress employs a term of art, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it is taken."); *People v. Wells*, 12 Cal. 4th 979, 986 (1996) ("In construing a statute, unless a contrary intent appears, the court presumes that the Legislature intended that similar phrases be accorded the same meaning.") (citations omitted).

The Legislature has consistently defined "statute" to exclude local ordinances and other local laws. *See* Gov't Code § 811.8; Evid. Code § 230; Code Civ. Proc. § 1235.210. When the Legislature referred to "statutory" fees in the Public Records Act, it necessarily incorporated the principle it stated elsewhere that the term "statute" does not include measures adopted by local governments, and nothing in the Public Records Act indicates any contrary intent.

The Court of Appeal's recent decision in *City of Fresno v. Superior Ct.*, No. F089987, 2026 WL 800559, at *6 (Cal. Ct. App. Mar. 23, 2026), applied this principle in a public records case and should guide this Court. The *City of Fresno* court reaffirmed that "[i]t is a venerable principle that when a word or phrase appearing in a statute 'has a well-established *legal* meaning, it will be given that meaning in construing the statute.'" *Id*., 2026 WL 800559, at *6 (quoting *Brown v. Superior Ct.*, 63 Cal. 4th 335, 351 (2016)). "This has long been the law of California: 'The rule of construction of statutes is plain. Where they make use of words and phrases of a well-known and definite sense in the law, they are to be received and expounded in the same sense in the statute.'" *Id*., 2026 WL 800559, at *6 (quoting *Brown,* 63 Cal. 4th at 351). It then held that the Legislature's use of the term "great bodily injury" to describe disclosable public records in the Right to Know Act, Penal Code § 832.7(b)(1)(A)(ii), should be interpreted to carry the same broad meaning of that same term in another statute, Penal Code § 12022.7(f)(1). *Id*. 2026 WL 800559, at *6. (Where "the Legislature chose to use a term with a familiar and well-established legal meaning," the court "must conclude the Legislature's choice of term most accurately reflects its intent, … and 'presume the Legislature meant what it said.'" *Id.* (quoting *People v. Snook*, 16 Cal. 4th 1210, 1215 (1997)).

The same conclusion is required here. The term "statutory" in Government Code § 7922.530(a) was already well established to refer to state statutes enacted by the Legislature, and adding the word "fee" to "statutory" did not alter the meaning of "statutory." The Legislature was not required to add language to Government Code § 7922.530(a) excluding local laws because the meaning of the term "statutory" was already well established.

Second, the Court of Appeal's analysis in *Shippen* confirms that the County's interpretation of "statutory fee" is incorrect. Respondent contends that the "scope of the term [statutory fee] remained ambiguous and undefined" after *Shippen*. Opp. pp. 5, 7. Not so. The court *began* its opinion by observing that there was previously some "ambiguity surrounding the meaning of 'statutory *fee*.'" *Shippen*, 161 Cal. App. 3d at 1124. But the court concluded that the term "statutory fee" encompassed a series of state statutes enacted by the Legislature. The *Shippen* court stated that (1) the term "statutory fee" refers generally to California "[s]tatutes establishing fees in specific

monetary amounts" that specific government entities can charge and (2) the term "statutory fee" in the Public Records Act included Vehicle Code § 1811, which authorized the state Department of Motor Vehicles to charge "a statutory fee" that exceeded the costs of duplication for the DMV's public records. *Id*. at 1124-25.[1] As the court held, the Legislature necessarily "intended to maintain a consistent body of *statutes*" when it amended the CPRA to allow for "statutory fees" for public records. *Id*. at 1125 (emphasis added) (citation omitted).

In *Shippen*, the court did not contemplate whether *local governments* could enact their own local fee schedules for public records, but the County cites no cases that contradict the settled body of law establishing that the Legislature means what it says when it uses an established term of art such as "statute" or the reasoning of *Shippen*, which stated that the term "statutory fee" encompassed a series of state statutes. Accordingly, it is settled that a statutory fee under the Public Records Act must be one authorized by a statute adopted by the state Legislature. No statute adopted by the Legislature authorizes the $25 flat fee manufactured by the County, and therefore the County cannot deviate from the Public Records Act by charging more than the direct costs of duplicating the records at issue.

B. The California Constitution Also Requires the Court to Reject the County's Untenable Position

The County also fails to discuss a dispositive authority that governs this Court's statutory interpretation analysis: the California Constitution. "In CPRA matters, ... [the] approach to statutory interpretation is augmented by a constitutional imperative." *Sacramento Television Stations Inc. v. Superior Ct*., 111 Cal. App. 5th 984, 996 (2025) (citations and internal quotation marks omitted). "Proposition 59 amended the Constitution to provide, 'A statute, court rule, or other authority … shall be *broadly* construed if it furthers the people's right of access, and *narrowly* construed if it limits the right of access.'" *Id*. (quoting Cal. Const., art. I, § 3(b)(2) (italics added by court)). *See also Becerra v. Superior Ct.,* 44 Cal. App. 5th 897, 913-14 (2020) (construing CPRA and Penal Code 832.7(b)(1) to promote access to police records in possession of the state Department of

[1] In *Shippen*, the court analyzed Government Code § 6253(b) in the CPRA, which has been renumbered by the Legislature as Government Code § 7922.530(a).

Justice pursuant to Article I, § 3(b) of the California Constitution). If there were any doubt (and there is not) that the Public Records Act somehow allows the County to adopt "prohibitive" costs for public records simply by passing a resolution, "Article I, section 3 of the state Constitution favors an interpretation that avoids erecting such substantial financial barriers to access." *Nat'l Lawyers Guild*, 9 Cal. 5th at 507.

C. The County's Position, Not Petitioner's Position, Would Lead to an Absurd and Arbitrary Result

Nothing the County has argued can justify departing from the plain language of the Public Records Act and the Legislature's clear intent that a "statutory" fee means one authorized in a statute adopted by the Legislature. Indeed, it is the County's position that would lead to absurd results inconsistent with the essential purpose of the Public Records Act. If this Court agrees with the County's interpretation of "statutory fee," such a ruling would allow all local government bodies across the state to adopt their own fees for public records, likely in excess of the direct cost of duplication required by Government Code § 7922.530(a). Disregarding the literal reading of the statute is not permitted here.

A court "may disregard literal interpretation of a statute to avoid absurd results" only in "extreme cases," those "in which, as a matter of law, the Legislature did not intend the statute to have its literal effect." *Gorham Co., Inc. v. First Financial Ins. Co.* (2006) 139 Cal. App. 4th 1532, 1543–1544 (2006). "To justify departing from a literal reading of a clearly worded statute, the results produced must be so unreasonable [that] the Legislature could not have intended them." *In re D.B.*, 58 Cal. 4th 941, 948 (2014). "This exception should be used most sparingly by the judiciary and only in extreme cases [or] else we violate the separation of powers principle of government." *Unzueta v. Ocean View School Dist.*, 6 Cal. App. 4th 1689, 1698 (1992).

Here, a departure from the plain language of the term "statutory fee" and the *Shippen* decision would contradict the Legislature's intent and create an absurd result. There is no limiting principle to the County's position. If adopted, it would go far beyond autopsy reports to allow public agencies to make access to any public records prohibitively expensive for anyone but the wealthy. Allowing local government bodies to establish any fee they desire for public records

requests by passing a local resolution or ordinance would severely limit, if not destroy, affordable public access to public records and create an inconsistent patchwork of different fees charged by different agencies, contrary to the Legislature's intent to ensure statewide consistency in access to public records. *See Int'l Fed'n of Prof'l & Tech. Eng., Local 21 v. Superior Ct*., 42 Cal. 4th 319, 336 (2007) ("*Local 21*") ("The [Public Records] Act should apply in the same way to comparable records maintained by comparable governmental entities.").

Worse, it would invite local governments to erect "substantial financial barriers to access," *Nat'l Lawyers Guild*, 9 Cal. 5th at 507, to any records that their elected leaders would prefer to keep secret, frustrating the public's ability to use the Public Records Act and Article I, section 3(b) of the California Constitution to "verify accountability," which the California Supreme Court has recognized is "essential to the functioning of a democracy." *Local 21*, 42 Cal. 4th at 328.

The California Supreme Court has rejected multiple attempts to read statutes in ways that would have allowed public agencies to arbitrarily conceal records. *E.g.*, *City of San Jose v. Superior Ct.*, 2 Cal. 5th 608, 624 (2017) ("[T]here is no indication the Legislature meant to allow public officials to shield communications about official business simply by directing them through personal accounts. Such an expedient would gut the public's presumptive right of access."); *Commission on Peace Officer Standards and Training v. Superior Ct*., 42 Cal. 4th 278, 291 (2007) ("We consider it unlikely the Legislature intended to render documents confidential based on their location, rather than their content."). The County's strained reading of "statutory fee" in this case should be rejected for the same reasons.

II. The County Admits that Its $25 Fee Exceeds the Direct Cost of Duplication, Which Violates Government Code § 7922.530(a)

The County concedes, as it must, that its "$25 flat fee is not a direct cost of duplication" and is instead a "fee levied for purposes other than those related to the costs of duplication of the autopsy reports." Opp. p. 11. *See also* Declaration of Susan E. Seager, Ex. ¶ 17 & p.18 (citing county resolution stating the fees for public records "covers the cost of clerical staff to research and pull case paperwork, make copies, locate files in archives, and prepare documents for mailing"). The County contends that it is "practical to give counties the ability to charge [their own] fees for

particular documents because they are uniquely situated to determine the costs and burdens associated with producing records" and "the financial needs of its subsidiary departments" that produce public records. Opp. p. 10. The County is thereby violating Government Code § 7922.530(a)'s bar on government agencies charging more than the direct costs of duplication.

It is also violating the principle that local agencies may not inhibit access to public records in ways not allowed by the Legislature. *See* Government Code § 7922.505 ("*Except as otherwise prohibited by law*, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this division.") (emphasis added). The County finds no support in Government Code § 7922.630, because that provision goes only to procedures for access and does not authorize fees of any nature or amount. Gov't Code § 7922.630 ("Every agency may adopt regulations in accordance with this article stating the procedures to be followed when making its records available.").

The County makes a circular argument that it is not violating the bar on fees that exceed the "direct cost of duplication" for public records because the County is authorized to enact a $25 statutory fee. Opp. p. 11. But as discussed above, local governments cannot enact statutes. The County does not discuss, let alone distinguish, the cases holding that charging for staff time to search for public records violates Government Code § 7922.530(a). *See Nat'l Lawyers Guild*, 9 Cal. 5th at 493-94 ("any charge for the ancillary tasks necessarily associated with the retrieval, inspection, … handling," and redacting public records violates rule against charging more than direct costs of duplication) (citations and internal quotation marks omitted); *Los Angeles Unified Sch. Dist. v. Superior Ct.*, 151 Cal. App. 4th 759, 770 (2007) (government agencies are "mandated" by § 7922.530(a) to charge only "fees to cover duplication costs" of records and "will have to bear … expenditures in addition to the copying charges"); *N. Cnty. Parents Org. v. Dep't of Educ*., 23 Cal. App. 4th 144, 146 (1994) (agencies may not charge "for staff time involved in searching the records" produced to the public). Because the County does not have the authority to enact its own "statute," including its own "statutory" fees, the County is violating § 7922.530(a) by charging for staff time to search for the records and other tasks, which is more than the "direct cost of

duplication" of the autopsy reports.

III. The County Is Not Authorized to Adopt a Statutory Fee for Public Records Related to Police Incidents Under Penal Code § 832.7(b)(10)

The County does not dispute that its autopsy reports, which are public records related to police incidents, must be disclosed pursuant to The Right to Know Act, Penal Code § 832.7(b)(3). Opp. p. 12. The County also admits that Penal Code § 832.7(b)(10) provides that public records related to police incidents, including the autopsy reports requested by Petitioner, "are made available upon the payment of fees covering direct costs of duplication pursuant to" Government Code § 7922.530(a) and government agencies "shall not include the costs for searching, editing, or redacting the records." Opp. p. 12. The County contends, however, that it is permitted to charge its own $25 "statutory fee" untethered to direct copying costs for the autopsy reports because Penal Code § 832.7(b)(10) does not expressly bar statutory fees, and Government Code § 7922.530(a) therefore controls. Opp. pp. 12-13.

Even if the County is permitted to enact its own statutory fee for public records in general under Government Code § 7922.530(a) – which it is not – the County's position must still be rejected. Under the County's theory, Government Code § 7922.530(a) would conflict with Penal Code § 832.7(b)(10), but in that event, the County's position is still wrong because Penal Code § 832.7(b)(10) limits charges for the autopsy reports at issue to direct costs of duplication, even if the County could charge more for other public records.

In the event of conflict, Penal Code § 832.7(b)(10) controls this case because it is the more specific statute limiting government fees for disclosure of the autopsy reports at issue, unlike Government Code § 7922.530(a), which applies to public records in general. *See Salazar v. Eastin*, 9 Cal. 4th 836, 857 (1995) ("Under well-established principles of statutory interpretation, the more specific provision takes precedence over the more general one.") (citations omitted); *State Dept. of Public Health v. Superior Ct.*, 60 Cal. 4th 940, 961 (2015) (holding "Long-Term Care Act is the more specific statute" controlling disclosure of citations issued by Department of Public Health because of "detailed nature" of that statute's "discussion of DPH citations," while Lanterman Act "addresses the confidentiality of records" about "mentally ill and developmentally disabled

individuals at a high level of generality"); *Edais v. Superior Ct.*, 87 Cal. App. 5th 530, 542 (2023) ("To the extent Code of Civil Procedure section 129, subdivision (a) conflicts with CPRA-mandated disclosure, the provisions of Code of Civil Procedure section 129, subdivision (a) control…. Code of Civil Procedure section 129, subdivision (a) is more specific, in that it applies only to a coroner's photographs and videos of a decedent's body, whereas the CPRA governs public documents generally."). That rule applies here especially because Penal Code § 832.7(b)(10) was adopted more recently than Government Code § 7922.530(a). *See Woods v. Young*, 53 Cal. 3d 315, 324 (1991) (noting "the rule of statutory construction that a later, more specific statute controls over an earlier, general statute").

Because Penal Code § 832.7(b)(10) contains the more specific provision governing the fees that can be charged by government agencies for records of specific categories of police incidents under the CPRA, including the autopsy reports at issue, Penal Code § 832.7(b)(10) controls in the event of any conflict. And that statute expressly cites only *one* portion of Government Code § 7922.530(a) – the portion limiting government agencies to charging only the "direct costs of duplication" – and does not cite the portion allowing government agencies to charge a "statutory fee," regardless of who has authority to adopt such a fee. Therefore, even if the County could somehow adopt a "statutory fee" for copies of other public records, the Legislature did not intend to permit statutory fees for autopsy reports and other police incident records listed in Penal Code § 832.7(b)(3), fees for which are expressly limited by Penal Code § 832.7(b)(10).

To the extent the County has concerns about the cost burdens imposed by record requests, the CPRA "does provide various solutions to ease those burdens," such as appropriately invoking the catch-all "public interest" exemption for "requests that place undue burdens on an agency" or working with requesters to "reduce practical barriers to agency compliance." *Nat'l Lawyers Guild*, 9 Cal. 5th at 507-08 (citing Gov't Code §§ 6253.1(a)(3), 6255(a) (now §§ 7922.600, 7922.000)). Agencies may also make frequently requested records available online, as, for example, law enforcement agencies have done for records subject to S.B. 1421. Gov't Code 7922.545(a) (agency may comply with CPRA "by posting any public record on its internet website and, in response to a

request for a public record posted on the internet website, directing a member of the public to the location on the internet website where the public record is posted").

CONCLUSION

The Third District Court of Appeal construed Government Code § 7922.530(a)'s term "statutory fee" in *Shippen* to refer to Vehicle Code § 1811, a state statute that authorized the state DMV to charge fees that exceeded the cost of copying DMV public records. Settled principles confirm that when the Legislature uses a term of art such as "statute" that excludes local laws such as local resolutions, it means the same thing in the Public Records Act. Since the County cannot enact a state statute, the County's $25 flat fee for each autopsy report violates Government Code § 7922.530(a) because the County admits the fee includes more than the direct cost of duplication. Even if the County could manufacture a "statutory fee" of more than direct costs of duplication for other records, the County's $25 flat fee still violates Penal Code § 832.7(b)(10), which controls this case in the event of any conflict and limits charges for the autopsy reports at issue to direct costs of duplication. Petitioner therefore respectfully requests the Court to grant its motion, issue a writ of mandate, and enter judgment in its favor, and order Respondent County of San Joaquin to produce the 34 requested autopsy reports, in electronic format if they are so available, and charge only the direct costs of duplication.

DATED: April 9, 2026

UNIVERSITY OF CALIFORNIA, IRVINE
SCHOOL OF LAW
PRESS FREEDOM PROJECT
INTELLECTUAL, ARTS, AND TECH CLINIC
Susan E. Seager
Jack I. Lerner

By: */s/ Susan E. Seager*
Susan E. Seager

FIRST AMENDMENT COALITION
David Loy
Aaron Field

By: */s/ David Loy*
David Loy

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 Orange, State of California. My business address is UC Irvine School of Law, P.O. Box 5479, Irvine, CA 92616-5479

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- **PETITIONER'S REPLY IN SUPPORT OF MOTION FOR JUDGMENT**
- **PROOF OF SERVICE**

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Executed on April 9, 2026 at Pasadena, California.

/s/ Susan E. Seager
Susan E. Seager

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

Ronald J. Scholar, Esq.
Tyler J. Sherman, Esq.
COLE HUBER LLP
2281 Lava Ridge Court, Suite 300
Roseville, CA 95661
Tel: (916) 780-9009
Fax: (916) 780-9050
Email: rscholar@colehuber.com
tsherman@colehuber.com

Attorneys for Respondent
COUNTY OF SAN JOAQUIN

David Loy, Esq.
Aaron R. Field, Esq.
FIRST AMENDMENT COALITION
534 4TH Street, Suite B
San Rafael, CA 94901-3334
Tel: (415) 460-5060
Email: dloy@firstamendmentcoalition.org
afield@firstamendmentcoalition.org

Attorneys for Petitioner
INVESTIGATIVE REPORTING PROGRAM