

No. A157998

COURT OF APPEAL, STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

BECERRA, et al.,
Petitioner,

v.

**SUPERIOR COURT FOR THE CITY AND COUNTY OF
SAN FRANCISCO**
Respondent,

FIRST AMENDMENT COALITION AND KQED INC.,
Real Parties in Interest.

APPEAL FROM THE SUPERIOR COURT FOR
THE COUNTY OF SAN FRANCISCO
Hon. Richard B. Ulmer, (415) 551-3846
Superior Court No. CPF-19-516545

**APPLICATION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF AND
PROPOSED *AMICI* BRIEF OF THE REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS AND 35 MEDIA
ORGANIZATIONS IN SUPPORT OF REAL PARTIES IN
INTEREST**

*Katie Townsend (SBN 254321)

**Counsel of Record*

Bruce D. Brown**

Adam A. Marshall**

Daniel J. Jeon**

Reporters Committee for

Freedom of the Press

1156 15th Street NW, Suite 1020

Washington, D.C. 20005

Telephone: (202) 795-9300

Facsimile: (202) 795-9310

ktownsend@rcfp.org

** *Of counsel*

Document received by the CA 1st District Court of Appeal.

APPLICATION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF
TO THE HONORABLE PRESIDING JUSTICE AND ASSOCIATE
JUSTICES OF THE SECOND APPELLATE DISTRICT, DIVISION
EIGHT:

Pursuant to California Rule of Court 8.200(c), the Reporters Committee for Freedom of the Press, The Associated Press, California News Publishers Association, Californians Aware, The E.W. Scripps Company, Embarcadero Media, First Look Media Works, Inc., Foundation for National Progress, dba Mother Jones, Fox Television Stations, LLC, Gannett Co., Inc., Hearst Corporation, Institute for Nonprofit News, International Documentary Assn., Investigative Reporting Workshop at American University, Investigative Studios, KBCW-TV, KCAL-TV, KCBS-TV, KMAX-TV, KOVR-TV, KPIX-TV, Los Angeles Times Communications LLC, The McClatchy Company, The Media Institute, MediaNews Group Inc., MPA – The Association of Magazine Media, National Press Club Journalism Institute, National Press Photographers Association, Online News Association, ProPublica, Radio Television Digital News Association, Reveal from The Center for Investigative Reporting, The San Diego Union-Tribune LLC, Society of Professional Journalists, Tully Center for Free Speech, VICE Media (collectively, “*amici*”) respectfully request leave to file the attached brief as *amici curiae*

Document received by the CA 1st District Court of Appeal.

in support of Parties in Real Interest First Amendment Coalition and KQED Inc. *Amici* are news media organizations and organizations who advocate on behalf of journalists and the press. Lead *amicus* the Reporters Committee for Freedom of the Press has appeared as *amicus curiae* in cases involving access to public records under state and federal law in courts across the country, including in California, as have many of the other *amici*. (See, e.g., *National Lawyers Guild v. City of Hayward* (2018) 27 Cal.App.5th 937 [238 Cal.Rptr.3d 505]; *Food Media Inst. v. Argus Leader Media* (2019) 139 S. Ct. 2356; *ACLU v. CIA* (2d Cir. 2018) No. 18-2265, ECF No. 80.)

INTEREST OF *AMICI CURIAE*

As members and representatives of the news media, *amici* frequently rely on public records requests to gather information and keep the public informed about how the government is conducting the people’s business. Accordingly, *amici* have a strong interest in ensuring that the provisions of the California Public Records Act (“CPRA” or the “Act”) are interpreted and applied in a manner that facilitates prompt public access to government information.

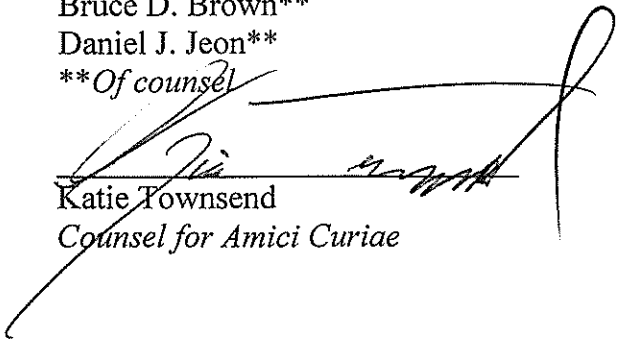
Since S.B. 1421 took effect, police departments across California have resisted public access to records that must be disclosed under its new provisions. Although the law makes clear that records relating to instances of firearm discharges, uses of force, or sustained findings of misconduct

must be disclosed to the public pursuant to the CPRA, agencies have failed to comply with its mandate. The Attorney General's approach in this case continues that unfortunate trend by arguing, erroneously, that the disclosure provisions of the new law are limited only to records of an agency's own employees. That position does not comport with the statute's plain text and undermines the statute's intent to counteract decades of government secrecy. The public interest in these records cannot be overstated; in less than a year since the statute took effect, reporters and newsmedia organizations across the state have provided invaluable reporting on how law enforcement departments discipline employees, as well as the prevalence, or absence, of misconduct.

For these reasons, discussed in more detail in the attached brief, *amici* agree with the First Amendment Coalition and KQED Inc., that this Court should reject the Attorney General's extraordinary writ. *Amici* respectfully request that the Court accept and file the attached *amici* brief. No party or counsel for any party, other than counsel for *amici*, authored this brief in whole or in part or funded its preparation.

Dated: September 18, 2019

Respectfully submitted,
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
Katie Townsend (SBN 254321)
Bruce D. Brown**
Daniel J. Jeon**
***Of counsel*



Katie Townsend
Counsel for Amici Curiae

Document received by the CA 1st District Court of Appeal.

No. A157998

COURT OF APPEAL, STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

BECERRA, et al.,
Petitioner,

v.

**SUPERIOR COURT FOR THE CITY AND COUNTY FOR
SAN FRANCISCO,**
Respondent,

FIRST AMENDMENT COALITION AND KQED INC.,
Real Parties in Interest.

APPEAL FROM
THE SUPERIOR COURT OF THE COUNTY OF SAN FRANCISCO
Hon. Richard B. Ulmer, (415) 551-3846
Superior Court No. CPF-19-516545

**AMICI BRIEF OF THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS AND 35 MEDIA ORGANIZATIONS IN
SUPPORT OF REAL PARTIES IN INTEREST**

*Katie Townsend (SBN 254321)

**Counsel of Record*

Bruce D. Brown**

Adam A. Marshall**

Daniel J. Jeon**

Reporters Committee for

Freedom of the Press

1156 15th Street NW, Suite 1020

Washington, D.C. 20005

Telephone: (202) 795-9300

Facsimile: (202) 795-9310

ktownsend@rcfp.org

** *Of counsel*

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rule of Court 8.208(e)(1) and (2), *amici* by and through their undersigned counsel, certify that the following entities or persons have either (1) an ownership interest of 10 percent or more in the party or parties filing this certificate or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves:

The Reporters Committee for Freedom of the Press is an unincorporated association of reporters and editors with no parent corporation or stock.

The Associated Press is a global news agency organized as a mutual news cooperative under the New York Not-For-Profit Corporation law. It is not publicly traded.

California News Publishers Association ("CNPA") is a mutual benefit corporation organized under state law for the purpose of promoting and preserving the newspaper industry in California. No entity or person has an ownership interest of ten percent or more in CNPA.

Californians Aware is a nonprofit organization with no parent corporation and no stock.

KCBS-TV and KCAL-TV, Los Angeles, California, KPIX-TV and KBCW-TV, San Francisco, California and KMAX-TV and KOVR-TV, Sacramento, California are operated by CBS Television Stations, a business

unit of CBS Broadcasting Inc. CBS Broadcasting Inc. is an indirect wholly owned subsidiary of CBS Corporation. CBS Corporation is a publicly traded company. National Amusements, Inc., a privately held company, beneficially owns the majority of the Class A voting stock of CBS Corporation. CBS Corporation is not aware of any other ownership of the Class A voting stock of CBS Corporation in the amount of 10% or more.

The E.W. Scripps Company is a publicly traded company with no parent company. No individual stockholder owns more than 10% of its stock.

First Look Media Works, Inc. is a non-profit non-stock corporation organized under the laws of Delaware. No publicly-held corporation holds an interest of 10% or more in First Look Media Works, Inc.

The Foundation for National Progress is a non-profit, public benefit corporation. It has no publicly-held shares.

Fox Television Stations, LLC is an indirect subsidiary of Twenty-First Century Fox, Inc., a publicly held company. No other publicly held company owns 10% or more of Twenty-First Century Fox, Inc. stock.

Gannett Co., Inc. is a publicly traded company and has no affiliates or subsidiaries that are publicly owned. BlackRock, Inc., a publicly traded company, owns 10 percent or more of Gannett's stock.

Hearst Corporation is privately held and no publicly held corporation owns 10% or more of Hearst Corporation.

The Institute for Nonprofit News is a 501(c)(3) non-stock corporation with no parent corporation.

The International Documentary Association is an not-for-profit organization with no parent corporation and no stock.

The Investigative Reporting Workshop is a privately funded, nonprofit news organization affiliated with the American University School of Communication in Washington. It issues no stock.

Investigative Studios, Inc. is a nonprofit corporation formally affiliated with the University of California, Berkeley. It has no statutory members and no stock.

Los Angeles Times Communications LLC is wholly owned by NantMedia Holdings, LLC.

The McClatchy Company is publicly traded on the New York Stock Exchange American under the ticker symbol MNI. Chatham Asset Management, LLC and Royce & Associates, LP both own 10% or more of the common stock of The McClatchy Company.

The Media Institute is a 501(c)(3) non-stock corporation with no parent corporation.

MediaNews Group Inc. is a privately held company. No publicly-held company owns ten percent or more of its equity interests.

MPA – The Association of Magazine Media has no parent companies, and no publicly held company owns more than 10% of its stock.

The National Press Club Journalism Institute is a not-for-profit corporation that has no parent company and issues no stock.

National Press Photographers Association is a 501(c)(6) nonprofit organization with no parent company. It issues no stock and does not own any of the party's or amicus' stock.

Online News Association is a not-for-profit organization. It has no parent corporation, and no publicly traded corporation owns 10% or more of its stock.

Pro Publica, Inc. (“ProPublica”) is a Delaware nonprofit corporation that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. It has no statutory members and no stock.

Radio Television Digital News Association is a nonprofit organization that has no parent company and issues no stock.

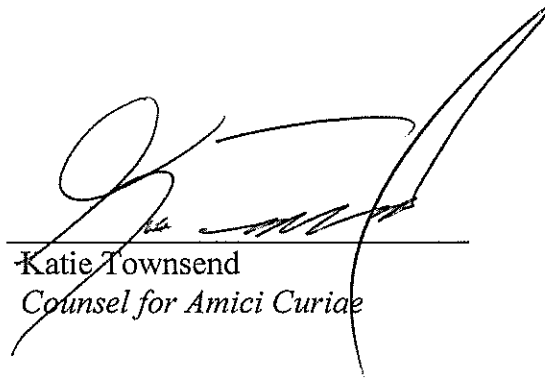
Reveal from The Center for Investigative Reporting is a California non-profit public benefit corporation that is tax-exempt under section 501(c)(3) of the Internal Revenue Code. It has no statutory members and no stock.

Society of Professional Journalists is a non-stock corporation with no parent company.

The Tully Center for Free Speech is a subsidiary of Syracuse University.

VICE Media LLC is a wholly-owned subsidiary of Vice Holding Inc., which is a wholly-owned subsidiary of Vice Group Holding Inc. The Walt Disney Company is the only publicly held corporation that owns 10% or more of Vice Group Holding Inc.'s stock.

Dated: September 18, 2019



Katie Townsend
Counsel for Amici Curiae

Document received by the CA 1st District Court of Appeal.

TABLE OF CONTENTS

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS2
TABLE OF CONTENTS8
TABLE OF AUTHORITIES9
INTRODUCTION..... 11
ARGUMENT 12
I. Courts must interpret the CPRA to ensure public access and government transparency; S.B. 1421 should similarly be read in favor of access. ... 12
II. The public interest in disclosure overwhelmingly outweighs the public interest in nondisclosure. 17
CONCLUSION24
CERTIFICATE OF WORD COUNT25
APPENDIX A: DESCRIPTION OF AMICI26
APPENDIX B: ADDITIONAL COUNSEL36
PROOF OF SERVICE40

TABLE OF AUTHORITIES

Cases

<i>Am. Civil Liberties Union of Or. v. City of Eugene</i> (Or. 2016) 360 Or. 269	19
<i>Am. Civil Liberties Union v. N.J. Div. of Crim. Justice</i> (N.J. Super. Ct. App. Div. 2008) 435 N.J. Super. 533	19
<i>American Civil Liberties Union Foundation v. Deukmejian</i> (1982) 32 Cal.3d 440.....	19, 20
<i>Briggs v. Eden Council for Hope & Opportunity</i> (1999) 19 Cal.4th 1106.....	16
<i>Comm’n on Peace Officer Standards & Training v. Superior Court</i> (2007) 42 Cal.4th 278.....	18, 21
<i>Coronado Police Officer’s Ass’n v. Carroll</i> (2003) 106 Cal.App.4th 1001	19
<i>County of Santa Clara v. Superior Court</i> (2009) 170 Cal. App. 4th 1301.....	18
<i>Ennabe v. Manosa</i> (2014) 58 Cal.4th 697.....	16, 17
<i>Estate of Griswold</i> (2001) 25 Cal.4th 904.....	17
<i>Fredericks v. Superior Court</i> (2015) 233 Cal.App.4th 209	13
<i>Int’l Fed’n of Prof’l & Tech. Eng’rs, Local 21, AFL-CIO v. Superior Court</i> (2007) 42 Cal.4th 319.....	12
<i>Michaelis, Montanari & Johnson v. Superior Court</i> (2006) 38 Cal.4th 1065.....	13
<i>Multi Ag Media LLC v. Dep’t of Agric.</i> (D.C. Cir. 2008) 515 F.3d 1224	13
<i>Rental Housing Ass’n of Puget Sound v. City of Des Moines</i> (Wash. 2009) 165 Wash.2d 525	19
<i>Weaver v. Superior Court</i> (2014) 224 Cal.App.4th 746	18
Constitutional Provisions & Statutes	
2018 Cal. Legis. Serv. Ch. 988 (S.B. 1421) § 1(b)	14
Cal. Const., art. I, § 3, subd. (b)(2).....	13, 17
Gov. Code § 6250.....	11
Gov. Code § 6255.....	17
Pen. Code § 832.7(a)	16
Pen. Code § 832.7(b).....	15, 16
Pen. Code § 832.7(b)(1)	11, 15

Other Authorities

- Ben Poston & Maya Lau, *Previously Secret LAPD Discipline Records Reveal Lying, Sexual Misconduct by Officers*, L.A. Times (Mar. 12, 2019), <https://perma.cc/SQ77-BMZ4>.....22
- Ben Poston, *Author of California Police Transparency Law Says It Was Meant to Open Up Past Records*, L.A. Times (Feb. 3, 2019), <https://perma.cc/GHD9-6N36>.....24
- Courtney Teague, *Napa County Law Enforcement Records Reveal 1 Case of Serious Misconduct in Past Decade*, Napa Valley Register (Apr. 29, 2019), <https://perma.cc/LF9M-4MPP>23
- D. Victoria Baranetsky, *Data Journalism & the Law*, Columbia J. Rev. (Sept. 19, 2018), <https://perma.cc/7AMX-PUFN>21
- Darwin Bondgraham, *Records Reveal Theft & Lies by the Head of an Elite California Drug Task Force*, Fast Company (May 30, 2019), <https://perma.cc/YM4Q-N2MH>23
- Julie Small, *Records Show Bay Area Prison Guard Fired for Lying About Teen Sex Assault*, Mercury News (Aug. 30, 2019), <https://perma.cc/2AY8-H3CG>21
- Liam Dillon & Maya Lau, *Gov. Jerry Brown Signs Landmark Laws that Unwind Decades of Secrecy Surrounding Police Misconduct, Use of Force*, L.A. Times (Sept. 30, 2018, 6:05 PM), <https://perma.cc/HTG3-YQWB>..... 11
- Liam Dillon, *Must Reads: Here’s How California Became the Most Secretive State on Police Misconduct*, L.A. Times (Aug. 15, 2018), <https://perma.cc/L4VJ-BJDF> 14
- Matthias Gafni, Megan Cassidy & Joaquin Palomino, *Two Santa Clara County Jail Officers Fired After Unnecessary Force, Coverup, New Records Reveal*, San Francisco Chronicle (Mar. 29, 2019), <https://perma.cc/M5DK-ARP8>23
- Senator Nancy Skinner, *California Lifts Secrecy on Law Enforcement Records with Governor’s Signature on Senator Nancy Skinner’s SB 1421*, Cal. Senate (Sept. 30, 2018), <https://perma.cc/K4X2-ZLTQ>..... 14
- Sukey Lewis & Julie Small, *Former San Jose State Cop Fired for Excessive Force Won Job Back on Appeal*, KQED News (July 3, 2019), <https://perma.cc/72XR-A25E>.....22, 23
- Thomas Peele *et al.*, *Oakland Releases Partial Records From Celeste Guap Sex Scandal*, Mercury News (June 26, 2019), <https://perma.cc/BDK8-L9F9>.....22

INTRODUCTION

In 2018, Governor Brown signed two bills that drastically increased the information available to the public under the California Public Records Act. (Gov. Code § 6250, *et seq.* (“CPRA” or “the Act”).) Senate Bill 1421 (“S.B. 1421”) and Assembly Bill 748 (“A.B. 748”) grant public access to agency records of misconduct and uses of force, ending decades of law enforcement secrecy that had left California an extreme outlier in the nation. (*See* Liam Dillon & Maya Lau, *Gov. Jerry Brown Signs Landmark Laws that Unwind Decades of Secrecy Surrounding Police Misconduct, Use of Force*, L.A. Times (Sept. 30, 2018, 6:05 PM), <https://perma.cc/HTG3-YQWB>.)

S.B. 1421, which took effect this year, requires all “records maintained by *any* state or local agency” relating to, among other things, the discharge of a firearm at a person by a law enforcement officer or sustained findings of dishonesty or sexual misconduct, to be made public. (*See* Pen. Code § 832.7(b)(1) (emphasis added).) Despite this unambiguous mandate, the Attorney General and the Department of Justice (collectively, the “Department”) have sought a writ to prevent the disclosure of records on the unsupported theory that records within their possession need not be disclosed because they relate to another agency’s employee.

As members of and representatives of news media organizations who frequently rely on public records laws, including the CPRA, to gather

news and inform the public,¹ *amici* agree with Real Parties in Interest First Amendment Coalition and KQED that this Court should deny the Department’s petition. The Department’s interpretation of the CPRA and S.B. 1421 disregards the plain text and purpose of the statutes and undermines the public’s interest in understanding how government agencies conduct the people’s business. S.B. 1421 intended to open specific law enforcement records kept secret for decades. To permit the State’s chief law enforcement agency to keep such records secret—notwithstanding that they are readily within its possession—would fundamentally undermine the pro-transparency statutory scheme set out by the Legislature. Accordingly, *amici* urge this Court to deny the petition.

ARGUMENT

I. Courts must interpret the CPRA to ensure public access and government transparency; S.B. 1421 should similarly be read in favor of access.

California courts have long recognized that “[o]penness in government is essential to the functioning of a democracy,” and that “access permits checks against the arbitrary exercise of official power and secrecy in the political process.” (*Int’l Fed’n of Prof’l & Tech. Eng’rs, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 328–29)

¹ A full description of *amici* is provided in Appendix A.

(citation omitted).) Public records laws like the CPRA and the federal Freedom of Information Act, which further that goal, must generally be construed with an eye toward disclosure. (See *Multi Ag Media LLC v. Dep't of Agric.* (D.C. Cir. 2008) 515 F.3d 1224, 1227 (“At all times, courts must bear in mind that FOIA mandates a strong presumption in favor of disclosure.” (citations and quotation marks omitted)); *Michaelis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, 1076 (“Federal statutes and cases implementing or interpreting the federal Freedom of Information Act (FOIA) are instructive because the California Act is modeled on the FOIA.”); Cal. Const., art. I, § 3, subd. (b)(2).) The CPRA “generally presumes that *all documents maintained by a public entity* are subject to disclosure to any member of the public.” (*Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 223 (emphasis added); see also Plaintiffs’ Opposition to Petition for Writ of Mandate at 7–10.) The right of access to public records is also enshrined in the California Constitution, which further requires statutes to be broadly construed if they further the people’s right of access, and narrowly construed if they limit access. (Cal. Const., art. I, § 3, subd. (b)(2).)

Notwithstanding the fundamental importance of open government recognized in California, until recently its law severely limited access to many types of law enforcement records. (See Liam Dillon, *Must Reads: Here’s How California Became the Most Secretive State on Police*

Misconduct, L.A. Times (Aug. 15, 2018), <https://perma.cc/L4VJ-BJDF> (noting that only three states limit access to records of sustained police discipline and only California denies prosecutors access to those records.) In 2018, the Legislature sought to change that by passing S.B. 1421 to ensure public access to “*all . . . serious police misconduct*” as well as “*officer-involved shootings and other serious uses of force.*” (2018 Cal. Legis. Serv. Ch. 988 (S.B. 1421) § 1(b) (emphasis added).) Senator Nancy Skinner, S.B. 1421’s author, noted in a press release that S.B. 1421 restores the “public’s ability to monitor law enforcement agencies regarding the conduct of their officers” and that the bill “lifts decades of secrecy and provides the transparency so necessary to build trust and keep our communities safe.” (Senator Nancy Skinner, *California Lifts Secrecy on Law Enforcement Records with Governor’s Signature on Senator Nancy Skinner’s SB 1421*, Cal. Senate (Sept. 30, 2018), <https://perma.cc/K4X2-ZLTQ>.)

Despite S.B. 1421’s clear transparency mandate, the Department’s petition in this matter seeks to dramatically limit the statute’s scope to only require an agency to disclose information about its own employees. (*See Memorandum of Points & Authorities at 32.*) The statute’s plain text, however, simply does not have such a limitation. Penal Code Section 832.7(b)(1) clearly states that certain “peace officer or custodial officer personnel records *and* records maintained by *any* state or local agency . . .

shall be made available for public inspection.” (Pen. Code § 832.7(b)(1) (emphasis added).)

The Department attempts to avoid this plain language by pointing to other statutory provisions. (Memorandum of Points & Authorities at 28–29.) It argues, for example, that Section 832.7(b)(1) refers to “personnel records,” which are defined in reference to an employing agency in Pen. Code § 832.8. (*Id.*) But such argument discounts key words in the statute—even if “personnel records” is defined elsewhere, Section 832.7(b)(1) makes clear that in addition to “personnel records” any agency must *also* disclose all “records” that are “maintained” by that agency. (*See* Pen. Code § 832.7(b)(1) (emphasis added); Ex. 24, Writ of Mandate Ordering Defendants to Disclose Documents, at 555 (explaining the statute’s plain text requires disclosure).) In other words, the Legislature made clear that the new disclosure requirements apply regardless of the origins of a record; as long as any agency maintains it, and it qualifies as the type of record set forth in the statute, it must be released.

The Department also argues that because Penal Code Section 832.7(a) refers to Penal Code Section 832.5, Section 832.7(b) must be read with the same reference, notwithstanding that the latter simply makes no reference to Section 832.5. (*Compare* Memorandum of Points & Authorities at 29 *with* Pen. Code § 832.7(b).) Penal Code Section 832.7 subdivision (a) reads:

Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential

(Pen. Code § 832.7(a) (emphasis added).) In contrast, subdivision (b) reads:

Notwithstanding subdivision (a), . . . the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential

(Pen. Code § 832.7(b) (emphasis added).) Under well-established rules of statutory interpretation, when “different words or phrases are used in the same connection in different parts of a statute, it is presumed that the Legislature intended a different meaning.” (*Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1117.) Moreover, when the statute’s language is not ambiguous, “the plain meaning controls and resort to extrinsic sources to determine the Legislature’s intent is unnecessary.” (*Ennabe v. Manosa* (2014) 58 Cal.4th 697, 713.)

The Legislature clearly chose to expand the scope of records open to disclosure by removing the Section 832.5 qualifier in subsection (b). Though the Department argues that the Legislature intended subdivision (b) to be a limitation to subdivision (a), they fail to address how that could be the case when subdivision (b) encompasses different material. (See Pen. Code § 832.7(b) (excluding subdivision (a)’s references to Section 832.5

and “information obtained from these records”); Reply Supporting Petition at 12.) Indeed, if the Legislature wanted subdivision (b) to limit subdivision (a), it would do so explicitly; subdivision (b)’s clear text should not be replaced by the Department’s contorted reading. (*See Ennabe*, Cal.4th at 713; Plaintiffs’ Opposition to Petition for Writ of Mandate at 14–15.) The trial court appropriately read the plain text of subsection (b), which includes no reference to Section 832.5, to include all records maintained by an agency.

Even if the statute is ambiguous as to whether it includes limitations that are not in its plain text—which it is not—the California Constitution specifically mandates that statutes be “broadly construed” in favor of public access. (Cal. Const., art. I, § 3, subd. (b)(2).) Moreover, ambiguity must be read “with a view to promoting rather than defeating the general purpose of the statute.” (*Estate of Griswold* (2001) 25 Cal.4th 904, 911.) Accordingly, any ambiguity in S.B. 1421 should be resolved in favor of expanded public access to law enforcement records.

II. The public interest in disclosure overwhelmingly outweighs the public interest in nondisclosure.

The Department’s invocation of Government Code Section 6255 in an attempt to deny access to records because it is purportedly burdensome to provide them fails. (*See* Gov. Code § 6255 (allowing agencies to withhold records if the public interest in nondisclosure “clearly outweighs”

the interest in disclosure).) Even assuming, *arguendo*, that the provision applies at all,² the Department’s argument—in essence that nondisclosure is appropriate because the public seeks *too much* transparency from its law enforcement agencies—is anathema to the CPRA, which exists for the public to properly understand its government, particularly when the records directly relate to critical government functions. (*County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1324.) The fair administration of core government functions can outweigh “any countervailing interest that the [government] could assert.” (*See Weaver v. Superior Court* (2014) 224 Cal.App.4th 746, 752 (regarding records related to death penalty administration).) And as the California Supreme Court has noted, law enforcement officers “hold one of the most powerful positions in our society; our dependence on them is high and the potential for abuse of power is far from insignificant.” (*Comm’n on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 299 (citation omitted).)

Courts in other jurisdictions have rejected interpretations of public records laws that would limit “opportunit[ies] to determine whether those who have been entrusted with the affairs of government are honestly,

² *Amici* agree with Parties in Real Interest that S.B. 1421 provides specific exemptions as to what may withheld, and consequently the CPRA’s general catch-all exemption does not apply. (*See* Plaintiffs’ Opposition to Petition for Writ of Mandate at 24–25, 30–35.)

faithfully and competently performing their function as public servants.”
(*Am. Civil Liberties Union of Or. v. City of Eugene* (Or. 2016) 360 Or. 269, 280 (citation omitted).) Indeed, even when public records laws impose administrative burdens on an agency, “[a]dministrative inconvenience or difficulty does not excuse strict compliance” with the law. (*Rental Housing Ass’n of Puget Sound v. City of Des Moines* (Wash. 2009) 165 Wash.2d 525, 535; see also *Am. Civil Liberties Union v. N.J. Div. of Crim. Justice* (N.J. Super. Ct. App. Div. 2008) 435 N.J. Super. 533, 541 (holding that requiring requesters to submit multiple requests for the same record would “impose[] a bureaucratic hurdle that runs counter to our State’s strong public policy favoring ‘the prompt disclosure of government records’” (citation omitted).)

Moreover, under Section 6255 the government bears the burden of showing that nondisclosure “clearly outweighs” the public’s interest in disclosure. (*Coronado Police Officer’s Ass’n v. Carroll* (2003) 106 Cal.App.4th 1001, 1012 (noting the focus is on the public’s interest in disclosure, not on the individual requester’s).) Here, the Department *only* addresses the purported burden of disclosure, discounting the immense public benefit that would result from release of these records, and accordingly its reliance on *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, is misplaced. In that case, the requesting party sought index cards and computer printouts from the

Department of Justice to learn more about how the Department had inappropriately listed certain individuals as criminal associates. (*Id.* at 444.) The Court explained that the redactions of the requested index cards would “defeat [the requester’s] efforts to learn if any person is listed on the basis of inaccurate or unsubstantiated rumor,” and consequently nondisclosure was appropriate because the requester’s utility in receiving redacted records would be minimal. (*Id.* at 453–54.) Conversely, the Department *was* required to disclose the printouts because “weighing the burden of segregation against the benefit of disclosure . . . the balance tips in favor of disclos[ure].” (*Id.* at 454.)

In contrast to *Deukmejian*, the public’s utility in receiving records about law enforcement’s use of force and misconduct across California is immeasurable for several reasons. First, as Real Parties in Interest note, there is no guarantee that a local agency will have the same records as the Department, or any records at all. (Plaintiffs’ Opposition to Petition for Writ of Mandate at 23.)

Second, it is not practical to require the public, seeking to better understand how the State generally is conducting the people’s business, to individually ask each department for records when one agency—the Department—maintains records from across the state. Indeed, the California Supreme Court has previously noted that an agency within the Department of Justice “maintained” records identifying the name and

employing department of law enforcement officials from other agencies across the state. (*Comm'n on Peace Officer Standards & Training*, 42 Cal.4th at 284, 289 (rejecting the Government's interpretation of Penal Code Section 832.7 and 832.8.) In an era where journalists routinely use large datasets to reveal patterns and trends, it is imperative for the people to have access to public records maintained by their agencies. (*See D. Victoria Baranetsky, Data Journalism & the Law*, Columbia J. Rev. (Sept. 19, 2018), <https://perma.cc/7AMX-PUFN>.)

Third, although less than a year has passed since S.B. 1421 went into effect, it is abundantly clear that it has enabled important reporting on matters of the highest importance. For instance, records released under the Act revealed that a guard at the California Medical Facility in Vacaville told a 16-year-old girl who lived in an abusive home that he was a prison guard and could protect her. (*Julie Small, Records Show Bay Area Prison Guard Fired for Lying About Teen Sex Assault*, Mercury News (Aug. 30, 2019), <https://perma.cc/2AY8-H3CG>.) She later stayed at the officer's home and they engaged in numerous sexual acts. (*Id.* (noting she sought to press rape charges).) The department fired the guard for lying to investigating police officers about his relationship with the girl. (*Id.* (quoting the officer said he was "horrified" that this might affect his job).) Records have revealed similar incidents across the state. (*See, e.g., Ben Poston & Maya Lau, Previously Secret LAPD Discipline Records Reveal*

Lying, Sexual Misconduct by Officers, L.A. Times (Mar. 12, 2019), <https://perma.cc/SQ77-BMZ4> (reporting that newly released records reveal that an LAPD officer who sent a nude photo from his work cellphone to a woman he met while on duty had been let go); Thomas Peele *et al.*, *Oakland Releases Partial Records From Celeste Guap Sex Scandal*, Mercury News (June 26, 2019), <https://perma.cc/BDK8-L9F9>.)

The CPRA’s new transparency requirements have also given the public new insight into how law enforcement departments discipline and investigate claims of misconduct. For instance, when a man did not provide his name or birthday, a San Jose State University police officer Tased, kned, and hit a him with a baton, leading to broken ribs, collapsed lungs, and cuts on his face and head. (Sukey Lewis & Julie Small, *Former San Jose State Cop Fired for Excessive Force Won Job Back on Appeal*, KQED News (July 3, 2019), <https://perma.cc/72XR-A25E>.) The university fired the officer, but the officer, supported by his police department, won his appeal and was reinstated. (*Id.* (noting he resigned on his first day back and is now working at a different law enforcement agency).) Newly released records reveal that the findings of the university’s internal investigation directly conflicted with the police department’s position that the officer had followed protocol, and show that the university pushed to keep the officer terminated, calling the incident “an egregious example of

excessive force that left a public library patron with severe and pervasive injuries.” (*Id.*)

Other records requests have revealed how law enforcement entities conduct internal investigations or discipline employees who have abused their position. (*See, e.g.,* Matthias Gafni, Megan Cassidy & Joaquin Palomino, *Two Santa Clara County Jail Officers Fired After Unnecessary Force, Coverup, New Records Reveal*, San Francisco Chronicle (Mar. 29, 2019), <https://perma.cc/M5DK-ARP8> (reporting that two Santa Clara County corrections officers were fired after an internal investigation found that they lied about how they had choked and stepped on an inmate); Darwin Bondgraham, *Records Reveal Theft & Lies by the Head of an Elite California Drug Task Force*, Fast Company (May 30, 2019), <https://perma.cc/YM4Q-N2MH> (noting that, for years, a Department of Justice narcotics commander had been stealing from work sites and once suggested replacing evidence).)

Records requests can also show that some police agencies have comparatively little, if any, misconduct. For example, records revealed that Napa Valley law enforcement agencies—collectively—have a *single* report of serious conduct, where an officer lied on the job. (Courtney Teague, *Napa County Law Enforcement Records Reveal 1 Case of Serious Misconduct in Past Decade*, Napa Valley Register (Apr. 29, 2019), <https://perma.cc/LF9M-4MPP>.) Access to all reports of officer misconduct

or firearm incidents are critical to build public trust in local law enforcement agencies to expose misconduct.

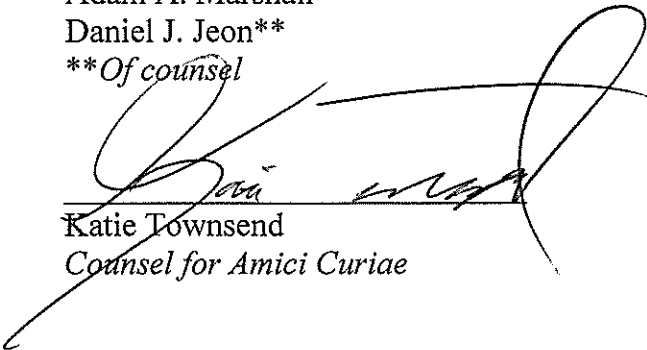
These examples provide only a small snapshot of the incredible breadth of recent reporting about law enforcement agencies in California that previously provided little to no information of this kind to the public. (See Ben Poston, *Author of California Police Transparency Law Says It Was Meant to Open Up Past Records*, L.A. Times (Feb. 3, 2019), <https://perma.cc/GHD9-6N36>.) Particularly in view of the immense benefits of S.B. 1421, which was intended to bring such records to light, the Court should reject the Department's attempt to evade the public's right to access the records at issue.

CONCLUSION

For the foregoing reasons, *amici* agree with the First Amendment Coalition and KQED that this Court should deny the Department's petition.

Respectfully submitted,

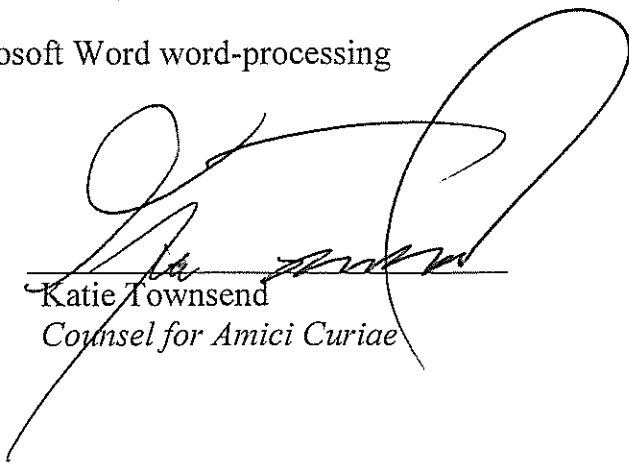
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
Katie Townsend (SBN 254321)
Bruce D. Brown**
Adam A. Marshall**
Daniel J. Jeon**
**Of counsel


Katie Townsend
Counsel for Amici Curiae

CERTIFICATE OF WORD COUNT

Pursuant to Rule 8.204(c) of the California Rules of Court, I hereby certify that the attached *amicus curiae* brief was produced using 13-point Roman type, including footnotes, and contains ~~3,085~~ ^{3,086} words. I have relied on the word-count function of the Microsoft Word word-processing program used to prepare this brief.

Dated: September 18, 2019



Katie Townsend
Counsel for Amici Curiae

Document received by the CA 1st District Court of Appeal.

APPENDIX A: DESCRIPTION OF *AMICI*

The Reporters Committee for Freedom of the Press is an unincorporated nonprofit association. The Reporters Committee was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

The Associated Press ("AP") is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP's members and subscribers include the nation's newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100 countries. On any given day, AP's content can reach more than half of the world's population.

The California News Publishers Association ("CNPA") is a nonprofit trade association representing the interests of over 1300 daily, weekly and student newspapers and news websites throughout California.

Californians Aware is a nonpartisan nonprofit corporation organized under the laws of California and eligible for tax exempt contributions as a 501(c)(3) charity pursuant to the Internal Revenue Code. Its mission is to foster the improvement of, compliance with and public

understanding and use of, the California Public Records Act and other guarantees of the public’s rights to find out what citizens need to know to be truly self-governing, and to share what they know and believe without fear or loss.

KCBS-TV and **KCAL-TV**, Los Angeles, California, **KPIX-TV** and **KBCW-TV**, San Francisco, California and **KMAX-TV** and **KOVR-TV**, Sacramento, California are operated by CBS Television Stations, a business unit of CBS Broadcasting Inc. CBS Broadcasting Inc. produces and broadcasts news, public affairs and entertainment programming. Its CBS News Division produces morning, evening and weekend news programming, as well as news and public affairs newsmagazine shows, such as “60 Minutes” and “48 Hours.” CBS Broadcasting Inc. also directly owns and operates television stations across the country.

The E.W. Scripps Company serves audiences and businesses through local television, with 52 television stations in 36 markets. Scripps also owns Newsy, the next-generation national news network; podcast industry leader Stitcher; national broadcast networks Bounce, Grit, Escape, Laff and Court TV; and Triton, the global leader in digital audio technology and measurement services. Scripps serves as the long-time steward of the nation’s largest, most successful and longest-running educational program, the Scripps National Spelling Bee.

Embarcadero Media is a Palo Alto-based 40-year-old independent and locally-owned media company that publishes the Palo Alto Weekly, Pleasanton Weekly, Mountain View Voice and Menlo Park Almanac, as well as associated websites. Its reporters regularly rely on the California Public Records Act to obtain documents from local agencies.

First Look Media Works, Inc. is a non-profit digital media venture that produces The Intercept, a digital magazine focused on national security reporting. First Look Media Works operates the Press Freedom Defense Fund, which provides essential legal support for journalists, news organizations, and whistleblowers who are targeted by powerful figures because they have tried to bring to light information that is in the public interest and necessary for a functioning democracy.

The Foundation for National Progress is the award-winning publisher of Mother Jones magazine and MotherJones.com. It is known for ground-breaking investigative journalism and impact reporting on national issues.

Directly and through affiliated companies, **Fox Television Stations, LLC**, owns and operates 28 local television stations throughout the United States. The 28 stations have a collective market reach of 37 percent of U.S. households. Each of the 28 stations also operates Internet websites offering news and information for its local market.

Gannett Co., Inc. is a leading news and information company which publishes USA TODAY and more than 100 local media properties. Each month more than 125 million unique visitors access content from USA TODAY and Gannett's local media organizations, putting the company squarely in the Top 10 U.S. news and information category.

Hearst is one of the nation's largest diversified media, information and services companies with more than 360 businesses. Its major interests include ownership of 15 daily and more than 30 weekly newspapers, including the San Francisco Chronicle, Houston Chronicle, and Albany Times Union; hundreds of magazines around the world, including Cosmopolitan, Good Housekeeping, ELLE, Harper's BAZAAR and O, The Oprah Magazine; 31 television stations such as KCRA-TV in Sacramento, Calif. and KSBW-TV in Monterey/Salinas, CA, which reach a combined 19 percent of U.S. viewers; ownership in leading cable television networks such as A&E, HISTORY, Lifetime and ESPN; global ratings agency Fitch Group; Hearst Health; significant holdings in automotive, electronic and medical/pharmaceutical business information companies; Internet and marketing services businesses; television production; newspaper features distribution; and real estate.

The Institute for Nonprofit News is a nonprofit charitable organization that provides education and business support services to our

nonprofit member organizations and promotes the value and benefit of public service and investigative journalism.

The International Documentary Association (IDA) is dedicated to building and serving the needs of a thriving documentary culture. Through its programs, the IDA provides resources, creates community, and defends rights and freedoms for documentary artists, activists, and journalists.

The Investigative Reporting Workshop, a project of the School of Communication (SOC) at American University, is a nonprofit, professional newsroom. The Workshop publishes in-depth stories at investigativereportingworkshop.org about government and corporate accountability, ranging widely from the environment and health to national security and the economy.

Investigative Studios Inc. is a nonprofit 501(c)(3) with an independent board and is formally affiliated with the University of California, Berkeley. It is dedicated primarily to producing and reporting journalism in the public interest that is authored by the University's Investigative Reporting Program.

Los Angeles Times Communications LLC and **The San Diego Union-Tribune, LLC** are two of the largest daily newspapers in the United States. Their popular news and information websites, www.latimes.com and www.sduniontribune.com, attract audiences throughout California and across the nation.

The McClatchy Company is a 21st century news and information leader, publisher of iconic brands such as the Miami Herald, The Kansas City Star, The Sacramento Bee, The Charlotte Observer, The (Raleigh) News and Observer, and the (Fort Worth) Star-Telegram. McClatchy operates media companies in 28 U.S. markets in 14 states, providing each of its communities with high-quality news and advertising services in a wide array of digital and print formats. McClatchy is headquartered in Sacramento, Calif., and listed on the New York Stock Exchange under the symbol MNI.

The Media Institute is a nonprofit foundation specializing in communications policy issues founded in 1979. The Media Institute exists to foster three goals: freedom of speech, a competitive media and communications industry, and excellence in journalism. Its program agenda encompasses all sectors of the media, from print and broadcast outlets to cable, satellite, and online services.

MediaNews Group Inc. publishes the Mercury News, the East Bay Times, St. Paul Pioneer Press, The Denver Post, the Boston Herald and the Detroit News and other community papers throughout the United States, as well as numerous related online news sites.

MPA – The Association of Magazine Media, (“MPA”) is the largest industry association for magazine publishers. The MPA, established in 1919, represents over 175 domestic magazine media companies with

more than 900 magazine titles. The MPA represents the interests of weekly, monthly and quarterly publications that produce titles on topics that cover news, culture, sports, lifestyle and virtually every other interest, avocation or pastime enjoyed by Americans. The MPA has a long history of advocating on First Amendment issues.

The National Press Club Journalism Institute is the non-profit affiliate of the National Press Club, founded to advance journalistic excellence for a transparent society. A free and independent press is the cornerstone of public life, empowering engaged citizens to shape democracy. The Institute promotes and defends press freedom worldwide, while training journalists in best practices, professional standards and ethical conduct to foster credibility and integrity.

The National Press Photographers Association (“NPPA”) is a 501(c)(6) non-profit organization dedicated to the advancement of visual journalism in its creation, editing and distribution. NPPA’s members include television and still photographers, editors, students and representatives of businesses that serve the visual journalism industry. Since its founding in 1946, the NPPA has vigorously promoted the constitutional rights of journalists as well as freedom of the press in all its forms, especially as it relates to visual journalism. The submission of this brief was duly authorized by Mickey H. Osterreicher, its General Counsel.

The Online News Association is the world’s largest association of digital journalists. ONA’s mission is to inspire innovation and excellence among journalists to better serve the public. Membership includes journalists, technologists, executives, academics and students who produce news for and support digital delivery systems. ONA also hosts the annual Online News Association conference and administers the Online Journalism Awards.

ProPublica is an independent, nonprofit newsroom that produces investigative journalism in the public interest. It has won four Pulitzer Prizes, most recently the 2017 Pulitzer gold medal for public service. ProPublica is supported primarily by philanthropy and offers its articles for republication, both through its website, propublica.org, and directly to leading news organizations selected for maximum impact. ProPublica’s first regional operation, ProPublica Illinois, began publishing in late 2017, and was honored (along with the Chicago Tribune) as a finalist for the 2018 Pulitzer Prize for Local Reporting.

Radio Television Digital News Association (“RTDNA”) is the world’s largest and only professional organization devoted exclusively to electronic journalism. RTDNA is made up of news directors, news associates, educators and students in radio, television, cable and electronic media in more than 30 countries. RTDNA is committed to encouraging

excellence in the electronic journalism industry and upholding First Amendment freedoms.

Reveal from The Center for Investigative Reporting, founded in 1977, is the nation's oldest nonprofit investigative newsroom. Reveal produces investigative journalism for its website <https://www.revealnews.org/>, the Reveal national public radio show and podcast, and various documentary projects. Reveal often works in collaboration with other newsrooms across the country.

Society of Professional Journalists ("SPJ") is dedicated to improving and protecting journalism. It is the nation's largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

The Tully Center for Free Speech began in Fall, 2006, at Syracuse University's S.I. Newhouse School of Public Communications, one of the nation's premier schools of mass communications.

VICE Media is the world's preeminent youth media company. It is a news, content and culture hub, and a leading producer of award-winning

video, reaching young people on all screens across an unrivaled global network.

APPENDIX B: ADDITIONAL COUNSEL

Karen Kaiser
General Counsel
The Associated Press
200 Liberty Street
20th Floor
New York, NY 10281

Jim Ewert, General Counsel
California News Publishers Association
2701 K St.
Sacramento, CA 95816

Terry Francke
General Counsel
Californians Aware
2218 Homewood Way
Carmichael, CA 95608

David M. Giles
Vice President/
Deputy General Counsel
The E.W. Scripps Company
312 Walnut St., Suite 2800
Cincinnati, OH 45202

David Bralow
First Look Media Works, Inc.
18th Floor
114 Fifth Avenue
New York, NY 10011

James Chadwick
Sheppard Mullin Richter & Hampton LLP
379 Lytton Avenue
Palo Alto, CA 94301-1479
jchadwick@sheppardmullin.com
1-650-815-2600
Counsel for Foundation for National Progress, dba Mother Jones

David M. Keneipp
FOX TELEVISION STATIONS, LLC

1999 S. Bundy Drive
Los Angeles, CA 90025
310-584-3341
david.keneipp@foxtv.com

Barbara W. Wall
Senior Vice President & Chief Legal Officer
Gannett Co., Inc.
7950 Jones Branch Drive
McLean, VA 22107
(703)854-6951

Jonathan Donnellan
Ravi V. Sitwala
Diego Ibarguen
Hearst Corporation
Office of General Counsel
300 W. 57th St., 40th Floor
New York, NY 10019

Jeff Glasser
Vice President, Legal
Los Angeles Times Communications LLC & The San Diego Union-
Tribune, LLC
2300 E. Imperial Highway
El Segundo, CA 90245

Juan Cornejo
The McClatchy Company
2100 Q Street
Sacramento, CA 95816

Kurt Wimmer
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20001
Counsel for The Media Institute

Marshall W Anstandig
Senior Vice President, General Counsel and Secretary
MNG Enterprises, Inc.
4 North 2nd Street, Suite #800

San Jose, CA 95113
manstandig@bayareanewsgroup.com
408-920-5784 Direct
James Chadwick
Sheppard Mullin Richter & Hampton LLP
379 Lytton Avenue
Palo Alto, CA 94301-1479
jchadwick@sheppardmullin.com
1-650-815-2600
Counsel for MediaNews Group Inc.

James Cregan
Executive Vice President
MPA – The Association of Magazine Media
1211 Connecticut Ave. NW Suite 610
Washington, DC 20036

Charles D. Tobin
Ballard Spahr LLP
1909 K Street, NW
12th Floor
Washington, DC 20006-1157
Counsel for The National Press Club Journalism Institute

Mickey H. Osterreicher
200 Delaware Avenue
Buffalo, NY 14202
Counsel for National Press Photographers Association

Richard J. Tofel
President
ProPublica
155 Avenue of the Americas, 13th floor
New York, NY 10013
Kathleen A. Kirby
Wiley Rein LLP
1776 K St., NW
Washington, DC 20006
Counsel for Radio Television Digital News Association

D. Victoria Baranetsky
General Counsel
Reveal from The Center for Investigative Reporting

1400 65th Street, Suite 200
Emeryville, California 94608

Bruce W. Sanford
Mark I. Bailen
Baker & Hostetler LLP
1050 Connecticut Ave., NW
Suite 1100
Washington, DC 20036
Counsel for Society of Professional Journalists

Lucinda Treat
Chief Legal Officer
VICE Media
49 South 2nd Street
Brooklyn, NY 11249

Document received by the CA 1st District Court of Appeal.

PROOF OF SERVICE

I, Daniel J. Jeon, do hereby affirm that I am, and was at the time of service mentioned hereafter, at least 18 years of age and not a party to the above-captioned action. My business address is 1156 15th St. NW, Suite 1020, Washington, DC 20005. I am a citizen of the United States and am employed in Washington, District of Columbia.

On September 18, 2019, I served the foregoing documents:

Application for Leave to File *Amici Curiae* Brief and *Amici Curiae* Brief of The Reporters Committee for Freedom of the Press and 35 Media Organizations in Real Parties in Interest as follows:

[x] By email or electronic delivery:

David E. Snyder
Glen A. Smith
First Amendment Coalition
534 4th Street, Suite B
San Rafael, CA 94901-3334
dsnyder@firstamendmentcoalition.org
gsmith@firstamendmentcoalition.org

*Counsels for Real Parties in
Interest First Amendment
Coalition & KQED Inc.*

Thomas R. Burke
Davis Wright Tremaine
505 Montgomery Street, Suite 800
San Francisco, CA 94111
thomasburke@dwt.com

Brendan Charney
Davis Wright Tremaine
865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017
brendancharney@dwt.com

Document received by the CA 1st District Court of Appeal.

Michael T. Risher
Law Office of Michael T. Risher
2081 Center St. #154
Berkeley, CA 94702
michael@riserlaw.com

Xavier Becerra
Thomas S. Patterson
Stepan A. Haytayan
Amie L. Medley
Jennifer E. Rosenberg
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
jennifer.rosenberg@doj.ca.gov

*Counsels for Petitioners
Attorney General Becerra &
Department of Justice*

[x] By mail:

San Francisco Superior Court
Civic Center Courthouse
Honorable Richard B. Ulmer
400 McAllister Street, Dept. 302
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on the 18th of September 2019, at Washington, D.C.

By: 
Daniel J. Jeon
djeon@rcfp.org

Document received by the CA 1st District Court of Appeal.