

1 BRIGGS LAW CORPORATION [FILE: 1593.63]
Cory J. Briggs (State Bar no. 176284)
2 Anthony N. Kim (State Bar no. 283353)
99 East "C" Street, Suite 111
3 Upland, CA 91786
Telephone: 909-949-7115
4

Attorneys for Plaintiff and Petitioner San Diegans for
5 Open Government
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION
10

11 SAN DIEGANS FOR OPEN GOVERNMENT,) CASE NO. 37-2019-00016881-CU-MC-CTL
12 Plaintiff and Petitioner,)
13 vs.) **VERIFIED FIRST AMENDED**
14 CITY OF SAN DIEGO; and DOES 1 through 100,) **COMPLAINT FOR DECLARATORY AND**
15 Defendants and Respondents.) **INJUNCTIVE RELIEF AND PETITION**
) **FOR WRIT OF MANDATE UNDER THE**
) **CALIFORNIA PUBLIC RECORDS ACT**
) **AND OTHER LAWS**

Action Filed: March 28, 2019
Department: C-65 (Frazier)
16
17

18 Plaintiff and Petitioner SAN DIEGANS FOR OPEN GOVERNMENT ("SDOG") alleges as
19 follows:

20 **Introductory Statement**

21 1. SDOG brings this lawsuit under the California Public Records Act ("CPRA"), as well
22 as the California Constitution, the common law, and other applicable legal authorities. SDOG made
23 a lawful CPRA request to Defendants/Respondents, but they have illegally failed to disclose the
24 responsive public records.

25 **Parties**

26 2. SDOG is a non-profit organization formed and operating under the laws of the State of
27 California. One of its primary roles as a government "watchdog" is ensuring that public agencies
28 comply with all applicable laws aimed at promoting transparency and accountability in government.

1 3. Defendant and Respondent CITY OF SAN DIEGO (“CITY”) is a “local agency” within
2 the meaning of Government Code Section 6252.

3 4. The true names and capacities of the Defendants/Respondents identified as DOES 1
4 through 100 are unknown to SDOG, who will seek the Court’s permission to amend this pleading in
5 order to allege the true names and capacities as soon as they are ascertained. SDOG is informed and
6 believes and on that basis alleges that each of the fictitiously named Defendants/Respondents 1 through
7 100 has jurisdiction by law over one or more aspects of the public records that are the subject of this
8 lawsuit or has some other cognizable interest in the public records.

9 5. SDOG is informed and believes and on that basis alleges that, at all times stated in this
10 pleading, each Defendant/Respondent was the agent, servant, or employee of every other
11 Defendant/Respondent and was, in doing the things alleged in this pleading, acting within the scope of
12 said agency, servitude, or employment and with the full knowledge or subsequent ratification of
13 his/her/its principals, masters, and employers. Alternatively, in doing the things alleged in this pleading,
14 each Defendant/Respondent was acting alone and solely to further his/her/its own interests.

15 **Jurisdiction and Venue**

16 6. The Court has jurisdiction over this lawsuit pursuant to Government Code Sections 6258
17 and 6259; Code of Civil Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*; the California
18 Constitution, and the common law, among other provisions of law.

19 7. Venue in this Court is proper because the obligations, liabilities, and violations of law
20 alleged in this pleading occurred in the County of San Diego in the State of California.

21 **FIRST CAUSE OF ACTION:**
22 **Violation of Open-Government Laws**
(Against All Defendants/Respondents)

23 8. The preceding allegations in this pleading are fully incorporated into this paragraph.

24 9. With regard to CITY’s NextRequest file no. 17-3362:

25 A. On or about November 15, 2017, SDOG caused to be submitted to CITY a
26 request for certain public records (“First Request”). A true and correct copy of the First Request is
27 attached to this pleading as Exhibit “A.”
28

1 B. On or about November 22, 2017, CITY acknowledged receipt of the First
2 Request and promised to make a determination on the existence of responsive public records within two
3 weeks days. CITY assigned the First Request to the “Public Records Administration” department.

4 C. On or about February 17, 2018, SDOG inquired about when responsive public
5 records would be provided.

6 D. On or about February 28, 2018, the “City Clerk” department was added to the
7 First Request, and on or about March 7, 2018, indicated that it had no responsive public records and was
8 removed from the First Request. The Public Records Administration department remained assigned
9 to the First Request, but CITY (apart from the City Clerk’s response) has not responded further or
10 provided a single responsive public record.

11 E. PLAINTIFF is informed and believes and on that basis alleges as follows:

12 1. CITY did not do a thorough search for all public records responsive to
13 the Second Request, including but not limited to failing to search for responsive public records
14 maintained on the personal accounts and/or devices of public officials. By way of example and not
15 limitation, CITY has never provided SDOG with any affidavit or other evidence like that described in
16 *Smith v. City of San Jose*, 2 Cal.5th 608 (2017), to satisfactorily establish that each CITY-affiliated
17 agent using a personal account and/or device has thoroughly searched for and produced all responsive
18 public records in and/or on the agent’s personal account and/or device.

19 2. CITY has not produced all public records responsive to the Second
20 Request and that at least one responsive public record exists.

21 3. To the extent any of the responsive public records is exempt from
22 disclosure, CITY did nothing or not enough to assist SDOG in submitting a focused and effective
23 request that would enable it to obtain those responsive records that are not exempt from disclosure.

24 10. With regard to CITY’s NextRequest file no. 18-116:

25 A. On or about January 10, 2018, SDOG caused to be submitted to CITY a request
26 for certain public records (“Second Request”). A true and correct copy of the Second Request is
27 attached to this pleading as Exhibit “B.”
28

1 B. On or about January 19, 2018, CITY acknowledged receipt of the Second
2 Request and promised to make a determination on the existence of responsive public records by
3 February 2, 2018. CITY had assigned the Second Request to the “Public Records Administration”
4 department.

5 C. On or about February 17, 2018, SDOG inquired about when responsive public
6 records would be provided. CITY never responded to SDOG’s inquiry.

7 D. PLAINTIFF is informed and believes and on that basis alleges as follows:

8 1. CITY did not do a thorough search for all public records responsive to
9 the Second Request, including but not limited to failing to search for responsive public records
10 maintained on the personal accounts and/or devices of public officials. By way of example and not
11 limitation, CITY has never provided SDOG with any affidavit or other evidence like that described in
12 *Smith v. City of San Jose*, 2 Cal.5th 608 (2017), to satisfactorily establish that each CITY-affiliated
13 agent using a personal account and/or device has thoroughly searched for and produced all responsive
14 public records in and/or on the agent’s personal account and/or device.

15 2. CITY has not produced all public records responsive to the Second
16 Request and that at least one responsive public record exists.

17 3. To the extent any of the responsive public records is exempt from
18 disclosure, CITY did nothing or not enough to assist SDOG in submitting a focused and effective
19 request that would enable it to obtain those responsive records that are not exempt from disclosure.

20 11. With regard to CITY’s NextRequest file no. 18-3621:

21 A. On or about September 26, 2018, SDOG caused to be submitted to CITY a
22 request for certain public records (“Third Request”). A true and correct copy of the Second Request
23 is attached to this pleading as Exhibit “C.”

24 B. On or about September 26, 2018, CITY acknowledged receipt of the Third
25 Request and promised to make a determination on the existence of responsive public records within two
26 weeks. CITY had assigned the Third Request to the “Public Records Administration” department.

27
28

1 C. On or about November 19, 2018, after SDOG narrowed and clarified the Third
2 Request, CITY stated that it had “disclosable records” and promised to provide them by December 21,
3 2018.

4 D. On or about February 21, 2019, SDOG inquired about how much longer it would
5 take CITY to provide the responsive public records. CITY never responded to SDOG’s inquiry.

6 E. PLAINTIFF is informed and believes and on that basis alleges as follows:

7 1. CITY did not do a thorough search for all public records responsive to
8 the Third Request, including but not limited to failing to search for responsive public records
9 maintained on the personal accounts and/or devices of public officials. By way of example and not
10 limitation, CITY has never provided SDOG with any affidavit or other evidence like that described in
11 *Smith v. City of San Jose*, 2 Cal.5th 608 (2017), to satisfactorily establish that each CITY-affiliated
12 agent using a personal account and/or device has thoroughly searched for and produced all responsive
13 public records in and/or on the agent’s personal account and/or device.

14 2. CITY has not produced all public records responsive to the Third Request
15 and that at least one responsive public record exists.

16 3. To the extent any of the responsive public records is exempt from
17 disclosure, CITY did nothing or not enough to assist SDOG in submitting a focused and effective
18 request that would enable it to obtain those responsive records that are not exempt from disclosure.

19 12. SDOG and other members of the public have been harmed as a result of
20 Defendants’/Respondents’ failure to produce the public record responsive to SDOG’s request. By way
21 of example and not limitation, the legal rights of SDOG and its members to access information
22 concerning the conduct of the people’s business is being violated and continues to be violated.

23 **SECOND CAUSE OF ACTION:**
24 **Declaratory Relief under Code of Civil Procedure Section 1060 et seq.**
(Against All Defendants/Respondents)

25 13. The preceding allegations in this pleading are fully incorporated into this paragraph.

26 14. SDOG is informed and believes and on that basis alleges that an actual controversy exists
27 between SDOG, on the one hand, and Defendants/Respondents, on the other hand, concerning their
28 respective rights and duties under the CPRA, the California Constitution, the common law, and other

1 applicable legal authorities. As alleged in this pleading, SDOG contends that at least one public record
2 responsive to SDOG's request exists but was not disclosed and that Defendants/Respondents are
3 required by law to disclose each and every responsive record; whereas Defendants/Respondents dispute
4 SDOG's contention.

5 15. SDOG desires a judicial determination and declaration as to whether disclosable public
6 records were unlawfully withheld by Defendants/Respondents and whether they were required by law
7 to produce such records in a timely manner.

8 **Prayer**

9 FOR ALL THESE REASONS, SDOG respectfully prays for the following relief against all
10 Defendants/Respondents (and any and all other parties who may oppose SDOG in this lawsuit) jointly
11 and severally:

12 A. *On the First Cause of Action:*

13 1. A judgment determining or declaring that Defendants/Respondents have not
14 promptly and fully complied with the CPRA, the California Constitution, the common law, and/or other
15 applicable laws with regard to SDOG's requests;

16 2. A writ of mandate ordering Defendants/Respondents to promptly and fully
17 comply with the CPRA, the California Constitution, the common law, and all other applicable laws with
18 regard to SDOG's requests; and

19 3. Preliminary and permanent injunctive relief directing Defendants/Respondents
20 to fully respond to SDOG's requests and to permit SDOG to inspect and obtain copies of all responsive
21 public records.

22 B. *On the Second Cause of Action:*

23 1. An order determining and declaring that the failure of Defendants/Respondents
24 to disclose all public records responsive to SDOG's requests and to permit SDOG to inspect and obtain
25 copies of the responsive public records does not comply with the CPRA, the California Constitution,
26 the common law, and/or other applicable laws; and

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Preliminary and permanent injunctive relief directing Defendants/Respondents to respond to and disclose all public records responsive to SDOG’s requests and to permit SDOG to inspect and obtain copies of the responsive public records.

C. *On All Causes of Action:*

1. An order providing for the Court’s continuing jurisdiction over this lawsuit in order to ensure that Defendants/Respondents fully comply with the CPRA, the California Constitution, the common law, and/or other applicable laws;

2. All attorney fees and other legal expenses incurred by SDOG in connection with this lawsuit; and

3. Any further relief that this Court may deem appropriate.

Date: May 7, 2019.

Respectfully submitted,
BRIGGS LAW CORPORATION

By: Cory J. Briggs
Cory J. Briggs

Attorneys for Plaintiff and Petitioner San Diegans for Open Government

FIRST AMENDED

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND
OTHER LAWS**

Exhibit "A"

Request #17-3362

 OPEN

2 of 18 filtered by: [Open](#)



As of March 28, 2019, 7:13am

Request Visibility: Embargoed -- Will be auto-published 72 hours after closure

Details

On behalf of San Diegans for Open Government, I am writing to request a copy of the following public records since January 1, 2013:

- (1) any and all e-mail communications from an address containing "@rathmiller.com";
- (2) any and all e-mail communications to an address containing "@rathmiller.com";
- (3) any and all correspondence from Phil Rath;
- (4) any and all correspondence to Phil Rath (inclusive);
- (5) any and all public records that pertain to lobbying activity in your jurisdiction by Phil Rath;
- (6) any and all correspondence from Kimberly Miller;
- (7) any and all correspondence to Kimberly Miller (inclusive); and
- (8) any and all public records that pertain to lobbying activity in your jurisdiction by Kimberly Miller.

— [Read less](#)

Received

November 15, 2017 via web

Departments

Public Records Administration

*Requester***Cory Briggs**✉  cory@briggslawcorp.com

☎ 619-497-0021

🏢 Briggs Law Corporation

Documents

Public (pending) 

(none)

Requester

(none)

Staff

*Point of Contact***Angela Laurita**

Timeline

External Message

Requester + Staff

The City Clerk's office does not have responsive documents.

*March 7, 2018, 11:36am by Tina Davis (Staff)***Department Assignment**

Public

Removed: City Clerk.

*March 7, 2018, 11:35am by Tina Davis***Department Assignment**

Public

Added: City Clerk.

*February 28, 2018, 10:55am by Jacqueline Palmer, Public Records Administration Manager***External Message**

Requester + Staff

When will you be providing the responsive public records? You promised a response by early December 2017, which was more than two months ago. The delay in turning over the responsive public records is prejudicial to my client.

Thank you.

February 17, 2018, 5:57pm by the requester

External Message

Requester + Staff

Sent via email 11/22:

Please be advised that we have received your request for public records and are continuing to look for responsive documents. To the extent that the City has any, we will make them available for your review pursuant to the California Public Records Act. We reserve the right to withhold and/or redact any records or information that may be exempt from disclosure under the CPRA, and/or other applicable legal privileges including, but not limited to, attorney work product and attorney client privileges. I hope to have a response to you within two weeks.

If you have any questions regarding this matter, please feel free to contact me.

Kind regards,

November 22, 2017, 4:27pm by Jacqueline Palmer, Public Records Administration Manager (Staff)

Department Assignment

Public

Added: Public Records Administration .

November 15, 2017, 1:05pm by Pam Holmberg, Executive Secretary/Program Coordinator

Request Opened

Public

Request received via web

November 15, 2017, 12:27pm

FIRST AMENDED

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND
OTHER LAWS**

Exhibit "B"

Request #18-116

 OPEN

4 of 18 filtered by: [Open](#)



As of March 28, 2019, 7:10am

Request Visibility: Embargoed -- Will be auto-published 72 hours after closure

Details

1a) Any and all writings that in any way tend to demonstrate that Phil Rath did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2015.

1b) Any and all writings that in any way tend to demonstrate that Phil Rath did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2016.

1c) Any and all writings that in any way tend to demonstrate that Phil Rath did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2017.

2a) Any and all writings that in any way tend to demonstrate that Rath Miller LLC did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2015.

2b) Any and all writings that in any way tend to demonstrate that Rath Miller LLC did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2016.

2c) Any and all writings that in any way tend to demonstrate that Rath Miller LLC did not receive any money directly or indirectly from Affirmed Housing Group at any time in 2017.

3a) Any and all writings received by any agent of the City of San Diego from any source concerning Phil Rath since November 1, 2017.

3b) Any and all writings received by any agent of the City of San Diego from any source concerning Rath Miller LLC since November 1, 2017.

[— Read less](#)

Received

January 10, 2018 via web

Departments

Public Records Administration

Requester

Cory Briggs

✉  cory@briggslawcorp.com

☎ 619-497-0021

🏢 Briggs Law Corporation

Documents

Public (pending) 

(none)

Requester

(none)

Staff

Point of Contact

Angela Laurita

Timeline

External Message

Requester + Staff

When will you be providing the responsive public records? You promised a response by February 2, which was more than two weeks ago. The delay in turning over the responsive public records is prejudicial to my client.

Thank you.

February 17, 2018, 5:54pm by the requester

External Message

Requester + Staff

Cory Briggs

Briggs Law Corporation

Dear Mr. Briggs:

Please be advised that we have received your request for public records. Staff are in the process of searching potentially responsive documents. To the extent that the City has responsive documents, we will make them available for your review pursuant to the California Public Records Act. We reserve the right to withhold and/or redact any records or

information that may be exempt from disclosure under the CPRA, and/or other applicable legal privileges including, but not limited to, attorney work product and attorney client privileges. I hope to have a response to you by February 2, 2018.
If you have any questions regarding this matter, please feel free to contact me.
Many thanks.

January 19, 2018, 4:43pm by Nancy Shapiro, Paralegal, Office of the City Attorney (Staff)

Department Assignment

Public

Added: Public Records Administration .

January 17, 2018, 3:24pm by Angela Laurita, Public Records Administration Coordinator

Request Opened

Public

Request received via web

January 10, 2018, 8:34am

FIRST AMENDED

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND
OTHER LAWS**

Exhibit "C"

Request #18-3621

 OPEN

7 of 18 filtered by: [Open](#)



As of March 28, 2019, 7:07am

Request Visibility: Embargoed -- Will be auto-published 72 hours after closure

Details

Any and all e-mail communications (including attachments thereto) since January 1, 2010, in which any portion of the subject matter (including attachments thereto) pertains to mobility mode share.

Received

September 26, 2018 via web


Departments


Planning

Requester

Cory Briggs

  cory@briggslawcorp.com

 619-497-0021

 Briggs Law Corporation

Documents

Public (pending) 

(none)

Requester

(none)

Staff

Point of Contact
Ginger Rodriguez

Timeline

Department Assignment

Public

Removed: Office of Sustainability.

March 1, 2019, 9:53am by Angela Laurita, Public Records Administration Manager

External Message

Requester + Staff

How much longer for the documents? It has been three months since your last update.

Thanks.

February 21, 2019, 12:07pm by the requester

Department Assignment

Public

Removed: Economic Development.

November 21, 2018, 1:17pm by Lydia Goularte

External Message

Requester + Staff

Mr. Briggs,

The City has disclosable records. However, a review of potentially responsive records is still being conducted. We expect that review to be completed by December 21, at which time we will provide all disclosable records that are neither exempt nor privileged.

Kind regards.

November 19, 2018, 11:25am by Angela Laurita, Public Records Administration Manager (Staff)

Department Assignment

Public

Added: Planning, Economic Development, Office of Sustainability. Removed: Public Records Administration .

November 9, 2018, 5:20pm by Angela Laurita, Public Records Administration Manager

External Message

Requester + Staff

Mr. Briggs,

As we have not heard back from you, we will proceed with the searches we suggested in our previous messages so that we can start gathering and reviewing records. If at any point you would like to expand the search, please let us know and we can add other departments. We will consult with the newly-added departments and let you know how long it will take to review all potentially responsive records.

Kind regards.

November 9, 2018, 5:19pm by Angela Laurita, Public Records Administration Manager (Staff)

External Message

Requester + Staff

Mr. Briggs,

Following up on our October 26 message, please let us know if the proposed searches are acceptable to you. Below are the searches we suggested:

For request #18-3621 regarding "mobility mode share": we suggested to assign the request to Economic Development Department and Planning and narrow the timeframe for the last two years - for example, July 1, 2016 to the date of your request.

For request #18-3622 regarding "Transportation Master Plan": we suggested to assign the request to Economic Development Department and Planning and narrow the timeframe for the last two years - for example, July 1, 2016 to the date of your request?

We look forward to hearing from you.

Kind regards.

November 2, 2018, 10:29am by Angela Laurita, Public Records Administration Manager (Staff)

External Message

Requester + Staff

Mr. Briggs,

We expect that it will take several months for this request and much longer for request #18-3622 due to the number of results that we received for the period of 2014 to present alone.

The IT search is not broken down by year and we do not have print-outs of the results.

As per our previous messages, we would like to work with you on clarifying and narrowing your requests.

For request #18-3621 regarding "mobility mode share": would it be acceptable to you to assign the request to Economic Development Department and Planning and narrow the timeframe for the last two years - for example, July 1, 2016 to the date of your request?

For request #18-3622 regarding "Transportation Master Plan": would it be acceptable to you to assign the request to Economic Development Department and Planning and narrow the timeframe for the last two years - for example, July 1, 2016 to the date of your request?

We look forward to hearing from you.

Kind regards.

October 26, 2018, 10:36am by Angela Laurita, Public Records Administration Manager (Staff)

External Message

Requester + Staff

What is a tremendous amount of time? How many hours per day by how many employees?

If you do the search by year, how many hits do you get for each year in the range? Are the hits e-mails or other types of records and, if other types, what other types are they? Can you provide me with a printout of the search results (not the records themselves) so I can try to discern which ones my client wants?

These questions also apply to request no. 18-3622. Feel free to post them there too if that makes things easier for you.

Thanks. Have a nice weekend.

October 19, 2018, 6:00pm by the requester

External Message

Requester + Staff

Mr. Briggs,

On October 5 we sent you a message to narrow your request but we have not received a response. Accordingly, another 14-day extension is being made to allow additional time for you to respond.

Please contact us so that we can arrive at an approach that is reasonable and acceptable to you.

Kind regards.

October 19, 2018, 4:40pm by Angela Laurita, Public Records Administration Manager (Staff)

External Message

Requester + Staff

Mr. Briggs,

We have received your Public Records Act request. We would like to work with you on clarifying and narrowing the request to identify more specifically what it is that you are seeking with regard to "mobility mode share". As currently phrased, this request applies to every department and every employee of the City, including any that have left the City, for a period of time of over 8 years. A preliminary search for the period of 2014 through present alone resulted in over 2,500 potentially responsive records that will take a tremendous amount of time to review. The preliminary search for 2010 through 2013 is still running. In an effort to arrive at an approach that is reasonable and acceptable to you, the City is taking a 14-day extension.

We look forward to hearing from you.

Kind regards.

October 5, 2018, 4:47pm by Angela Laurita, Public Records Administration Manager (Staff)

Department Assignment

Public

Added: Public Records Administration .

September 26, 2018, 1:15pm by Ginger Rodriguez, Public Records Administration Coordinator

External Message

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.

September 26, 2018, 10:12am

Request Opened

Public

Request received via web

September 26, 2018, 10:12am

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing FIRST AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER EQUITABLE RELIEF AND PETITION FOR WRIT OF MANDATE etc. and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

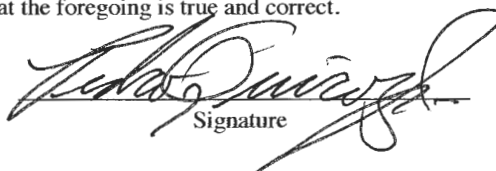
I am an Officer a partner _____ a _____ of San Diegans for Open Government _____,

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on May 3, 20 19, at San Diego, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Pedro Quiroz, Jr.
Type or Print Name


Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California. I am over the age of 18 and not a party to the within action; my business address is, _____

On _____, 20 _____, I served the foregoing document described as _____

_____ on _____ in this action by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
 by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

BY MAIL * I deposited such envelope in the mail at _____, California. The envelope was mailed with postage thereon fully prepaid.

As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, 20 _____, at _____, California. *(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 20 _____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I (Federal) declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

* (By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

** (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

PROOF OF SERVICE

1. My name is Monica Manriquez. I am over the age of eighteen. I am employed in the State of California, County of San Diego.
2. My business _____ residence address is Briggs Law Corporation, 4891 Pacific Highway, Suite 104, San Diego, CA 92110.
3. On June 4, 2019, I served _____ an original copy a true and correct copy of the following documents: Verified First Amended Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate Under California Public Records Act and Other Laws
4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of San Diego, California.

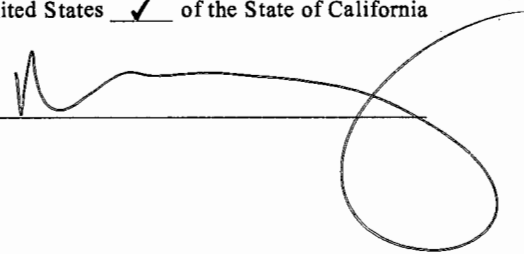
by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: June 4, 2019

Signature: 

SERVICE LIST

San Diegans For Open Government v. City of San Diego, et al.
San Diego Superior Court Case No. 37-2019-00016881-CU-MC-CTL

Mara W. Elliott, George F. Schaefer
David J. Karlin
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856
Dkarlin@sandiego.gov

Attorneys for Defendant: City of San Diego