

1 BRIGGS LAW CORPORATION [FILE: 1593.66]  
2 Cory J. Briggs (State Bar no. 176284)  
3 Anthony N. Kim (State Bar no. 283353)  
4 99 East "C" Street, Suite 111  
5 Upland, CA 91786  
6 Telephone: 909-949-7115

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**03/21/2019** at 11:16:23 AM  
Clerk of the Superior Court  
By Richard Day, Deputy Clerk

7 Attorneys for Plaintiff and Petitioner San Diegans for  
8 Open Government

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

11 SAN DIEGANS FOR OPEN GOVERNMENT, ) CASE NO. 37-2019-00015139-CU-MC-CTL  
12 Plaintiff and Petitioner, )  
13 vs. ) **VERIFIED COMPLAINT FOR**  
14 CITY OF SAN DIEGO; and DOES 1 through 100, ) **DECLARATORY AND INJUNCTIVE**  
15 Defendants and Respondents. ) **RELIEF AND PETITION FOR WRIT OF**  
 ) **MANDATE UNDER THE CALIFORNIA**  
 ) **PUBLIC RECORDS ACT AND OTHER**  
 ) **LAWS**

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  
12 of 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  
14 pleading, 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. On February 27, 2019, SDOG caused to be submitted to CITY a request for certain  
25 public records pertaining to Senate Bill 615 (Hueso 2019). A true and correct copy of the request is  
26 attached to this pleading as Exhibit “A.”

27 10. CITY immediately acknowledged receipt of the request and promised to make a  
28 determination on the existence of responsive public records within 10 days.

1 11. On March 20, 2019, CITY disclosed certain responsive public records but refused to  
2 disclose other responsive public records on the grounds that they were exempt from disclosure pursuant  
3 to the “Attorney Work Product Doctrine.” A true and correct copy of the disclosed records is attached  
4 to this pleading as Exhibit “B.”

5 12. PLAINTIFF is informed and believes and on that basis alleges as follows:

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

13 B. CITY has not produced all public records responsive to SDOG’s request.

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

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

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

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

24 15. SDOG is informed and believes and on that basis alleges that an actual controversy  
25 exists between SDOG, on the one hand, and Defendants/Respondents, on the other hand, concerning  
26 their respective rights and duties under the CPRA, the California Constitution, the common law, and  
27 other applicable legal authorities. As alleged in this pleading, SDOG contends that at least one public  
28 record responsive to SDOG’s request exists but was not disclosed and that Defendants/Respondents

1 are required by law to disclose each and every responsive record; whereas Defendants/Respondents  
2 dispute SDOG's contention.

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

6 **Prayer**

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

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

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

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

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

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

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

25 2. Preliminary and permanent injunctive relief directing Defendants/Respondents  
26 to respond to and disclose all public records responsive to SDOG's request and to permit SDOG to  
27 inspect and obtain copies of the responsive public records.

28

1 C. *On All Causes of Action:*

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

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

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

8 Date: March 20, 2019.

Respectfully submitted,

9 BRIGGS LAW CORPORATION

10 By:   
11 \_\_\_\_\_  
Cory J. Briggs

12 Attorneys for Plaintiff and Petitioner San Diegans for  
13 Open Government

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

Exhibit "A"

# Request #19-904

CLOSED

12375 of 12472 filtered by: [Closed](#)



As of March 20, 2019, 5:51pm

Request Visibility: Embargoed -- Will be auto-published on March 23, 2019 at 4:06 PM

## Details

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Any and all writings (including but not limited to e-mail, text messages, and instant messages via any communications platform) pertaining in any way to the subject matter of Senate Bill 615 (Hueso 2019) between one or more employees of the San Diego City Attorney's Office and one or more employees of the California Legislature (inclusive).

---

### *Received*

**February 27, 2019** via web

---

### *Departments*


**City Attorney**


---

### *Requester*

**Cory Briggs**

  [cory@briggslawcorp.com](mailto:cory@briggslawcorp.com)

 619-497-0021

 Briggs Law Corporation

## Documents

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*Public (pending)* 

**[CAO Hueso Emails.pdf](#)**

---

*Requester*

(none)

## Staff

*Point of Contact*

**Nancy Shapiro**

## Timeline

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### **Request Closed**

Public

02b. Released - Withheld

All responsive documents have been released except those that have been withheld pursuant to:

Attorney Work Product Doctrine [Code of Civil Procedure 2018.030]

Information that falls under the Attorney Work Product Doctrine is protected from disclosure pursuant to Government Code section 6254(k)[Civil Code of Civil Procedure 2018.030].

*March 20, 2019, 4:06pm by Nancy Shapiro, Paralegal, Office of the City Attorney*

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### **Document(s) Released**

Public

CAO Hueso Emails.pdf

*March 20, 2019, 3:55pm by Nancy Shapiro, Paralegal, Office of the City Attorney*

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### **External Message**

Requester + Staff

Mr. Briggs:

We have released to you emails in the file "CAO Hueso Emails.pdf."

Emails have been withheld due to work product.

Sincerely yours,

Nancy Shapiro

*March 20, 2019, 3:54pm by Nancy Shapiro, Paralegal, Office of the City Attorney (Staff)*

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### **External Message**

Requester + Staff

Nancy, what happened to the responsive public records that were promised by today? Why is there a delay?

Thanks.

*March 15, 2019, 4:40pm by the requester*

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### **External Message**

Requester + Staff

Dear Mr. Briggs:

We are reviewing records and will provide those to you by Wednesday, March 20, 2019.

We retain the right to withhold records according to the Public Records Act exemptions.



Sincerely yours,  
Nancy Shapiro

*March 15, 2019, 4:25pm by Nancy Shapiro, Paralegal, Office of the City Attorney (Staff)*

**External Message**

Requester + Staff

The search has been completed. We are in the process of reviewing the records for possible legal exemptions. Nonexempt responsive records will be disclosed by Friday, March 15, 2019.

*March 8, 2019, 4:42pm by Nancy Shapiro, Paralegal, Office of the City Attorney (Staff)*

**External Message**

Requester + Staff

Mr. Briggs,  
You have not indicated a time frame for this request.  
We would very much appreciate it if you would please provide us with a time frame.  
Thank you.

Nancy Shapiro

*March 1, 2019, 11:35am by Nancy Shapiro, Paralegal, Office of the City Attorney (Staff)*

**Department Assignment**

Public

Added: City Attorney.

*February 27, 2019, 4:25pm by Angela Laurita, Public Records Administration Manager*

**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.

*February 27, 2019, 12:16pm*

**Request Opened**

Public

Request received via web

*February 27, 2019, 12:16pm*

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

Exhibit "B"

**From:** [Braun, Gerry](#)  
**To:** [ana.molina@sen.ca.gov](mailto:ana.molina@sen.ca.gov)  
**Subject:** CPRA bill  
**Date:** Thursday, February 21, 2019 12:07:00 PM  
**Attachments:** [2019\\_02\\_20\\_15\\_54\\_13.pdf](#)

---

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

Gerry

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

**From:** [Brieno, Aaron](#)  
**To:** [Braun, Gerry](#)  
**Cc:** [Molina, Ana](#)  
**Subject:** RE: CPRA bill  
**Date:** Friday, February 22, 2019 11:36:48 AM  
**Attachments:** [image004.png](#)

---

Good Afternoon Gerry,

Thank you for reaching out to our office with this request. I had the language backed yesterday and about 10 mins ago crossed the language at the Senate Desk. The bill number assigned to this language is **SB 615 (Hueso)**- Public records: disclosure.

If you are available early next week to speak I would like to begin gathering further information regarding this proposal.

Best,

Aaron

**Aaron Brieno**

Legislative Director

**Office of State Senator Ben Hueso, 40<sup>th</sup> District**

Sacramento: (916) 651-4040 | Fax: 916-651-4940



Click on the button to receive Senator Hueso's newsletter or the twitter logo to follow Senator Hueso on Twitter.

---

**From:** Molina, Ana <Ana.Molina@sen.ca.gov>  
**Sent:** Friday, February 22, 2019 11:00 AM  
**To:** Braun, Gerry <GBraun@sandiego.gov>  
**Cc:** Brieno, Aaron <Aaron.Brieno@sen.ca.gov>  
**Subject:** Re: CPRA bill

Gerry, Aaron Brieno, copied above, will handle this bill.

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)> wrote:

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes

because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

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Tel: (619) 533-4782

Fax: (619) 236-7215

<2019\_02\_20\_15\_54\_13.pdf>

**From:** [Molina, Ana](#)  
**To:** [Braun, Gerry](#)  
**Subject:** Re: CPRA bill  
**Date:** Friday, February 22, 2019 10:49:17 AM

---

Hi Gerry, can you call me at (619) 254-1937?

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)> wrote:

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

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Fax: (619) 236-7215

<2019\_02\_20\_15\_54\_13.pdf>

**From:** [Molina, Ana](#)  
**To:** [Braun, Gerry](#)  
**Subject:** RE: CPRA bill  
**Date:** Thursday, February 21, 2019 12:16:59 PM

---

Thank you, Gerry. I will get back to you.

---

**From:** Braun, Gerry <GBraun@sandiego.gov>  
**Sent:** Thursday, February 21, 2019 12:08 PM  
**To:** Molina, Ana <Ana.Molina@sen.ca.gov>  
**Subject:** CPRA bill  
**Importance:** High

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

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San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

**From:** [Braun, Gerry](#)  
**To:** [Brieno, Aaron](#)  
**Subject:** RE: CPRA bill  
**Date:** Friday, February 22, 2019 12:34:00 PM  
**Attachments:** [image004.png](#)

---

Thank you Aaron. We are excited that your office is carrying this important bill for City Attorney Elliott.

Let me know if Tuesday afternoon is good for you and I will schedule up a phone call.

Gerry

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

---

**From:** Brieno, Aaron [mailto:Aaron.Brieno@sen.ca.gov]  
**Sent:** Friday, February 22, 2019 11:37 AM  
**To:** Braun, Gerry <GBraun@sandiego.gov>  
**Cc:** Molina, Ana <Ana.Molina@sen.ca.gov>  
**Subject:** RE: CPRA bill

Good Afternoon Gerry,

Thank you for reaching out to our office with this request. I had the language backed yesterday and about 10 mins ago crossed the language at the Senate Desk. The bill number assigned to this language is **SB 615 (Hueso)**- Public records: disclosure.

If you are available early next week to speak I would like to begin gathering further information regarding this proposal.

Best,

Aaron

**Aaron Brieno**  
Legislative Director  
**Office of State Senator Ben Hueso, 40<sup>th</sup> District**  
Sacramento: (916) 651-4040 | Fax: 916-651-4940





Click on the button to receive Senator Hueso's newsletter or the twitter logo to follow Senator Hueso on Twitter.

---

**From:** Molina, Ana <[Ana.Molina@sen.ca.gov](mailto:Ana.Molina@sen.ca.gov)>  
**Sent:** Friday, February 22, 2019 11:00 AM  
**To:** Braun, Gerry <[GBraun@sanidiego.gov](mailto:GBraun@sanidiego.gov)>  
**Cc:** Brieno, Aaron <[Aaron.Brieno@sen.ca.gov](mailto:Aaron.Brieno@sen.ca.gov)>  
**Subject:** Re: CPRA bill

Gerry, Aaron Brieno, copied above, will handle this bill.

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <[GBraun@sanidiego.gov](mailto:GBraun@sanidiego.gov)> wrote:

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As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

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San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

<2019\_02\_20\_15\_54\_13.pdf>

**From:** [Molina, Ana](#)  
**To:** [Braun, Gerry](#)  
**Cc:** [Brieno, Aaron](#)  
**Subject:** Re: CPRA bill  
**Date:** Friday, February 22, 2019 11:00:31 AM

---

Gerry, Aaron Brieno, copied above, will handle this bill.

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)> wrote:

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

Gerry

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Fax: (619) 236-7215

<2019\_02\_20\_15\_54\_13.pdf>

**From:** [Braun, Gerry](#)  
**To:** [Brieno, Aaron](#)  
**Subject:** Call when you can  
**Date:** Friday, March 01, 2019 3:06:00 PM

---

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

**From:** [Braun, Gerry](#)  
**To:** [Brieno, Aaron](#)  
**Subject:** City of San Diego Public Record Act Requests by Fiscal Year  
**Date:** Tuesday, February 26, 2019 5:28:00 PM

---

Aaron,

Per your request

**City of San Diego Public Record Act Requests by Fiscal Year**

2012:	749	source: City Clerk
2013:	1,207	source: City Clerk
2014:	1,299	source: City Clerk
2015:	1,955	source: City Clerk
2016:	2,936	source: Public Records Administration
2017:	3,812	source: Public Records Administration
2018:	4,824	source: Public Records Administration

The change in source reflects the City's creation of a Public Records Administration group within the Communications Department, and, roughly, the use of the NextRequest system.

Gerry

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Tel: (619) 533-4782

Fax: (619) 236-7215

**From:** [Molina, Ana](#)  
**To:** [Braun, Gerry](#)  
**Subject:** FW: SB 615 questions  
**Date:** Monday, February 25, 2019 4:23:33 PM  
**Attachments:** [image001.png](#)

---

Gerry,

We referred the Voice to your office as we are still awaiting background and supporting materials from your office. Typically and in the interim, a sponsor responds to media inquiries about the substance of the bill. Can you have someone call this reporter?

Thank you.

Ana

---

**From:** Hickey, Erin <Erin.Hickey@sen.ca.gov>  
**Sent:** Monday, February 25, 2019 4:10 PM  
**To:** Molina, Ana <Ana.Molina@sen.ca.gov>  
**Subject:** FW: SB 615 questions  
**Importance:** High

---

**From:** Sara Libby <[sara.libby@voiceofsandiego.org](mailto:sara.libby@voiceofsandiego.org)>  
**Sent:** Monday, February 25, 2019 4:10 PM  
**To:** Hickey, Erin <[Erin.Hickey@sen.ca.gov](mailto:Erin.Hickey@sen.ca.gov)>  
**Subject:** SB 615 questions  
**Importance:** High

Hi Erin,

Per our conversation, we're hoping to get answers ASAP on this bill and I'd like to run a story tomorrow. Fwiw, you advised we contact the city attorney's office to get details on the bill – per that advise, we reached out, and they told us to get details from your office. So we're really hoping someone can shed some light on this.

**What's the reasoning behind the bill, and what do you see as the need for it?**

**Having extensive experience trying to secure public records, I can say it would be nearly impossible to prove an agency “knowingly, willfully, and without substantial justification” failed to respond to a PRA. How would it even work to prove that?**

**The CPRA currently doesn't get into intent – why aim for a significant departure? Are there any concerns this will effectively make it impossible to enforce the act in court?**

**The proposal appears to place the “meet and confer” burden entirely on the public. What would**

**happen if a public agency refuses?**

**It feels like the trend in state law has been to open up more records to the public and make the process more accessible – this appears to go in the opposite direction and place an additional burden on the public. Can you explain that departure?**

Thanks for your help. Am very interested in hearing from the senator directly if he has any spare moments.

Best,  
Sara

**Sara Libby**

MANAGING EDITOR

[sara@voiceofsandiego.org](mailto:sara@voiceofsandiego.org)

Desk: (619) 325-0526

Twitter: [@SaraLibby](https://twitter.com/SaraLibby)



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**From:** [Braun, Gerry](#)  
**To:** [Molina, Ana](#)  
**Subject:** FW: Sen. Hueso PRA bill  
**Date:** Monday, February 25, 2019 4:45:00 PM  
**Attachments:** [image001.png](#)

---

Here's what I sent to Scott. Aaron basically wrote it for me.

Gerry

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

---

**From:** Braun, Gerry  
**Sent:** Monday, February 25, 2019 4:00 PM  
**To:** 'Scott Lewis' <[scott.lewis@voiceofsandiego.org](mailto:scott.lewis@voiceofsandiego.org)>  
**Subject:** RE: Sen. Hueso PRA bill

Hi Scott,

Following Sacramento protocol, we are working with Sen. Hueso's Office, which is developing a fact sheet on SB 615. It should be available in a matter of days, when it will be released by the Senator's office.

Gerry

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

---

**From:** Scott Lewis [<mailto:scott.lewis@voiceofsandiego.org>]  
**Sent:** Monday, February 25, 2019 3:34 PM  
**To:** Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)>  
**Subject:** RE: Sen. Hueso PRA bill

This is getting some statewide attention. Thoughts?

**Scott Lewis**  
(619) 325-0527

---

**From:** Scott Lewis  
**Sent:** Monday, February 25, 2019 2:05 PM  
**To:** 'gbraun@sandiego.gov' <[gbraun@sandiego.gov](mailto:gbraun@sandiego.gov)>  
**Subject:** FW: Sen. Hueso PRA bill

Hi Gerry, see below. I called and left a message for Hilary but now I see Hilary's out for a few days. What can you tell me here?

**Scott Lewis**  
(619) 325-0527

---

**From:** Scott Lewis  
**Sent:** Monday, February 25, 2019 2:04 PM  
**To:** 'hnemchik@sandiego.gov' <[hnemchik@sandiego.gov](mailto:hnemchik@sandiego.gov)>  
**Subject:** Sen. Hueso PRA bill

Hi Hilary,

We checked in with Sen. Ben Hueso's office about a new bill he's proposing. SB-615 would substantially change how the public could sue governments for non compliance with the Public Records Act.

His office said it was a bill the city attorney wrote and wanted. Can you connect me with someone who can explain why? Or anything else?

Scott

**Scott Lewis**  
CEO & EDITOR IN CHIEF  
[scott.lewis@voiceofsandiego.org](mailto:scott.lewis@voiceofsandiego.org)  
(619) 325-0527

 **VOICE of SAN DIEGO**  
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**From:** [Brieno, Aaron](#)  
**To:** [Braun, Gerry](#)  
**Subject:** Re: Call when you can  
**Date:** Friday, March 01, 2019 3:36:50 PM

---

Hi Gerry,

I am in a meeting that will be concluding in about 15-20 mins but then can call you then.

-AB

Sent from my iPhone

On Mar 1, 2019, at 3:06 PM, Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)> wrote:

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
1200 Third Avenue, Suite 1620  
San Diego CA 92101-1406

Tel: (619) 533-4782  
Fax: (619) 236-7215

**From:** [Brieno, Aaron](#)  
**To:** [Braun, Gerry](#)  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx  
**Date:** Monday, February 25, 2019 4:40:39 PM  
**Attachments:** [image005.png](#)

---

Hi Gerry,

Do you happen to have a second to speak between now and 5:45pm? If so, I will give you a call.

Best,

Aaron

**Aaron Brieno**

Legislative Director

**Office of State Senator Ben Hueso, 40<sup>th</sup> District**

Sacramento: (916) 651-4040 | Fax: 916-651-4940



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Click on the button to receive Senator Hueso's newsletter or the twitter logo to follow Senator Hueso on Twitter.

---

**From:** Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)>  
**Sent:** Monday, February 25, 2019 2:10 PM  
**To:** Brieno, Aaron <[Aaron.Brieno@sen.ca.gov](mailto:Aaron.Brieno@sen.ca.gov)>  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx

Aaron – can you give me a call?

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**Sent:** Monday, February 25, 2019 1:37 PM  
**To:** Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)>; Molina, Ana <[Ana.Molina@sen.ca.gov](mailto:Ana.Molina@sen.ca.gov)>  
**Cc:** Gersten, William <[WGersten@sandiego.gov](mailto:WGersten@sandiego.gov)>

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**Cc:** Gersten, William <[WGersten@sandiego.gov](mailto:WGersten@sandiego.gov)>

**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx

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Gerry

Gerry Braun

Chief of Staff

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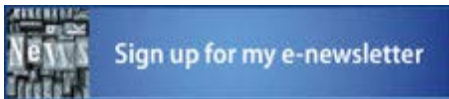
Aaron

**Aaron Brieno**

Legislative Director

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**Subject:** DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

**From:** [Braun, Gerry](#)  
**To:** [Brieno, Aaron](#)  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx  
**Date:** Monday, February 25, 2019 2:09:00 PM  
**Attachments:** [image006.png](#)

---

Aaron – can you give me a call?

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Thanks Aaron,

The City Attorney has returned from Closed Session and is reviewing my draft. She may have edits.

Gerry

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Best,

Aaron

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**From:** Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)>

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**To:** Molina, Ana <[Ana.Molina@sen.ca.gov](mailto:Ana.Molina@sen.ca.gov)>

**Cc:** Gersten, William <[WGersten@sandiego.gov](mailto:WGersten@sandiego.gov)>; Brieno, Aaron <[Aaron.Brieno@sen.ca.gov](mailto:Aaron.Brieno@sen.ca.gov)>

**Subject:** DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

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**Subject:** DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry



**From:** [Brieno, Aaron](#)  
**To:** [Braun, Gerry](#); [Molina, Ana](#)  
**Cc:** [Gersten, William](#)  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx  
**Date:** Monday, February 25, 2019 12:35:12 PM  
**Attachments:** [image004.png](#)

---

Good Afternoon Gerry and Bill,

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Best,

Aaron

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**Cc:** Gersten, William <WGersten@sandiego.gov>; Brieno, Aaron <Aaron.Brieno@sen.ca.gov>  
**Subject:** DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

**From:** [Braun, Gerry](#)  
**To:** [Brieno, Aaron](#)  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx  
**Date:** Monday, February 25, 2019 4:45:00 PM  
**Attachments:** [image005.png](#)

---

I'm free now.

Gerry Braun  
Chief of Staff  
Office of the City Attorney  
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**From:** Brieno, Aaron [mailto:[Aaron.Brieno@sen.ca.gov](mailto:Aaron.Brieno@sen.ca.gov)]  
**Sent:** Monday, February 25, 2019 4:41 PM  
**To:** Braun, Gerry <[GBraun@sandiego.gov](mailto:GBraun@sandiego.gov)>  
**Subject:** RE: DRAFT FACT SHEET ON SB 615.docx

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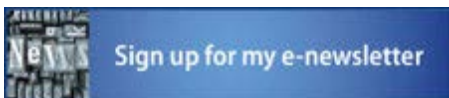
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**Subject:** DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

**From:** [Brieno, Aaron](#)  
**To:** [Braun, Gerry](#)  
**Subject:** SB 615 (Hueso) Fact Sheet  
**Date:** Thursday, February 28, 2019 2:30:46 PM  
**Attachments:** [image004.png](#)  
[Fact Sheet SB 615.pdf](#)

---

Good Afternoon Gerry,

Hope you are doing well, attached you will find the finalized fact sheet for SB 615 (Hueso).

Might you have sometime in the next few minutes for a quick call?

Best,

Aaron

**Aaron Brieno**

Legislative Director

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing 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 March 20, 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)