

05/16/2013 at 10:47:50 AM

Clerk of the Superior Court
By Lee McAlister, Deputy Clerk

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN DIEGO--CENTRAL DIVISION

13 SAN DIEGANS FOR OPEN GOVERNMENT,

14 Plaintiff and Petitioner,

15 vs.

16 CITY OF SAN DIEGO and DOES 1 through 100,

17 Defendants and Respondents.

CASE NO. 37-2013-00048878-CU-MC-CTL

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

18 Plaintiff and Petitioner SAN DIEGANS FOR OPEN GOVERNMENT ("SDOG") alleges as
19 follows in its Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate:

Introductory Statement

20 1. SDOG brings this action under the California Public Records Act ("Act"). SDOG
21 submitted two separate written request to inspect and obtain copies of a certain public record in the
22 possession of Defendants/Respondents, but they failed to respond within the time permitted by law and
23 failed to produce a single responsive record.

Parties

24 2 SDOG is a non-profit organization formed and operating under the laws of the State of
25 California.

26 3. Defendant and Respondent CITY OF SAN DIEGO ("CITY") is a local agency under
27 Section 6252(a) of the Act.
28

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

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

13 **Jurisdiction and Venue**

14 6. The Court has jurisdiction over this action pursuant to Government Code Sections 6258
15 and 6259, Code of Civil Procedure Section 1060 *et seq.*, and Code of Civil Procedure Section 1084 *et*
16 *seq.*

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

19 **FIRST CAUSE OF ACTION:**
20 **Violation of the California Public Records Act on May 2, 2013 Request**
21 **(Against All Defendants/Respondents)**

22 8. Paragraphs 1 through 7 are fully incorporated into this paragraph.

23 9. On May 2, 2013, SDOG caused to be submitted (via e-mail) a letter to CITY requesting
24 certain public records as described in the letter ("May 2 Public Records Act request"). A true and
25 correct copy of the request is attached to this pleading as Exhibit "A."

26 10. Under Government Code Section 6253(c), within 10 days of receipt of SDOG's May 2
27 Public Records Act request, CITY was required to determine whether the request, in whole or in part,
28 sought copies of disclosable public records in CITY's possession and further required to promptly notify
SDOG of the determination and the reasons therefor. Had there been unusual circumstances, the 10-day

1 time limit could have been extended up to 14 days by CITY through written notice to SDOG setting
2 forth the reasons for the extension and the date on which the determination is expected to be dispatched.

3 11. CITY did not respond to SDOG's May 2 Public Records Act request within 10 days of
4 receiving it.

5 12. CITY did not notify SDOG in writing that the response deadline for the May 2 Public
6 Records Act request was being extended and therein set forth the reasons for the extension or the date
7 on which a determined was expected to be dispatched.

8 13. The records responsive to SDOG's May 2 Public Records Act request are "public
9 records" within the meaning of the Act. At no time did CITY ever invoke an exemption to disclosure
10 of the records under the Act.

11 14. The time to produce the records responsive to SDOG's May 2 Public Records Act
12 request has lapsed.

13 15. CITY's failure to respond to SDOG's May 2 Public Records Act request within 10 days
14 was unlawful under the Act, and CITY's failure to produce disclosable public records responsive to the
15 request was unlawful under the Act.

16 16. SDOG has been damaged as a result of CITY's unlawful failure to respond to the May
17 2 Public Records Act request and by CITY's failure to produce the disclosable public records
18 responsive to the request.

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

22 17. Paragraphs 1 through 16 are fully incorporated into this paragraph.

23 18. SDOG is informed and believes and on that basis alleges that an actual controversy exists
24 between SDOG, on the one hand, and CITY, on the other hand, concerning their respective rights and
25 duties under the Act. As alleged in this pleading, SDOG contends that the public records responsive
26 to SDOG's May 2 Public Records Act request are not exempt from disclosure under the Act and that
27 CITY is required by law to produce them; whereas SDOG is informed and believes and on that basis
28 alleges that CITY disputes SDOG's contention.

19. SDOG desires a judicial determination and declaration as to whether CITY was required
to respond to SDOG's May 2 Public Records Act request, whether disclosable public records were

1 unlawfully withheld by CITY, and whether CITY was required by law to produce such records in a
2 timely manner.

3 **THIRD CAUSE OF ACTION:**
4 **Violation of the California Public Records Act on May 3, 2013 Request**
5 **(Against All Defendants/Respondents)**

6 20. Paragraphs 1 through 19 are fully incorporated into this paragraph.

7 21. On May 3, 2013, SDOG caused to be submitted (via e-mail) a letter to CITY requesting
8 certain public records as described in the letter ("May 3 Public Records Act request"). A true and
9 correct copy of the request is attached to this pleading as Exhibit "B."

10 22. Under Government Code Section 6253(c), within 10 days of receipt of SDOG's May 3
11 Public Records Act request, CITY was required to determine whether the request, in whole or in part,
12 sought copies of disclosable public records in CITY's possession and further required to promptly notify
13 SDOG of the determination and the reasons therefor. Had there been unusual circumstances, the 10-day
14 time limit could have been extended up to 14 days by CITY through written notice to SDOG setting
15 forth the reasons for the extension and the date on which the determination is expected to be dispatched.

16 23. CITY did not respond to SDOG's May 3 Public Records Act request within 10 days of
17 receiving it.

18 24. CITY did not notify SDOG in writing that the response deadline for the May 3 Public
19 Records Act request was being extended and therein set forth the reasons for the extension or the date
20 on which a determined was expected to be dispatched.

21 25. The records responsive to SDOG's May 3 Public Records Act request are "public
22 records" within the meaning of the Act. At no time did CITY ever invoke an exemption to disclosure
23 of the records under the Act.

24 26. The time to produce the records responsive to SDOG's May 3 Public Records Act
25 request has lapsed.

26 27. CITY's failure to respond to SDOG's May 3 Public Records Act request within 10 days
27 was unlawful under the Act, and CITY's failure to produce disclosable public records responsive to the
28 request was unlawful under the Act.

1 28. SDOG has been damaged as a result of CITY's unlawful failure to respond to the May
2 3 Public Records Act request and by CITY's failure to produce the disclosable public records
3 responsive to the request.

4 **FOURTH CAUSE OF ACTION:**
5 **Declaratory Relief under Code of Civil Procedure Section 1060 *et seq.***
6 **(Against All Defendants/Respondents)**

6 29. Paragraphs 1 through 28 are fully incorporated into this paragraph.

7 30. SDOG is informed and believes and on that basis alleges that an actual controversy exists
8 between SDOG, on the one hand, and CITY, on the other hand, concerning their respective rights and
9 duties under the Act. As alleged in this pleading, SDOG contends that the public records responsive
10 to SDOG's May 3 Public Records Act request are not exempt from disclosure under the Act and that
11 CITY is required by law to produce them; whereas SDOG is informed and believes and on that basis
12 alleges that CITY disputes SDOG's contention.

13 31. SDOG desires a judicial determination and declaration as to whether CITY was required
14 to respond to SDOG's May 3 Public Records Act request, whether disclosable public records were
15 unlawfully withheld by CITY, and whether CITY was required by law to produce such records in a
16 timely manner.

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1 **Prayer**

2 FOR ALL THESE REASONS, SDOG respectfully prays for the following relief against all
3 Defendants/Respondents (and any and all other parties who may oppose SDOG in this proceeding)
4 jointly and severally:

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

6 1. A writ of mandate ordering Defendants/Respondents to promptly comply with
7 the Act with regard to SDOG's May 2 Public Records Act request; and

8 2. Preliminary and permanent injunctive relief directing Defendants/Respondents
9 to respond to SDOG's May 2 Public Records Act request and to permit SDOG to inspect and obtain
10 copies of the responsive public records.

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

12 1. An order determining and declaring that the failure of Defendants/Respondents
13 to respond to SDOG's May 2 Public Records Act request in the time required by law and to permit
14 SDOG to inspect and obtain copies of the responsive public records does not comply with the Act; and

15 2. Preliminary and permanent injunctive relief directing Defendants/Respondents
16 to respond to SDOG's May 2 Public Records Act request and to permit SDOG to inspect and obtain
17 copies of the responsive public records.

18 C. *On the Third Cause of Action:*

19 1. A writ of mandate ordering Defendants/Respondents to promptly comply with
20 the Act with regard to SDOG's May 3 Public Records Act request; and

21 2. Preliminary and permanent injunctive relief directing Defendants/Respondents
22 to respond to SDOG's May 3 Public Records Act request and to permit SDOG to inspect and obtain
23 copies of the responsive public records.

24 D. *On the Fourth Cause of Action:*

25 1. A writ of mandate ordering Defendants/Respondents to promptly comply with
26 the Act with regard to SDOG's May 3 Public Records Act request; and

27 2. Preliminary and permanent injunctive relief directing Defendants/Respondents
28 to respond to SDOG's May 3 Public Records Act request and to permit SDOG to inspect and obtain
copies of the responsive public records.

1 E. *On All Causes of Action:*

2 1. An order providing for the Court's continuing jurisdiction over this proceeding
3 in order to ensure that Defendants/Respondents comply with the Act and all other applicable laws;

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

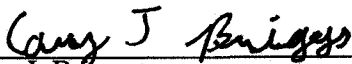
6 3. Any further relief that this Court may deem appropriate.

7 Date: May 16, 2013.

Respectfully submitted,

8 BRIGGS LAW CORPORATION

9
10 By:


Cory J. Briggs

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

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

Exhibit "A"

Field	Value
Record Type	E
Date	05/02/2013
Time	08:35:00 AM
Duration	0:00:00
Status	U
Description	
Client ID	1593.99
Contact	
User ID	CORY
Sent/Received	S
To/From	cityclerk@sandiego.gov
Subject	Request for Public Records
Spoke With	N
Returned Call	N
Left Message	N
Voice Message	N
First Date	mm/dd/yyyy
Last Date	mm/dd/yyyy
First Time	hh:mm:ss AM
Last Time	hh:mm:ss AM
Date Time	
Research URL	
Research File	
To	cityclerk@sandiego.gov
From	Cory Briggs <Cory@briggslawcorp.com>
CC	emaland@sandiego.gov, KKeach@sandiego.gov
BCC	
E-mail Body	Dear City Clerk:

Please see the attached request for public records. Thank you.

Cory Briggs

Cory J. Briggs
 Briggs Law Corporation
 San Diego County: 814 Morena Boulevard, Suite 107, San Diego, CA
 92110
 Inland Empire: 99 East "C" Street, Suite 111, Upland, CA 91786
 Telephone: 619-221-9280 (San Diego), 909-949-7115 (Inland Empire)
 Facsimile: 619-515-6410 (San Diego), 909-949-7121 (Inland Empire)
 E-mail: cory@briggslawcorp.com

Please consider the environment before printing this e-mail, and print double-sided whenever possible.

Field	Value
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E-mail Attachments
Phone #

CPRA_Request_2013-05-02.pdf

BRIGGS LAW CORPORATION

San Diego Office:
814 Morena Boulevard, Suite 107
San Diego, CA 92110

Telephone: 619-497-0021
Facsimile: 619-515-6410

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

Please respond to: Inland Empire Office

BLC File(s): 1593.99

2 May 2013

City Clerk Elizabeth Maland
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA 92101

Re: Request to Inspect and Obtain Copies of Public Records

Dear Public Records Officer:

On behalf of San Diegans for Open Government and pursuant to the California Public Records Act (GOV'T CODE § 6250 *et seq.*), I am writing to request an opportunity to first inspect and then obtain copies of the "public records" (as that term is defined under the Act) listed on *Attachment 1: Categories of Requested Public Records* to this request.

I ask that you make a determination on this request within 10 days of your receiving it, or even sooner if you can do so without having to review the responsive records. If you believe that any of these records is exempt from disclosure, I urge you to note in your reply whether the exemption is discretionary and, if so, whether you are required to exercise your discretion to withhold the record in this particular case. If you determine that any portion of the responsive records is exempt from disclosure and that you intend to withhold that portion, I ask that you redact that portion for the time being and make the other portion available as requested. In any event, please respond with a signed notification citing the legal authorities on which you rely if you determine that any portion of the responsive records, if not all of them, is exempt and will not be disclosed.

If public records responsive to this request are available in one or more non-paper formats (including but not limited to electronic, magnetic, or digital formats), make sure that your response to this request includes production of all responsive records in non-paper formats even if the records are also available in paper format. If there are no records responsive to a particular category listed on *Attachment 1*, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction.

All responsive records must be produced for inspection before my client will pay for copies, unless I agree otherwise in writing after receiving your estimate of copying costs.

Be Good to the Earth: Reduce, Reuse, Recycle



Furthermore, my client reserves the right to make its own reproduction of the responsive records, at its own expense.

Thank you for your time and attention to this matter. If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs



Attachment 1: Categories of Requested Public Records

Page 1 of 5 (following request letter)

- 1a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 7, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 1b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 7, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 2a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 8, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 2b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 8, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 3a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 14, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)



Attachment 1: Categories of Requested Public Records

Page 2 of 5 (following request letter)

- 3b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 14, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 4a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 15, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 4b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 15, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 5a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 28, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 5b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 28, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)



Attachment 1: Categories of Requested Public Records

Page 3 of 5 (following request letter)

- 6a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 29, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 6b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on January 29, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 7a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 5, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 7b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 5, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 8a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 11, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 8b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors



Attachment 1: Categories of Requested Public Records

Page 4 of 5 (following request letter)

or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 11, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)

- 9a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 12, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 9b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 12, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 10a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 19, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 10b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 19, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 11a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 25, 2013--regardless of whether the account used



Attachment 1: Categories of Requested Public Records

Page 5 of 5 (following request letter)

by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

- 11b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 25, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 12a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 26, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 12b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on February 26, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

**** N.B.:** The foregoing requests do not seek communications that are strictly between City Councilmember Todd Gloria and one or more members of his staff.



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

Exhibit "B"

Field	Value
Record Type	E
Date	05/03/2013
Time	07:11:00 AM
Duration	0:00:00
Status	U
Description	
Client ID	1593.99
Contact	
User ID	CORY
Sent/Received	S
To/From	cityclerk@sandiego.gov
Subject	Request for Public Records
Spoke With	N
Returned Call	N
Left Message	N
Voice Message	N
First Date	mm/dd/yyyy
Last Date	mm/dd/yyyy
First Time	hh:mm:ss AM
Last Time	hh:mm:ss AM
Date Time	
Research URL	
Research File	
To	cityclerk@sandiego.gov
From	Cory Briggs <Cory@briggslawcorp.com>
CC	emaland@sandiego.gov, KKeach@sandiego.gov
BCC	
E-mail Body	Dear City Clerk:

Please see the attached request for public records. Thank you.

Cory Briggs

Cory J. Briggs
 Briggs Law Corporation
 San Diego County: 814 Morena Boulevard, Suite 107, San Diego, CA
 92110
 Inland Empire: 99 East "C" Street, Suite 111, Upland, CA 91786
 Telephone: 619-221-9280 (San Diego), 909-949-7115 (Inland Empire)
 Facsimile: 619-515-6410 (San Diego), 909-949-7121 (Inland Empire)
 E-mail: cory@briggslawcorp.com

Please consider the environment before printing this e-mail, and print double-sided whenever possible.

Field	Value
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Important Notice: This message contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not an addressee or the person responsible for delivering this message to the addressee(s), you are hereby notified that reading, disseminating, distributing, or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify me by replying to this message and then delete the original message and your reply immediately thereafter. Thank you very much.

Internal Revenue Service Circular 230 Disclosure: Nothing in this message is intended or written by Briggs Law Corporation (including its attorneys and staff) to be used and cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed in this message.

E-mail Attachments
Phone #

CPRA_Request_2013-05-03.pdf

BRIGGS LAW CORPORATION

San Diego Office:
814 Morena Boulevard, Suite 107
San Diego, CA 92110

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 619-497-0021
Facsimile: 619-515-6410

Telephone: 909-949-7115
Facsimile: 909-949-7121

Please respond to: Inland Empire Office

BLC File(s): 1593.99

3 May 2013

City Clerk Elizabeth Maland
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA 92101

Re: Request to Inspect and Obtain Copies of Public Records

Dear Public Records Officer:

On behalf of San Diegans for Open Government and pursuant to the California Public Records Act (GOV'T CODE § 6250 *et seq.*), I am writing to request an opportunity to first inspect and then obtain copies of the "public records" (as that term is defined under the Act) listed on *Attachment 1: Categories of Requested Public Records* to this request.

I ask that you make a determination on this request within 10 days of your receiving it, or even sooner if you can do so without having to review the responsive records. If you believe that any of these records is exempt from disclosure, I urge you to note in your reply whether the exemption is discretionary and, if so, whether you are required to exercise your discretion to withhold the record in this particular case. If you determine that any portion of the responsive records is exempt from disclosure and that you intend to withhold that portion, I ask that you redact that portion for the time being and make the other portion available as requested. In any event, please respond with a signed notification citing the legal authorities on which you rely if you determine that any portion of the responsive records, if not all of them, is exempt and will not be disclosed.

If public records responsive to this request are available in one or more non-paper formats (including but not limited to electronic, magnetic, or digital formats), make sure that your response to this request includes production of all responsive records in non-paper formats even if the records are also available in paper format. If there are no records responsive to a particular category listed on *Attachment 1*, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction.

All responsive records must be produced for inspection before my client will pay for copies, unless I agree otherwise in writing after receiving your estimate of copying costs.

Be Good to the Earth: Reduce, Reuse, Recycle



Furthermore, my client reserves the right to make its own reproduction of the responsive records, at its own expense.

Thank you for your time and attention to this matter. If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs



Attachment 1: Categories of Requested Public Records

Page 1 of 7 (following request letter)

- 1a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 4, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 1b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 4, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 2a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 5, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 2b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 5, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 3a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 11, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)



Attachment 1: Categories of Requested Public Records

Page 2 of 7 (following request letter)

- 3b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 11, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 4a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 12, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 4b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 12, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 5a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 18, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 5b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 18, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)

Attachment 1: Categories of Requested Public Records

Page 3 of 7 (following request letter)

- 6a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 19, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 6b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 19, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 7a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 25, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 7b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 25, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 8a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 26, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 8b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors



Attachment 1: Categories of Requested Public Records

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or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 26, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)

- 9a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 28, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 9b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on March 28, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 10a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 8, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 10b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 8, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "**COMMUNICATION**" is limited to communication by e-mail, text message, or voice mail; and "**ITEM**" does not include any items falling under the "**PROCLAMATIONS/CEREMONIAL ITEMS**" or the "**CONSENT ITEMS**" section of any agenda.)
- 11a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 9, 2013--regardless of whether the account used by Mr.



Attachment 1: Categories of Requested Public Records

Page 5 of 7 (following request letter)

Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

- 11b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 9, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 12a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 15, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 12b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 15, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 13a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 16, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 13b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 16, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is



Attachment 1: Categories of Requested Public Records

Page 6 of 7 (following request letter)

public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

- 14a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 22, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 14b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 22, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 15a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 23, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 15b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 23, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 16a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 29, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this



Attachment 1: Categories of Requested Public Records

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request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

- 16b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 29, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 17a. Each and every **COMMUNICATION** between City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 30, 2013--regardless of whether the account used by Mr. Gloria to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)
- 17b. Each and every e-mail **COMMUNICATION** between one or more members of the staff of City Councilmember Todd Gloria and any other person (regardless of the number of authors or recipients involved in the communication) concerning any **ITEM** that has appeared on any agenda of the San Diego City Council for its meeting on April 30, 2013--regardless of whether the account used by the staff member(s) to send or receive the communication is public or private. (As used in this request, "COMMUNICATION" is limited to communication by e-mail, text message, or voice mail; and "ITEM" does not include any items falling under the "PROCLAMATIONS/CEREMONIAL ITEMS" or the "CONSENT ITEMS" section of any agenda.)

**** N.B.:** The foregoing requests do not seek communications that are strictly between City Councilmember Todd Gloria and one or more members of his staff.



VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Bernardino

I have read the foregoing VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE 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

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 San Diegans for Open Government 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 16, 20 13, at Upland, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Cory J. Briggs Type or Print Name

Cory J. Briggs 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

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. (Federal) I 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)