

BRIGGS LAW CORPORATION [FILE: 2060.06]
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Attorney for Plaintiff and Petitioner Project for
Open Government

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By Jimmy Siharath, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO HALL OF JUSTICE

PROJECT FOR OPEN GOVERNMENT,	)	CASE NO. 37-2022-00049198-CU-MC-CTL
Plaintiff and Petitioner,	)	
vs.	)	VERIFIED COMPLAINT FOR
	)	DECLARATORY AND INJUNCTIVE
	)	RELIEF AND PETITION FOR WRIT
CITY OF SAN DIEGO; and DOES 1 through 100,	)	OF MANDATE UNDER THE
Defendants and Respondents.	)	CALIFORNIA CONSTITUTION, THE
	)	RALPH M. BROWN ACT, AND
	)	OTHER LAWS

Plaintiff and Petitioner PROJECT FOR OPEN GOVERNMENT ("PLAINTIFF") alleges as follows:

Introductory Statement

1. PLAINTIFF brings this lawsuit to vindicate the public's free-speech and government-petitioning rights against violations thereof by Defendant and Respondent CITY OF SAN DIEGO ("CITY"). PLAINTIFF is suing for itself and on behalf of all other persons who have openly criticized members of CITY's legislative bodies during public meetings and suffered interference or reprisal by one or more CITY officials or other agents, and on behalf of all other persons who would like to openly criticize members of CITY's legislative bodies during public meetings without interference or reprisal.

Parties

2. PLAINTIFF is a non-profit corporation formed and operating under the laws of the State of California. It serves as a government "watchdog" for purposes of making sure that public agencies

1 and officials are transparent in their conduct, accountable for their conduct, and conform their conduct
2 to all applicable legal requirements. At least one of PLAINTIFF's members resides in and pays taxes
3 in the City of San Diego.

4 3. CITY is a "local agency" within the meaning of Government Code Section 54951.
5 CITY's city council and each of the city council's committees is a "legislative body" within the meaning
6 of Government Code Section 54952.

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

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

19 **Jurisdiction and Venue**

20 6. The Court has jurisdiction over this lawsuit pursuant to Government Code Sections
21 54960 and 54960.2; Code of Civil Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*; the
22 California Constitution, the San Diego City Charter, and the San Diego Municipal Code, among other
23 provisions of law.

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

26 **Legal Background**

27 8. At all times relevant to this lawsuit, Section 2(a) of the California Constitution has
28 provided as follows: "Every person may freely speak, write and publish his or her sentiments on all

1 subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of
2 speech or press.”

3 9. At all times relevant to this lawsuit, Section 3(a) of the California Constitution has
4 provided as follows: “The people have the right to instruct their representatives, petition government
5 for redress of grievances, and assemble freely to consult for the common good.”

6 10. At all times relevant to this lawsuit, Government Code Section 54953(e)(2) has provided
7 in part as follows: A legislative body that holds a meeting pursuant to this subdivision shall do all of
8 the following: * * * (B) The legislative body shall allow members of the public to access the meeting
9 and the agenda shall provide an opportunity for members of the public to address the legislative body
10 directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced
11 meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall
12 also give notice of the means by which members of the public may access the meeting and offer public
13 comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in
14 option or an internet-based service option. This subparagraph shall not be construed to require the
15 legislative body to provide a physical location from which the public may attend or comment. * * *

16 11. At all times relevant to this lawsuit, Government Code Section 54954.3(a) has provided
17 as follows: “Every agenda for regular meetings shall provide an opportunity for members of the public
18 to directly address the legislative body on any item of interest to the public, before or during the
19 legislative body’s consideration of the item, that is within the subject matter jurisdiction of the
20 legislative body, provided that no action shall be taken on any item not appearing on the agenda unless
21 the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not
22 provide an opportunity for members of the public to address the legislative body on any item that has
23 already been considered by a committee, composed exclusively of members of the legislative body, at
24 a public meeting wherein all interested members of the public were afforded the opportunity to address
25 the committee on the item, before or during the committee’s consideration of the item, unless the item
26 has been substantially changed since the committee heard the item, as determined by the legislative
27 body. Every notice for a special meeting shall provide an opportunity for members of the public to
28

1 directly address the legislative body concerning any item that has been described in the notice for the
2 meeting before or during consideration of that item.”

3 12. At all times relevant to this lawsuit, Section 216.1(a) of the San Diego City Charter has
4 provided as follows: “The people have the right to instruct their representatives, petition government
5 for redress of grievances, and assemble freely to consult for the common good.”

6 13. At all times relevant to this lawsuit, CITY’s Rule of the Council 2.6.1 has provided as
7 follows: “Every agenda for a regular Council meeting shall provide a period on the agenda for members
8 of the public to address the Council on items of interest to the public that are not on the agenda but are
9 within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of
10 the Council President’s discretion for a given agenda.”

11 14. At all times relevant to this lawsuit, CITY’s Rule of the Council 6.3.3 has provided as
12 follows: “Every meeting of each standing committee and special issues committee shall be open to the
13 public except as otherwise provided for by state law and shall conform to the notice, posting, public
14 comment, public conduct, and other provisions as provided by these Rules of Council.”

15 **Factual Background**

16 15. On or about November 4, 2022, PLAINTIFF caused a cease-and-desist letter to be sent
17 to CITY. The letter asked CITY’s city council and its committees to cease and desist from all future,
18 and to cure and correct all past, violations of the Ralph M. Brown Act (Government Code Section
19 54950 *et seq.*), the San Diego Municipal Code (“SDMC”), and the public’s federal and state free-speech
20 and government-petitioning rights that have been committed by the council and/or its committees within
21 the preceding 30 days. A true and correct copy of the letter is attached hereto as Exhibit “A.”

22 16. On or about December 1, 2022, CITY responded in writing to PLAINTIFF’s cease-and
23 desist letter. A true and correct copy of the response is attached hereto as Exhibit “B.”

24 17. On or about December 2, 2022, PLAINTIFF caused its reaction to CITY’s letter to be
25 sent in writing to CITY. A true and correct copy of the reaction is attached hereto as Exhibit “C.”

26 18. Other than the written response attached hereto as Exhibit “B,” CITY did not send any
27 correspondence in writing to PLAINTIFF prior to December 4, 2022, concerning the subject matter of
28 PLAINTIFF’s cease-and-desist letter attached hereto as Exhibit “A.”

1 19. The written response attached hereto as Exhibit “B” was not approved by CITY’s city
2 council in open session at a regular or special meeting as a separate item of business apart from the city
3 council’s consent agenda.

4 20. The written response attached hereto as Exhibit “B” was not approved by any committee
5 of CITY’s city council in open session at a regular or special meeting as a separate item of business
6 apart from the committee’s consent agenda.

7 **FIRST CAUSE OF ACTION:**
8 **Violation of Public’s Free-Speech and Government-Petitioning Rights**
 (Against All Defendants/Respondents)

9 21. The preceding allegations in this pleading are fully incorporated into this paragraph.

10 22. Defendants/Respondents have violated the free-speech and government-petitioning rights
11 of one or more members of the public, as set forth in PLAINTIFF’s cease-and-desist letter attached
12 hereto as Exhibit “A.” In doing so, Defendants/Respondents have violated the California Constitution,
13 the Ralph M. Brown Act, the San Diego City Charter, and the SDMC.

14 23. PLAINTIFF, its members, and other members of the public have been injured as a result
15 of Defendants’/Respondents’ violations of the free-speech and government-petitioning rights of the
16 public. Among other things, members of the public are unable to speak freely to members of CITY’s
17 city council and its committees and are thereby unable to adequately instruct their representatives and
18 to petition those representatives to redress the public’s grievances.

19 24. PLAINTIFF is informed and believes and on that basis alleges that an actual controversy
20 exists between PLAINTIFF and similarly situated persons, on the one hand, and
21 Defendants/Respondents, on the other hand, concerning their respective rights and duties under the
22 California Constitution, the Ralph M. Brown Act, the San Diego City Charter, the SDMC, and other
23 applicable laws. As alleged in this pleading, PLAINTIFF contends that Defendants/Respondents are
24 violating the free-speech and government-petitioning rights of members of the public, as described in
25 PLAINTIFF’s cease-and-desist letter attached hereto as Exhibit “A”; whereas Defendants/Respondents
26 dispute PLAINTIFF’s contention. Plaintiff therefore desires a judicial determination and declaration
27 as to whether Defendants/Respondents have committed, are committing, and/or are threatening to
28 commit such violations.

1 **Prayer**

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

5 A. A judgment determining or declaring that Defendants/Respondents are violating one or
6 more free-speech and/or government-petitioning rights of members of the public.

7 B. A writ of mandate ordering Defendants/Respondents to fully and promptly comply with
8 all free-speech and/or government-petitioning rights of members of the public.

9 C. Preliminary and permanent injunctive relief directing Defendants/Respondents to fully
10 and promptly comply with all free-speech and/or government-petitioning rights of members of the
11 public to the extent Defendants/Respondents do not do so prior to a determination on the merits of this
12 lawsuit.

13 D. An order providing for the Court's continuing jurisdiction over this lawsuit in order to
14 ensure that Defendants/Respondents fully and promptly comply with all free-speech and/or government-
15 petitioning rights of members of the public.

16 E. All attorney fees and other legal expenses incurred by PLAINTIFF in connection with
17 this lawsuit.

18 F. Any further relief that this Court may deem appropriate.

19 Dated: December 8, 2022.

Respectfully submitted,

20 BRIGGS LAW CORPORATION

21 By: 

22 Cory J. Briggs

23 Attorney for Plaintiff and Petitioner Project for
24 Open Government

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA CONSTITUTION, THE
RALPH M. BROWN ACT, AND OTHER LAWS**

Exhibit "A"



99 East "C" Street, Suite 111
Upland, CA 91786
T: 909-949-7115
F: 909-949-7121

BLC File(s): 2060.99

4 November 2022

Mayor and City Council
c/o City Clerk Elizabeth Maland
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA 92101

Via Facsimile Only to 619-533-4045

Re: Request to Cease and Desist from, and to Cure and Correct, Violations of Ralph M. Brown Act, San Diego Municipal Code, and Constitutional Rights; Notice of Intent to Sue

Dear Mayor and City Council:

On behalf of my client, Project for Open Government, I am writing to request that the City Council and all committees of the Council cease and desist from all future, and to cure and correct all past, violations of the Ralph M. Brown Act (Government Code Section 54950 *et seq.*), the San Diego Municipal Code ("SDMC"), and the public's federal and state free-speech and government-petitioning rights that have been committed by the Council and its committees within the last 30 days.

Under the Brown Act, the City Council and its committees "shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3"; in this regard, "[e]very agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. . . ." GOV'T CODE § 54953(e)(2)(B), § 54954.3(a).

Locally, the Rules of Council provide that "[e]very agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council"; and require the same public-comment opportunities at committee meetings. SDMC § 2.6.1, § 6.3.3.

The public also has the right to address and petition government officials without restraints on the content of the public's speech (as long as it does not incite imminent violence or criminal activity). At the federal level, these rights are found in the First Amendment to the U.S. Constitution. At the state level, Section 2(a) of the California Constitution provides that "[e]very person may speak freely," while Section 3(a) thereof codifies the right of all members of the public "to instruct their representatives [and] petition government for redress of grievances."

The City Council and its committees are violating the Brown Act, the SDMC, and the public's constitutional rights. For example, on October 27, 2022, Lori Saldaña was addressing the City Council's COVID-19 Response and Recovery Committee during non-agenda public comment.



While Ms. Saldaña was civilly criticizing the job performance of Councilmember Jennifer Campbell (who happens to be up for re-election next week) on a COVID-related matter, Committee Chair Marni von Wolpert interrupted and ordered that Ms. Saldaña's comments be muted on the grounds that "political speech" is not allowed during non-agenda public comment. Chair von Wolpert added that Ms. Saldaña could continue speaking if she did "not wish to advocate for a political candidate" and concluded with the admonishment that "we will not allow any political election speech here." The interruption and the basis given for it were both illegal.

As another example, during non-agenda public comment to the City Council on November 1, 2022, Ms. Saldaña offered polite criticism about "pay to play politics" involving a former chairman of the San Diego Ethics Commission *cum* lobbyist for business interests supporting Measure C on next week's ballot, which the Council put there. Council President Sean Elo-Rivera immediately responded by stating that "we will abide by providing folks an opportunity to speak to issues that do not relate to campaigning, but I also will draw lines when those lines are crossed, uh, just for future reference." Disallowing public comments related to a pending ballot measure put to the voters especially one put to them by the Council is illegal.

Also posted in the City Council chambers is a notice advising members of the public desiring to make comments to "curtail your comments to abide by this Council Policy [700-37] while addressing the Council during these proceedings that are being televised on City TV." In light of language in the Policy stating that "[t]he Government Access Channel shall not be used for the promotion of any political candidacy or for the promotion of any ballot measure," the notice is an obvious tactic to intimidate or discourage members of the public against criticizing any member of the Council who happens to be running for re-election based on his or her poor job performance and/or any matters that the Council has asked voters to consider just because the meeting is being televised. Even if the Policy were applicable to the public during non-agenda comments which is not the case it would not trump the SDMC, state law, or federal law.

For these reasons, my client requests that the City Council and its committees provide an unconditional written commitment to cease, desist from, cure, correct, and not repeat the past actions and threatened future actions that violate the Brown Act, the SDMC, and the public's constitutional rights. At a minimum, this requires the City to commit to stop the past actions and threatened future actions that my client is challenging: interruption or other interference with any member of the public who is (i) addressing the City Council or any of its committees during non-agenda public comment and (ii) expressing viewpoints concerning the character, conduct, or competency of any public official and/or concerning any aspect of any subject matter presented to the voters. In the absence of such an unconditional written commitment, my client will have no choice but to seek judicial recourse.

Thank you for your prompt attention to this important matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs



**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA CONSTITUTION, THE
RALPH M. BROWN ACT, AND OTHER LAWS**

Exhibit "B"

M. TRAVIS PHELPS
ASSISTANT CITY ATTORNEY

CATHERINE A. RICHARDSON
SENIOR CHIEF DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

MARA W. ELLIOTT
CITY ATTORNEY

CIVIL LITIGATION DIVISION
1200 THIRD AVENUE, SUITE 1100
SAN DIEGO, CALIFORNIA 92101-4100
TELEPHONE (619) 533-5800
FAX (619) 533-5856

December 1, 2022

Cory Briggs, Esq.
Briggs Law Corporation
99 East "C" Street, Suite 111
Upland, CA 91786
VIA FACSIMILE AND ELECTRONIC SERVICE ONLY

Dear Mr. Briggs,

This responds to your letter of November 4, 2022, which was forwarded to me for a response.

Your request to cease and desist and to cure and correct alleged Brown Act violations appears to be unwarranted. Government Code section 54960.2 requires a cease and desist letter as a prerequisite for a lawsuit to determine "past violations of a legislative body." The letter must clearly describe "the past action of the legislative body and nature of the alleged violation." *Id.* Moreover, "'action taken' means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." Cal. Gov't Code § 54952.6.

Here, neither the City Council nor its committees took action. Instead, your letter mentions two instances in which Lori Saldaña was briefly interrupted during non-agenda public comment but was nevertheless permitted to use up her allotted time. As a result, there is no action to be taken at this point to cure or correct these alleged past Brown Act violations. We would, however, request that you provide clarification and specifically identify any "action taken" by the Council or Council committee you believe was taken in violation of the Brown Act and that you are requesting be cured.

As you know, City Council meetings, "once opened, have been regarded as public forums, albeit limited ones." *Ribakoff v. City of Long Beach*, 27 Cal.App.5th 150, 174 (2018). Thus, a legislative body may adopt "reasonable regulations" to ensure that the intent of the public discussion provision in Government Code section 54954.3(a) is carried out, including regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Cal. Gov't Code § 54954.3(b).

In addition, the right of public comment does not extend to matters outside the local body's jurisdiction. Cal. Gov't Code § 54954.3(c). And while a legislative body cannot prohibit public criticism of its policies, procedures, programs or services, or of its acts or omissions (Government Code section 54954.3(c)), it is entitled to express its own point of view. *Pleasant Grove City v. Sumnum*, 555 U.S. 460, 467 (2009); see also *Galbiso v. Orosi Pub. Utility Dist.*, 167 Cal.App.4th 1063, 1079-1082 (2008) ("the Brown Act would not be violated if a member who was personally criticized by a commenter offered a verbal response after the comments, so long as the body did not act on the nonagenda item.")

In this case, the Council President and Committee Chair were concerned with the potential violation of Council Policy 700-37 by comments they interpreted to be political campaigning being simultaneously broadcast over City TV. Although that policy prohibits the use of City funds to promote any political candidacy or for the promotion of any ballot measure, your letter correctly notes that it also states "it will not be construed to discourage the use of City TV to telecast, in whole or in part, any city council or committee meetings when the subject under consideration is of interest to the public, even if that subject is controversial."

The City has removed the notice regarding Council Policy 700-37 that was posted in the Council chambers. In addition, the Council President and Committee Chairs will incorporate into their introductory comments a short statement to be read at the beginning of non-agenda public comment that will affirm the City's commitment to supporting free speech during public comment.

The City is committed to complying with the Brown Act as well as all other applicable laws. We therefore do not expect that the instances mentioned in your letter will be repeated. Thank you for bringing this matter to our attention.

Sincerely yours,
MARA W. ELLIOTT, City Attorney

By



Catherine A. Richardson
Senior Chief Deputy City Attorney

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION
FOR WRIT OF MANDATE UNDER THE CALIFORNIA CONSTITUTION, THE
RALPH M. BROWN ACT, AND OTHER LAWS**

Exhibit “C”

Cory Briggs

From: Cory Briggs
Sent: Friday, December 02, 2022 7:33 AM
To: Catherine Richardson [REDACTED]
Cc: Carter, Shelley; [REDACTED]
Subject: RE: Correspondence

Catherine:

Thanks for your client's letter in response to my client's cease-and-desist letter. Unfortunately, your client's letter is not sufficient to avoid litigation.

First, Government Code Section 54960.2(a) never uses the technical term "action taken," so it is unclear why your client's letter focuses on the lack of "action taken" as defined and used elsewhere in the Brown Act. Section 54960.2(a) refers only to "alleging a violation of this chapter" and to "past action." My client's cease-and-desist "clearly describ[ed] the past action of the legislative body and nature of the alleged violation[s]" in question and was therefore sufficient.

Second, your client's letter did not substantially contain the language – that is, the "unconditional commitment" – prescribed by Section 54960.2(c) for a public agency that seeks to avoid litigation over the violations alleged in the cease-and-desist letter. In fact, while your client's letter mischaracterizes and/or altogether dodges the violations described in my client's cease-and-desist letter, the phrase "unconditional commitment" appears nowhere in your client's letter.

The Brown Act provides your client with 30 days to provide the unconditional commitment necessary to preclude litigation. Because your client received my client's cease-and-desist letter on November 4, your client has until the close of business on December 5, 2022, to revise its initial response and provide an unconditional commitment with respect to all violations described in my client's letter.

If you have any questions, please do not hesitate to let me know. Thanks.

Cory J. Briggs
Briggs Law Corporation
99 East "C" Street, Suite 203, Upland, CA 91786
Telephone: 909-949-7115 (office); 619-736-9086 (direct)
Facsimile: 909-949-7121
E-mail: [REDACTED]

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From: Lonergan, Anna [REDACTED]
Sent: Thursday, December 01, 2022 2:14 PM

To: Cory Briggs [REDACTED]
Cc: Richardson, Catherine [REDACTED]; Carter, Shelley [REDACTED] >
Subject: Correspondence

Mr. Briggs,

Please see the attached correspondence sent to you on behalf of Catherine Richardson, Senior Chief Deputy Attorney. If you have any questions, please don't hesitate to contact our office.

Thank you.

Anna

Anna Lonergan
Principal Legal Secretary
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101
T: 619-533-5838
F: 619-533-5856
E: [REDACTED]

My telework days are Wednesdays, Thursdays, and Fridays. If you need to reach me on those days please use email or Teams. I am in the Office on Mondays and Tuesdays.



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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing 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 Project 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 December 8, 20 22, 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.

Mat Wahlstrom

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)