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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 HUMAN RIGHTS DEFENSE
13 CENTER,

14 Petitioner/Plaintiff,

15 v.

16 COUNTY OF LOS ANGELES,

17 Respondent/Defendant.

Case No.: 21STCP01342

**VERIFIED PETITION FOR WRIT OF
MANDATE AND DECLARATORY
RELIEF FOR VIOLATIONS OF THE
CALIFORNIA PUBLIC RECORDS
ACT; EXHIBITS A-J**

[Gov't Code §§ 6250 *et seq.*;]

18 Pursuant to California Code of Civil Procedure §§ 1085 and 1060 and Government Code
19 §§ 6258 and 6259, Petitioner/Plaintiff HUMAN RIGHTS DEFENSE CENTER (“HRDC”)
20 petitions this Court for a writ of mandate and declaratory relief directed to
21 Respondent/Defendant COUNTY OF LOS ANGELES (“County”), ordering the County to
22 provide public records that it has unlawfully withheld from the Human Rights Defense Center in
23 violation of the California Public Records Act. The County is hiding records that are required to
24 be released under the California Public Records Act — records of about 1,000 misconduct
25 claims and lawsuits against the Sheriff’s Department and District Attorney’s Office that were
26 settled by the County for more than a half a billion dollars.
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1 In this verified petition, Plaintiff/Petitioner Human Rights Defense Center alleges as
2 follows:

3 **INTRODUCTION**

4 1. For nearly three years – from early 2018 until December 2020 – the County has
5 denied the HRDC’s three California Public Records Act requests to disclose important records
6 revealing approximately 1,000 claims and lawsuits settled against the Sheriff’s Department for
7 wrongful deaths, excessive force, sexual assaults and against the District Attorney’s Office for
8 other misconduct. The County’s main reason? It is just too hard for the County to search for the
9 records. So it didn’t even try. That’s not allowed under the law.

10 2. The public interest in these records is extremely high. Over the past eight fiscal
11 years, taxpayers have paid more than a half a billion dollars (nearly \$550 million) to hire lawyers
12 and pay settlements and court judgments to resolve pre-litigation claims and lawsuits for serious
13 misconduct by the Sheriff’s Department, according to the County Counsel’s public Annual
14 Litigation Cost Reports for 2012-2013 to 2019-2020. The County spent an additional \$2.75
15 million in litigation and settlement costs for the District Attorney’s Office in 2019-2020, the first
16 year that office’s litigation costs have been disclosed by the County.

17 3. In response to the HRDC’s CPRA 2020 request, the County refused to make a
18 reasonable effort to search for pre-litigation claims, lawsuits, settlement agreements, and court
19 judgments, saying the request for “voluminous” records for 1,000 settled claims and lawsuits
20 was “overly broad and burdensome” and the “public interest” in keeping the records secret “far
21 outweighed the public interest” in making the records public.

22 4. In response to the HRDC’s 2018 requests for the same records, the County was
23 more helpful; saying it would search for and produce pre-litigation claims and payee information
24 in its electronic database for settled cases against the Sheriff’s Department and District
25 Attorney’s Office from 2010 to 2018 for a fee of approximately \$1,000. But the County refused
26 to search for or produce the other requested records – lawsuits, settlement agreements, and court
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1 judgments – saying the request was “overly broad and burdensome” and the public interest
2 weighed in favor of secrecy.

3 5. At the same time the County claimed it was too “burdensome” in 2018 and 2020
4 to search for the requested claims, lawsuits, settlement agreements, and court judgments, the
5 County was able to provide the HDRC with three spreadsheets listing the case names, case
6 numbers, and payment amounts for settlement agreements and court judgments for the
7 approximately 1,000 pre-litigation claims and lawsuits settled against the Sheriff’s Department
8 and District Attorney’s Office between January 1, 2010 and June 30, 2019.

9 6. At the same time the County claimed it was too “burdensome” in 2018 and 2020
10 to locate the requested claims, lawsuits, settlement agreements, and court judgments, the County
11 was able to list the court case numbers, facts of the cases, names of the victims (but not of the
12 deputies), settlement payments, and court judgment payments for what it called the “costliest”
13 cases against the Sheriff’s Department in the County’s most recent Annual Litigation Cost
14 Reports, which are posted online for the public. The same information for the District Attorney’s
15 Office is listed in the County’s most recent Annual Litigation Cost Report for 2019-2020.

16 7. The County’s repeated refusal to make a reasonable search for these records
17 blocks the HRDC and the public from monitoring the Sheriff’s Department, the District
18 Attorney’s Office, the County Board of Supervisors, and other County agencies that approved
19 these settlements. The records provide important details about the shootings, car crashes, sexual
20 assaults, beatings, prosecutorial misconduct, and other serious misconduct by these two agencies.
21 These records are of utmost public interest, especially when the public needs more information
22 as it considers police reform.

23 **THE PARTIES**

24 8. Petitioner/Plaintiff Human Rights Defense Center is a non-profit organization that
25 advocates on behalf of prisoner rights across the nation. The HRDC distributes criminal justice,
26 legal and self-help titles, in addition gathering and reporting the news in its monthly publications,
27 *Prison Legal News* (publishing monthly since 1990) and *Criminal Legal News* (publishing
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1 monthly since 2017). At all times relevant to the Petition, the HRDC has been engaged in the
2 business of gathering and disseminating information to the public in its publications, including
3 information about the performance and functioning of sheriff's departments and district
4 attorney's offices throughout the State of California. As such, the HRDC is within the class of
5 persons beneficially interested in the County of Los Angeles's performance of its legal duties.

6 9. Respondent/Defendant COUNTY OF LOS ANGELES is a local public agency,
7 as defined by Government Code § 6252(d), and is, therefore, subject to the CPRA. The Los
8 Angeles Sheriff's Department is a department of the County. The Los Angeles District
9 Attorney's Office is also a department of the County. The County's Executive Office is located
10 in the Kenneth Hahn Hall of Administration at 500 West Temple Street, in Los Angeles,
11 California 90012.

12 **JURISDICTION AND VENUE**

13 10. This Court has jurisdiction over this matter pursuant to Code of Civil Procedure
14 §§ 1085 and 1060 and Government Code §§ 6258 and 6259.

15 11. Venue is proper in this Court, as the County is located within the County of Los
16 Angeles, and the records, acts, and events giving rise to the claims occurred in the County of Los
17 Angeles.

18 **FACTS SUPPORTING THIS ACTION**

19 **County Counsel's Annual Litigation Cost Reports**

20 12. Every year, County Counsel submits an Annual Litigation Cost Report to the
21 Board of Supervisors. The County Counsel labels each report a "public document" and posts the
22 reports on its website, <https://counsel.lacounty.gov/Report>. The Sheriff's Department is listed in
23 the report as incurring the "costliest" litigation and settlement costs for the past eight fiscal years
24 -- \$550 million from fiscal years 2012-2013 to 2019-2020. For the "costliest" cases, the reports
25 list the court case numbers, the names of some of the plaintiffs and victims, the facts of the cases,
26 and payments for settlements and court judgments. It is difficult to believe that County Counsel
27 is able to gather this detailed information without using an electronic database to review the
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1 claims, lawsuits, settlement agreements, and court judgments. A true and correct copy of the
2 2019-20 Annual Litigation Cost Report dated February 17, 2021, the most recent report, is
3 attached hereto as **Exhibit A.**¹

4 **The HRDC's First CPRA Request on February 9, 2018**

5 13. On February 9, 2018, Michelle Dillon, the Development Coordinator and Public
6 Records Manager for the HRDC, submitted a written CPRA request to Lori Glasgow, Executive
7 Officer of the Los Angeles County Board of Supervisors, titled "Request for Settlements and
8 Verdicts Records." The request sought "records of all litigation and pre-litigation settlements
9 against the Los Angeles County Sheriff's Office and the Los Angeles County District Attorney's
10 Office and/or their subdivisions, employees, or agents where Los Angeles County, its
11 subdivisions, and/or its insurers paid \$1,000 or more to resolve a claim or claims against it" that
12 had been paid from "January 1, 2010 to present." The request also asked for each "complaint or
13 claim form and any amended versions" and "verdict form, final judgment, settlement agreement,
14 consent decree, or other writing that resolved the case" for all of the same cases paid from
15 "January 1, 2020 to present." A true and correct copy of the HRDC's February 9, 2018 request is
16 attached hereto as **Exhibit B.**

17 **The HRDC's Second CPRA Request on February 21, 2018**

18 14. On February 21, 2018, the HRDC submitted a written CPRA request to the Los
19 Angeles Chief Executive Office titled "Request for Pre-Litigation Settlement Records." The
20 request asked for "records of all pre-litigation settlements against the Sheriff's Department and
21 District Attorney's Office that had been paid between "January 1, 2010 to present."² A true and
22 correct copy of the HRDC's February 21, 2018 request is attached hereto as **Exhibit C.**

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25 ¹ All exhibits attached hereto are true and correct copies of the documents they purport to be and
26 are incorporated by reference herein as if set forth in full.

27 ² The County settles some pre-litigation claims filed with the County Executive Office pursuant
28 to the California Tort Claims Act, Gov't Code §§ 810 *et seq.*

1 **The County's March 7, 2018 Response**

2 15. On March 7, 2018, the County responded to the HRDC's February 9 and 21, 2018
3 CPRA requests.³ The County produced a spreadsheet listing approximately 850 case names and
4 case numbers of pre-litigation claims and lawsuits against the Sheriff's Department and District
5 Attorney's Office, and payment amounts for settlements and court judgments that resolved those
6 cases between January 1, 2010 and July 30, 2017. The County stated that the spreadsheet was
7 "responsive to [the] request for case/litigation information[.]" The County informed the HRDC
8 that the County had "responsive records" "maintained in electronic format" for the requested (1)
9 all "payee information and date of resolution" and (2) "claim records," which the County would
10 produce for a search fee of \$84.12 per hour for an estimated total of about \$1,000. The County
11 instructed the HRDC that it could search for the "claims and the writings that resolved them" at
12 the Executive Office of the Board of Supervisors. However, The County stated that the County
13 was denying HRDC's request for "the names of all the parties involved" and "complaints and
14 writings that resolved them" on the grounds that "the requested records are exempt from
15 disclosure under several authorities, including, but not limited to, Government Code sections
16 6255(a) and 6254(k)." The County stated the request was "overly broad and burdensome, as it
17 requests copies of complaints and writings that resolved complaints for nearly 850 cases." The
18 County also stated that "[t]he public interest served by not disclosing the requested records
19 clearly outweighs the interest served by the search and disclosure of these voluminous records,
20 especially given that such records are readily available from the court dockets and the Public
21 Access to Court Electronic Records ("PACER") website." A true and correct copy the County's
22 March 7, 2018 response is attached hereto as **Exhibit D**.

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25 ³ The County states in the beginning of its letter that it was responding to only the HRDC's
26 February 8, 2018 CRPA request, but the County also responds to the HRDC's February 21, 2018
27 CRPA request for claim documents by referring to the HRDC's "Request No. 2" for claim
28 records on page 3 of the letter. *See Exhibit C.*

1 16. The HRDC did not respond to the County's March 7, 2018 letter because the high
2 search fee was not permitted by the CPRA and the County refused to release the lawsuits, final
3 judgments, settlement agreements, and other key records.

4 **HRDC's Third CPRA Request on July 23, 2020**

5 17. On July 23, 2020, Kathrine Browne, Public Records Manager for the HRDC,
6 made a third California Public Records Act request to the County, this time addressed to County
7 Supervisor Kathryn Barger, then-chair of the Board of Supervisors. The request again sought
8 "records of all litigation and pre-litigation settlements against the Los Angeles County Sheriff's
9 Office and the Los Angeles County District Attorney's Office and/or their subdivisions,
10 employees, or agents where Los Angeles County, its subdivisions, and/or its insurers paid \$1,000
11 or more to resolve a claim or claims against it" where payment was dispersed between "January
12 1, 2010 to present." The request also sought records of payments that "include but are not
13 limited to settlements, damages, attorney fee awards, and sanctions, irrespective of the identity of
14 the plaintiff or claimant." The request also sought records "sufficient to show" the names of all
15 parties involved, the case or claim number, the jurisdiction, the date of resolution, amount of
16 money involved and to whom it was paid. Once again, the HRDC sought "the complaint or claim
17 form and any amended versions" and the "verdict form, final judgement, settlement agreement,
18 consent decree, or other writing that resolved the case" for each resolved claim or lawsuit. A true
19 and correct copy of the HRDC's July 23, 2020 CPRA request is attached hereto as **Exhibit E**.

20 **The County's August 11, 2020 Response**

21 18. On August 11, 2020, the County responded to the HRDC's July 23, 2020 CPRA
22 request. Unlike the County's March 7, 2018 response to the HRDC's February 9 and 21, 2018
23 requests for the same records, the County did not produce a spreadsheet of claims, lawsuits, and
24 payments, nor did the County say that it had responsive electronic records for all payee
25 information or claim forms, or that it would search for those records. Instead, the County stated
26 that the HRDC's entire request did not comply with Government Code § 6253(b) because it did
27 not "reasonably describe" identifiable records and was "vague, ambiguous, and overbroad" and
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1 “unduly burdensome” because the request sought “an enormous volume of data.” In contrast, the
2 County made no vagueness objection to the HRDC’s *exact same request* in 2018. The County
3 also stated that the “Executive Office of the Board of Supervisors does not categorize or
4 maintain records in the manner you are requesting” and “the documents cannot be reasonably
5 searched for with reasonable effort.” The response letter also stated that the “CPRA does not
6 require, or contemplate, the creation of documents by extracting and/or compiling information
7 from documents or other sources.” As in 2018, the County again stated that the records requested
8 by the HRDC were exempt from disclosure, but specifically cited the attorney-client privilege,
9 attorney work product protection, deliberative process privilege, and protections for preliminary
10 drafts and notes and documents related to pending litigation, citing Government Code
11 §§ 6254(k), (a), (b), and 6255. A true and correct copy of the County’s August 11, 2020 response
12 is attached hereto as **Exhibit F**.

13 **The HRDC Narrows Its CPRA Request**

14 19. On September 19, 2020, the HRDC reached out to the County to discuss the
15 County’s denial of the HRDC’s July 23, 2020 CPRA request. On October 8, 2020, the HRDC
16 submitted a narrowed version of its July 23, 2020 CPRA request, saying it was now seeking only
17 “out of court settlements and payments of judgments” over \$1,000 paid by the County to resolve
18 pre-litigation claims and lawsuits against the Sheriff’s Department and the District Attorney’s
19 Office between 2010 and 2019. The HRDC also requested “all claims” and “all lawsuits” filed
20 against those two agencies during that period. On October 29, 2020, the County sent an email to
21 the HRDC stating, “Please know that we are processing your client’s requests.” A true and
22 correct copy of the email chain between the HRDC and the County from September 19, 2020 to
23 October 29, 2020 is attached hereto as **Exhibit G**.

24 **The HRDC’s November 5, 2020 Letter to the Board of Supervisors**

25 20. On November 5, 2020, after the County failed to provide any progress reports or
26 any of the narrowed category of records requested by the HRDC, the HRDC sent a letter to the
27 individual members of the Los Angeles Board of Supervisors – then-Chair Barger and
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1 Supervisors Hilda Solis, Mark Ridley-Thomas, Sheila Kuehl, and Janice Hahn – asking them to
2 instruct then-Acting County Counsel Rodrigo Castro-Silva to provide the HRDC with the
3 records requested in the HDRC’s narrowed July 23, 2020 CPRA request. The HRDC noted that
4 the County Counsel had recently provided the Board of Supervisors with a report on all the
5 claims, lawsuits, settlements, and jury awards from 1990-2019 involving sheriff’s deputies
6 accused of operating as gangs and the County could easily produce similar records to the HRDC.
7 The HRDC informed the Board of Supervisors that it had narrowed its July 23, 2020 CPRA to
8 seek the following records:

- 9
- 10 a. **2015-2019 Settlements and Payments of Judgments:** Within 21 calendar
11 days, please provide all out-of-court settlements and payment of judgments
12 resolving claims and lawsuits against the Sheriff’s Department and the District
13 Attorney’s Office over \$1,000 from 2015-2019.
 - 14 b. **2010-2014 Settlements and Payments of Judgments:** Within 30 calendar
15 days, please provide the same documents listed above from 2010-2014.
 - 16 c. **2010-2019 Lawsuits and Claims:** Within 60 calendar days, please provide all
17 claims and lawsuits against the Sheriff’s Department and/or its deputies and
18 against the District Attorney’s Office and/or its employees from 2010-2019.

19 A true and correct copy of HRDC’s November 5, 2020 letter is attached hereto as

20 **Exhibit H.**

21 **The County’s November 30, 2020 Response**

22 21. On November 30, 2020, the County sent a letter to the HRDC with a copy of a
23 spreadsheet titled, “Chronological List of Claims, Lawsuits, and Other Settlement Agreements
24 Involving Allegations That A Sworn Member of LASD Was a Member of a Secret Society or
25 Clique,” dating from the early 1990s to 2018. The County stated that the County Counsel’s
26 report to the Board of Supervisors about the lawsuits involving alleged deputy gang members
27 was exempt from disclosure under the attorney-client privilege, attorney work-product
28 protection, pending litigation exemption, deliberative process privilege, but the County had
decided to release the spreadsheet of deputy gang claims, lawsuits, and settlement amounts “in

1 the spirit of cooperation, subject to and without waiving the stated objections.” A true and
2 correct copy of The County’s November 30, 2020 letter with the spreadsheet titled,
3 “Chronological List of Claims, Lawsuits, and Other Settlement Agreements Involving
4 Allegations That A Sworn Member of LASD Was a Member of a Secret Society or Clique,”
5 dating from the early 1990s to 2018 is attached hereto as **Exhibit I**.

6 **The County’s December 30, 2020 Response**

7 22. On December 30, 2020, the County sent a letter to HRDC, which it classified as
8 “supplemental response” to the HRDC’s narrowed July 23, 2020 CPRA request. The County
9 provided a “spreadsheet with the same or similar information that was provided to HRDC in
10 response to a proper CRPA request in 2018,” listing payments of settlements and judgments for
11 claims and lawsuits involving the Sheriff’s Department or the District Attorney’s office over
12 \$1,000 paid from July 1, 2017, through June 30, 2019. The County stated that the County was
13 not required by the CPRA to provide the spreadsheet, but the County was providing the
14 document “in the spirit of cooperation, subject to and without waiving the stated objections.”
15 Unlike the County’s March 7, 2018 letter, the County now stated that it would not produce any
16 copies of any pre-litigation claims because searching for those records “would constitute an
17 undue burden based on the overwhelmingly voluminous number of records it appears to seek.”
18 The County reiterated its undue burden and privilege objections from its August 11, 2020 letter,
19 adding that the burden was especially high “during the COVID-19 pandemic when County
20 employees are working remotely and may not have full access to resources and data.” The
21 County instructed that the HRDC could search for the pre-litigation claims in the County’s
22 offices, but admitted that the offices were closed due to the pandemic. The County also
23 instructed the HRDC that the pre-litigation claims could be found on the websites of two County
24 claim boards, and that lawsuits listed in the County’s spreadsheets “may be found” on the fee-
25 based federal court website, PACER, and on superior court websites, even though the County’s
26 spreadsheets did not list the names of the courts where the lawsuits were filed. The County also
27 instructed the HRDC to look at the County’s Annual Litigation Reports posted online. The
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1 County did not explain how the County was able to locate detailed information about these
2 claims, lawsuits, judgments, and settlements to prepare the detailed Annual Litigation Reports
3 and three spreadsheets of claims, lawsuits, and payments while at the same time asserting that it
4 would be an undue burden for the County to locate the underlying records for the HRDC. A true
5 and correct copy of the County's December 30, 2020 letter with the spreadsheet titled "Sheriff's
6 Department and District Attorney Judgments and Settlements Over \$1,000 Paid July 1, 2017 and
7 Thru June 30, 2019" is attached hereto as **Exhibit J**.

8 **CAUSE OF ACTION**

9 **FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT**

10 *(GOV. CODE §§ 6258, 6259; CODE CIV. PROC. §§ 1060, 1085)*

11 23. The HRDC hereby realleges and incorporates herein by this reference Paragraphs
12 1 through 22 of this Petition as though set forth herein in full.

13 24. Government Code § 6252(e) defines "public records" subject to public disclosure
14 to include "any writing containing information relating to the conduct of the public's business
15 prepared, owned, used, or retained by any state or local agency regardless of physical form or
16 characteristics."

17 25. The requested records relate to the conduct of the public's business and were
18 prepared, owned, used, or retained by the County. Therefore, the records are deemed to be public
19 records pursuant to Government Code § 6252(e).

20 26. Government Code § 6253(d) prohibits the obstruction of access to public records.

21 27. Government Code § 6253(a) requires an agency provide "[a]ny reasonably
22 segregable portion of a record ... after deletion of the portions that are exempted by law."

23 28. Government Code § 6253(b) provides that, "[e]xcept with respect to public
24 records exempt from disclosure by express provisions of law, each state or local agency, upon a
25 request for a copy of records that reasonably describes an identifiable record or records, shall
26 make the records promptly available."

1 29. In response to the HRDC’s February 9 and 21, 2018 and July 23, 2020 CPRA
2 requests for lawsuits, settlement agreements, and court judgments involving claims and lawsuits
3 against the Sheriff’s Department and District Attorney’s Office, the County refused to provide
4 unspecified records based on claimed exemptions under various privileges and protections under
5 6254, but failed to segregate and provide unprivileged and unprotected records. Key records
6 sought by the HRDC – pre-litigation claims drafted by third parties, settlement agreements
7 approved by government bodies involving the payment of taxpayer funds, and lawsuits and
8 judgments filed in court – and not privileged or otherwise protected from disclosure. *See*
9 *Register Division of Freedom Newspapers, Inc. v. County of Orange*, 158 Cal. App. 3d 894, 909
10 (1984) (pre-litigation claim against local government agency and settlement agreement approved
11 by government body are public under the Brown Act, Government Code § 54957.1(b)-(c)).

12 30. Government Code § 6255(a) requires an agency to justify any denial of a records
13 request by “by demonstrating that the record in question is exempt under express provisions of
14 this chapter,” or exempt “on the facts of the particular case,” or that “the public interest served
15 by not disclosing the record clearly outweighs the public interest served by disclosure of the
16 record.”

17 31. In response to the HRDC’s February 9 and 21, 2018 CPRA requests for lawsuits,
18 settlement agreements, and court judgments involving lawsuits against the Sheriff’s Department
19 and District Attorney’s Office, the County refused to produce those records, saying the request
20 imposed an “undue burden” on the County to search for those records and it was against the
21 public interest to force the County to search for the records and make them public.

22 32. In response to the HRDC’s July 23, 2020 CPRA requests for pre-litigation claims,
23 lawsuits, settlement agreements, and court judgments involving claims and lawsuits against the
24 Sheriff’s Department and District Attorney’s Office, the County refused to produce those
25 records, saying the request imposed an “undue burden” on the County to search for those records
26 and against the public interest to force the County to search for the records and make them
27 public.

1 33. The County has not made, and cannot make, any showing demonstrating that the
2 public interest in withholding any of the records requested in 2018 and 2020 clearly outweighs
3 the public interest in disclosure of the records, as required by Government Code § 6255(a).

4 34. The Public Records Act contemplates that “[r]ecords requests ... inevitably
5 impose some burden on government agencies” but the statute nonetheless requires that “[a]n
6 agency is obliged to comply so long as the record can be located with reasonable effort.”
7 *Community Youth Athletic Center v. City of National City*, 220 Cal.App.4th 1385, 1417–1418
8 (2013).

9 35. The County has not made, and cannot make, any showing demonstrating that it
10 has made a reasonable effort to locate the requested pre-litigation claims, lawsuits, settlement
11 agreements, and judgments.

12 36. Government Code § 6253.9(a) requires a public agency to make public records
13 available, upon request, in any electronic format in which the agency maintains the information.

14 37. The County has not made, and cannot make, any showing that the requested
15 records are not on an electronic database or that it could not provide the records in the electronic
16 format in which the HRDC requested them. The County admitted in 2018 that the County had
17 “responsive records” to the HRDC’s request for “claim records” “maintained in electronic
18 format” and offered to search for them for a fee, but was silent about whether the requested
19 lawsuits, settlement agreements, and court judgments were also stored in electronic format.

20 38. Government Code § 6253.1 requires a public agency to reasonably assist a
21 member of the public to make a focused request for disclosable records, including by
22 “[p]rovid[ing] suggestions for overcoming any practical basis for denying access to the records
23 ...sought.”

24 39. When the County denied the HRDC’s July 23, 2020 CPRA request on the
25 grounds that the request not comply with Government Code § 6253(b) because it did not
26 “reasonably describe” identifiable records and was “vague” and “ambiguous,” the County
27 violated that section by failing to provide suggestions for the HRDC to render the request
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1 sufficiently descriptive. The County also violated Government Code § 6253(b) by failing to
2 object, and thereby admitting, that the HRDC's exact same request in 2018 was not "vague" or
3 "ambiguous."

4 40. Government Code § 6253(d) and 6255(b) require a public agency to provide in
5 writing the names and titles of each person responsible for the denial of requests for records.

6 41. The County did not provide the names and titles of the persons responsible for
7 denial of the HRDC's three CPRA requests.

8 42. Government Code § 6254.5 provides that "if a state or local agency [purposely]
9 discloses a public record that is otherwise exempt from this chapter, to a member of the public,
10 this disclosure shall constitute a waiver" of exemptions of Section 6254 or 6254.7 or "other
11 similar provisions of law." This section requires equal access to voluntarily disclosed
12 government records and bars a government agency from selectively making purposeful
13 disclosures to one member of the public and not another. *Black Panther Party v. Kehoe*, 42
14 Cal.App.3d 645, 656–657 (1974).

15 43. To the extent that the County has purposely disclosed any of the records requested
16 by the HRDC to other members of the public, the County has violated § 6254.5 by failing to
17 provide those same documents to the HRDC.

18 44. Government Code § 6254 allows a government agency to assert 14 privileges and
19 other protections as a basis to refuse to provide records, but the section also "endows the agency
20 with discretionary authority to override any of the 14 statutory exemptions when some
21 dominating public interest favors disclosure"; the 14 exemptions are "permissive, not mandatory;
22 they permit nondisclosure but do not prohibit disclosure."

23 45. Pursuant to Government Code § 6254, the County has the "discretionary
24 authority" to resolve this litigation by discarding its claimed statutory exemptions, deciding that
25 a "dominating public interest favors disclosure," and voluntarily disclosing the records requested
26 by the HRDC – even after being sued by the HRDC.

1 46. The Legislature has deemed access to public records a fundamental and necessary
2 right. To that end, Government Code § 6250 states: “the Legislature ... finds and declares that
3 access to information concerning the conduct of the people’s business is a fundamental and
4 necessary right of every person in this state.”

5 47. The California Constitution, Article I, Section 3, Paragraph (b)(1) states that
6 “[t]he people have the right of access to information concerning the conduct of the people’s
7 business, and, therefore, the meetings of public bodies and the writings of public officials and
8 agencies shall be open to public scrutiny.”

9 48. The County’s improper withholding of records has impaired the HRDC’s ability
10 to gain information to report on the activities of the County, in violation of its rights pursuant to
11 the California Public Records Act and the California Constitution, Article I, Section 3.

12 49. Government Code § 6258 provides: “Any person may institute proceedings for
13 injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to
14 enforce his or her right to inspect or to receive a copy of any public record or class of public
15 records under this chapter.”

16 50. Code of Civil Procedure § 1060 provides: “Any person interested ... may, in
17 cases of actual controversy relating to the legal rights and duties of the respective parties, bring
18 an original action ... in the superior court for a declaration of his or her rights and duties in the
19 premises ... either alone or with other relief[.]”

20 51. The HRDC has exhausted any available administrative remedies. The HRDC has
21 requested copies of disclosable public records from the County, but the County has repeatedly
22 refused to provide access to those public records. The only plain, speedy, and adequate remedy
23 left t is the relief provided by Government Code § 6258.

24 52. An actual controversy exists between the parties regarding the County’s
25 responsibility to disclose records under the CPRA.

26 53. The County has a ministerial duty to perform according to the laws of the State of
27 California, including the CPRA.

1 54. The County has a present legal duty and present ability to perform its ministerial
2 duties, as required by the CPRA.

3 55. The County has failed to perform its ministerial duties as required by the CPRA.

4 56. The HRDC has an interest in having the laws executed and public duties enforced
5 and, therefore, has a beneficial interest in the outcome of the proceedings.

6 57. The HRDC has a clear, present, and legal right to the County's performance of its
7 ministerial duties, as required by the CPRA.

8 58. Through this action, the HRDC seeks no greater relief than would be afforded to
9 any other member of the public.

10 59. Therefore, this Court should find that the County violated the CPRA by
11 obstructing access to the disclosable public records requested by the HRDC and order the County
12 to immediately disclose all records responsive to the HRDC February 9, 2018, February 21,
13 2018, and narrowed July 23, 2020 CPRA requests; or, in the alternative, an order to show cause
14 why these public records should not be released.

15 **WHEREFORE, PETITIONER PRAYS AS FOLLOWS:**

16 1. This Court issue a preemptory writ of mandate, without a hearing or further
17 notice, immediately directing the County to disclose the improperly withheld records or, in the
18 alternative, an order to show cause why these public records should not be disclosed.

19 2. This Court issue a declaratory judgment that the records requested by the HRDC
20 are disclosable public records and that the County violated the California Public Records Act by
21 obstructing access to these public records through its wrongful denial of the HRDC's requests.

22 3. This Court set "times for responsive pleadings and for hearings in these
23 proceedings ... with the object of securing a decision as to these matters at the earliest possible
24 time," as provided in Government Code § 6258.

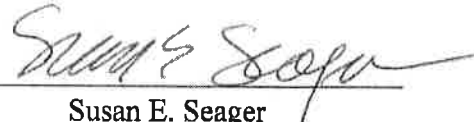
25 4. This Court enter an order allowing the HRDC to recover attorneys' fees and costs
26 incurred in this action pursuant to Government Code § 6259 and/or Code of Civil Procedure
27 § 1021.5; and,
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5. This Court award such further relief as is just and proper.

DATED: April 28, 2021

UC IRVINE SCHOOL OF LAW
INTELLECTUAL PROPERTY, ARTS, AND
TECHNOLOGY CLINIC
PRESS FREEDOM AND TRANSPARENCY
PRACTICE

By: 
Susan E. Seager
Attorneys for Plaintiff/Petitioner
HUMAN RIGHTS DEFENSE CENTER

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VERIFICATION
(C.C.P. §§ 446 and 2015.5)

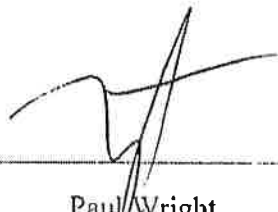
I, Paul Wright, declare as follows:

1. I am Executive Director of the Human Rights Defense Center, which publishes *Prison Legal News* and *Criminal Legal News*, Petitioner in the above-named action.

2. I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT WITH EXHIBITS A THROUGH J** and know the contents thereof and certify that the same are true of my own knowledge, except as to the matters which are stated on information and belief, and as to those matters, I believe them to be true.

This Verification was executed on April 28, 2021, at Lake Worth, Florida.

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



Paul Wright

INDEX OF EXHIBITS

- A. February 17, 2021 County Counsel Annual Litigation Cost Report FY 2019-20
- B. February 9, 2018 CPRA Request for Records by HRDC
- C. February 21, 2018 CPRA Request for Records by HRDC
- D. March 7, 2018 Letter from County Counsel to HRDC Regarding February 9 and 21, 2019 CPRA Requests
- E. July 23, 2020 CPRA Request for Records by HRDC
- F. August 11, 2020 County Counsel Letter to HRDC Denying July 23, 2020 CPRA Request
- G. September 19, 2020 to October 29, 2020 Email Correspondence Between HRDC and County Regarding July 23, 2020 CPRA Request
- H. November 5, 2020 Letter from HRDC to Board of Supervisors Regarding July 23, 2020 CPRA Request
- I. November 30, 2020 Letter from County Counsel to HRDC
- J. December 30, 2020 Letter from LA County Counsel to HRDC Regarding July 23, 2020 CPRA Request

Exhibit A



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

RODRIGO A. CASTRO-SILVA
County Counsel

February 17, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: County Counsel Annual Litigation Cost Report –
Fiscal Year 2019-20**

Dear Supervisors:

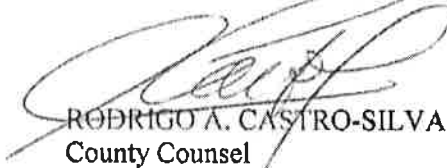
Enclosed is the County Counsel Annual Litigation Cost Report ("Cost Report") for Fiscal Year 2019-20. The Cost Report is a public document and will be posted on the County Counsel website.

Very truly yours,

RODRIGO A. CASTRO-SILVA
County Counsel

By 
ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

APPROVED AND RELEASED:


RODRIGO A. CASTRO-SILVA
County Counsel

AMB:ds

Enclosure

COUNTY COUNSEL ANNUAL LITIGATION COST REPORT FISCAL YEAR 19-20

I. Overview

Annual litigation expenses for Fiscal Year ("FY") 19-20 totaled \$151.9 million,¹ up two percent from \$148.5 million spent in FY 18-19. This increase was largely due to a \$7.3 million increase in fees and costs compared to FY 18-19. The \$151.9 million paid in FY 19-20 consists of \$87.6 million in judgments and settlements and \$64.3 million in attorneys' fees and costs.

II. Judgments and Settlements

Of the \$151.9 million the County expended in litigation costs in FY 19-20, \$87.6 million was paid to satisfy 10 judgments and settle 239 lawsuits. This marks a four percent decrease from the \$91.5 million the County expended on judgments and settlements in FY 18-19.

Judgments

The County paid \$15.4 million in judgments in FY 19-20, a decrease of 50 percent compared to the \$31.1 million spent in FY 18-19. The \$15.4 million was comprised of 10 judgments, with two against the Department of Health Services ("DHS") (\$11.7 million); four against the Sheriff's Department ("LASD") (\$1.52 million); and one each against the Department of Public Social Services ("DPSS") (\$1.48 million), the Fire Department (\$560,000), the Department of Children and Family Services ("DCFS") (\$125,000) and the Department of Parks and Recreation (\$23,732). The three most expensive judgments accounted for 90 percent of the \$15.4 million spent on judgments in FY 19-20.

The costliest judgment paid in FY 19-20 involved DHS (*Cobb*; Case No. BC582690 — \$10.9 million) and arose from a 2015 incident that occurred when the plaintiff was struck by an industrial forklift, operated by a DHS employee, while walking in a marked crosswalk near the LAC+USC Medical Center. Plaintiff sustained fractures to his left foot that required fusion surgery on his toe and skin graft surgery on his lower legs. As trial commenced in August 2017, the County conceded liability, but reserved the right to argue that the plaintiff was comparatively negligent. After a 10-day trial, the jury returned a verdict in the plaintiff's favor for \$10,897,637, of which \$9.8 million was for noneconomic (pain and suffering) damages. The County appealed the amount of noneconomic damages as excessive, but the appellate court affirmed the judgment in May 2019. The final judgment, totaling \$11,366,106, including interest and court costs, was paid in FY 19-20.

¹ While it is worth noting that the Contract Cities Liability Trust Fund and special districts reimbursed the County \$12.4 million of its FY 19-20 litigation expenses, this report covers the total amount paid by the County in litigation, which is \$151.9 million.

The second costliest judgment (*Moncrief*; Case No. BC644539 — \$1.5 million) involved DPSS. *Moncrief* was a petition for a writ of mandate, filed in 2016, in which the petitioners alleged that DPSS failed to timely process a number of Medi-Cal renewal packets, creating a backlog that resulted in some beneficiaries having their benefits terminated without cause. By the time the petition was filed, DPSS eliminated the backlog. However, the petitioners prevailed on the writ, and the court granted an injunction and found that they were entitled to attorneys' fees and costs. After the writ hearing, the County settled with the petitioners for \$1.48 million in attorneys' fees and costs, and the court rendered judgment for the petitioners in that amount. The judgment was paid in January 2020.

The third costliest judgment involved LASD (*Mendez*; Case No. 11-CV-04771 — \$1 million) and arose from a 2010 incident that occurred when LASD deputies shot two residents while searching for an armed felon in a row of woodsheds behind a single-family residence in Lancaster. Believing the sheds were unoccupied, deputies entered one of the sheds and saw the silhouette of a man holding a rifle. The deputies fired, shooting Mendez, a lawful resident, and his pregnant wife. They sued for civil rights violations based on unlawful search and seizure and use of excessive force. After a bench trial, the judge denied the excessive force claim, found that the deputies violated the plaintiffs' constitutional rights by entering the shed where the plaintiffs resided without a warrant or announcing their presence, and awarded the plaintiffs \$4,098,698 in damages and \$1,695,730 in attorneys' fees and costs. After multiple appeals, the court determined the plaintiffs' injuries were caused by the deputies' unconstitutional, warrantless entry (not excessive force) and that the trial court's decision could be affirmed under either a constitutional theory or a negligence theory, and ruling that the plaintiffs were entitled to additional fees and costs for the appeal. The County agreed to pay the plaintiffs \$1,040,000 in attorneys' fees and costs for the appeals, which the court incorporated into the final judgment, ultimately entering judgment for the plaintiffs in the amount of \$6,876,516, including damages, attorneys' fees, costs, and interest. LASD paid the bulk of the judgment, \$5,836,516, in FY 18-19. In FY 19-20, LASD paid the remainder, in the amount of \$1,040,000.

Settlements

The County paid \$72.2 million for 239 settlements in FY 19-20, an increase of 20 percent compared to the \$60.4 million spent in FY 18-19. Of the 239 settlements, nine cost the County \$2 million or more each. The cost of these nine settlements totaled \$38.2 million and accounted for 53 percent of the total settlement expenses in FY 19-20. The nine settlements involved six departments (LASD - \$21.9 million; DCFS - \$7.1 million; Public Defender's Office - \$2.8 million; Parks and Recreation - \$2.1 million; Public Works ("DPW") - \$2 million; and District Attorney's Office/LASD - \$2.25 million split between the two departments) and consisted of four case types: law enforcement - \$12.5 million; auto liability - \$12.5 million; employment - \$9.1 million; and general liability - \$4.1 million). The five most expensive settlements accounted for 41 percent of the total settlement expenses in FY 19-20.

The costliest settlement arose from an auto liability lawsuit (*Munoz*; Case No. BC723658 — \$12.5 million). *Munoz* involved a marked patrol vehicle driven by an LASD deputy who allegedly ran a red light in November 2017, then ran off the road onto the sidewalk, colliding with several pedestrians, severely injuring the plaintiff, and killing her two children. The lawsuit was settled for \$17.5 million, payable in four installments with the first two installments, totaling \$12.5 million, paid in FY 19-20 and the remaining two installments, totaling \$5 million, payable in FY 20-21.

The second costliest settlement in FY 19-20 (*Valentine*; Case No. BC602184 — \$7.1 million) involved employment disability discrimination allegations against DCFS. *Valentine* was filed in state court in 2015 as a class action lawsuit challenging multiple violations of the California Fair Employment and Housing Act, including unlawful medical inquiry, disability discrimination, failure to accommodate, failure to engage in the interactive process, sex/pregnancy discrimination, pregnancy disability leave interference, and related violations of the California Family Rights Act and the Confidentiality of Medical Information Act. The complaint was filed by lead plaintiffs Danessa Valentine and JaLisa Moore, on behalf of themselves and all others similarly situated in three classes/sub-classes (collectively, "plaintiffs"): 1) an "unlawful inquiry class" for employees and job applicants who had to undergo the pre-placement medical examination process; 2) an "adverse employment action sub-class" for employees and applicants who underwent the same process but also had job offers revoked, were discharged, or suffered a delay in hiring due to medical information revealed during the process; and 3) a "pregnancy adverse employment action sub-class" for employees and applicants who underwent the process but also had job offers revoked, were discharged, or suffered a delay in hiring when the process revealed that they were pregnant or anticipating being pregnant. In February 2020, the court approved a \$7,137,900 settlement of only the unlawful inquiry class claims, inclusive of incentive awards for Valentine and Moore and nearly \$2.4 million in attorneys' fees, and this settlement was paid in March 2020. The litigation continues with respect to Valentine, Moore, and the other two sub-classes.

The third costliest settlement in FY 19-20 (*Taylor*; Case No. TC028803 — \$4.4 million) arose from the fatal shooting of Donta Taylor by LASD deputies. Taylor's father and significant other's three children sued, alleging wrongful death and state civil rights violations and arguing that Taylor was stopped for no reason and the deputies lied, claiming that Taylor had a gun, to justify their actions. In 2018, the parties agreed to settle for \$7 million. In FY 18-19, \$2.6 million was paid, and the remaining \$4.4 million was paid in FY 19-20.

The fourth costliest settlement in FY 19-20 (*Garcia*; Case No. BC687480 — \$3 million) arose from the fatal shooting of 17-year-old Armando Garcia by LASD deputies. In June 2017, in response to being attacked by Garcia's pit bull, two deputies discharged their firearms at the dog and a ricocheted bullet struck and killed Garcia. Shortly after the shooting, Garcia's mother alleged she arrived on scene, identified herself as the mother, and instead of being told her son had died, was erroneously told her son had been transported to the hospital. After the incident, she sued for wrongful death, assault,

battery, negligence, and state civil rights violations, alleging that deputies were negligent in failing to call for the dog's owner, failing to call for Animal Control, aggravating the dog, and negligently opening fire. The lawsuit was settled for \$3 million, which was paid in FY 19-20.

The fifth costliest settlement in FY 19-20 (*Zavala*; Case No. 18-CV-04472 - \$2.8 million) involved allegations of civil rights violations against the Public Defender's Office. The plaintiff alleged that the Public Defender's Office violated his civil rights by failing to provide him with an adequate defense in a civil commitment proceeding in which he was held in custody for nearly 14 years. In November 2002, at the end of the plaintiff's sentence for his 1994 sex crime conviction, the District Attorney's Office filed a petition for civil commitment of the plaintiff as a Sexually Violent Predator ("SVP") under Welfare and Institutions Code section 6600, *et seq.* The plaintiff was represented in the SVP proceeding by the Public Defender's Office from 2002 until 2015, when the Public Defender's Office declared a conflict of interest and the court appointed private counsel. Shortly after appointment, the plaintiff's private counsel filed a motion to dismiss the SVP case for violation of the plaintiff's right to a speedy trial, and the court dismissed the SVP case in August 2016. In September 2019, the lawsuit was settled for \$2.8 million.

The sixth costliest settlement in FY 19-20 (*Lindsey*; Case No. 17-CV-03886 – \$2.25 million) arose from the 2011 arrest and prosecution of Abraham Rueda ("Rueda"). When Rueda was prosecuted on drug charges, he produced a video of his arrest that conflicted with written reports by LASD deputies and suggested that there was no probable cause to search or arrest him. Due to the inconsistencies, the District Attorney's Office dismissed the criminal case against Rueda and later filed a felony complaint against the deputies for filing a false report. A jury acquitted the deputies in 2015. In 2017, the deputies sued, alleging that they were selectively prosecuted for filing false police reports when other similarly situated deputies were not, that a former undersheriff pressured the District Attorney's Office into filing criminal charges against them to satisfy a personal vendetta, and that the prosecutor failed to turn over exculpatory evidence. The lawsuit was settled for \$2.25 million, which was split between LASD and the District Attorney's Office.

The seventh costliest settlement in FY 19-20 (*Herrera*; Case No. BC565439 – \$2.12 million) arose from the 2014 drowning death of 16-year-old Erik Ortiz, an autistic student on a school field trip at a County swimming pool maintained by the Department of Parks and Recreation. The plaintiffs, Ortiz's parents, sued both the County and Los Angeles Unified School District ("LAUSD") for wrongful death after Ortiz was found unresponsive at the bottom of the pool during a LAUSD-sponsored field trip. LAUSD faculty failed to give lifeguards instructions to protect the safety of Ortiz, who was supposed to be under the direct supervision of a one-on-one LAUSD aide at all times, and the aide was not present when Ortiz entered the pool. The plaintiffs alleged that County lifeguards failed to supervise Ortiz and that the County failed to provide proper lifeguard training, policies, and equipment. The County cross-complained against the LAUSD, but the court dismissed the LAUSD as a defendant under the statutory field-trip immunity, which immunizes a school district and its employees from liability for injuries or death

resulting from a student's participation in an authorized field trip. The County settled with the plaintiffs for \$2.12 million.

The eighth costliest settlement in FY 19-20 (*Camarillo*; Case No. BC474290 – \$2 million) involved allegations of discrimination and retaliation against LASD. The plaintiff was a female sergeant at the Lakewood station who alleged that LASD failed to select her for a special assignment position and then transferred her to Men's Central Jail after she complained of discrimination. The lawsuit was settled for \$2 million.

Finally, the ninth costliest settlement in FY 19-20 (*Rodriguez*; Case No. BC632837 – \$2 million) arose from a fatal car accident that occurred in 2015 on Bouquet Canyon Road, a mountainous, curved asphalt roadway in Santa Clarita maintained by DPW. Plaintiff Nicholas Rodriguez was driving with his 16-year-old brother Christopher Rodriguez ("decedent") in the passenger seat when he lost control at a curve, went off the road, and hit two trees. Decedent was killed, and Nicholas Rodriguez was severely injured. The plaintiffs, Nicholas Rodriguez and his parents, then sued the County, alleging a dangerous condition of public property. The lawsuit was settled for \$2 million.

III. Fees and Costs

The County paid \$64.3 million in fees and costs in FY 19-20, an increase of \$7.3 million, or 13 percent, from the \$57 million the County paid in FY 18-19. Of the \$64.3 million, \$48.5 million was paid to contract counsel firms, and \$15.8 million was billed by County Counsel attorneys to various County departments engaged in litigation. A more detailed breakdown is below.

Contract Counsel

Contract counsel fees and costs totaled \$48.5 million in FY 19-20, an increase of 20 percent from the \$40.5 million paid in FY 18-19.

Contract counsel fees rose to \$42.2 million in FY 19-20, up \$8.3 million, or 24 percent, from the \$33.9 million paid in FY 18-19.

Contract counsel costs decreased to \$6.3 million in FY 19-20, down \$331,000, or five percent, from the \$6.6 million paid in FY 18-19.

County Counsel

County Counsel fees and costs decreased to \$15.8 million in FY 19-20, down from \$16.5 million in FY 18-19. County Counsel costs declined, resulting in an overall decrease of \$664,000.

County Counsel fees rose to \$13.5 million in FY 19-20, up \$1 million, or eight percent, from \$12.5 million in FY 18-19.

County Counsel costs decreased to \$2.3 million in FY 19-20, down \$1.7 million, or 42 percent, from \$4 million in FY 18-19.

IV. Total Department Litigation Expenses

TOP TEN DEPARTMENTS	
(Judgments, settlements, fees, and costs)	
FY 19-20	
LASD	\$60,758,777
Health Services	\$21,562,077
Children and Family Services	\$19,153,354
Public Works	\$8,038,415
Parks and Recreation	\$5,631,341
Probation	\$4,341,753
Public Social Services	\$4,310,252
Public Defender's Office	\$3,389,407
District Attorney's Office	\$2,750,392
Fire	\$2,230,747

V. Contract Cities and Special Districts

Of the \$151.9 million reported in annual litigation expenses in FY 19-20, the Contract Cities Liability Trust Fund ("Fund") and special districts reimbursed the County \$12.4 million.

Contract Cities

In FY 19-20, the Fund reimbursed \$11.1 million of the \$12.4 million. Of the \$11.1 million paid by the Fund, \$10.9 million was paid for judgments, settlements, fees and costs arising from the conduct of deputies contractually assigned by LASD to various cities throughout the County. The remaining \$174,000 was for judgments, settlements, fees and costs associated with DPW.

Special Districts: Flood Control, Open Space, Sewer and Drain, and Waterworks

The County was also reimbursed for litigation expenses paid on behalf of its special districts, which have their own funding sources. In FY 19-20, the special districts (Flood Control – \$827,000; Open Space – \$6,000; Sewer & Drain – \$78,000; and Waterworks – \$380,000) reimbursed the County a total of \$1.3 million.

VI. Dismissals

In FY 19-20, the County disposed of 191 lawsuits without payment of any settlements, judgments, or attorneys' fees to opposing parties and without any County liability. Of these 191 dismissals, 161, or 84 percent, resulted from voluntary dismissals effectuated by plaintiffs and/or their attorneys, often resulting from a pretrial court ruling exposing defects in the lawsuit or insufficient evidence to win at trial. Of the 191 dismissals, 30, or 16 percent, were involuntary dismissals effectuated by the court, usually after a successful, dispositive motion by the County, such as a demurrer, motion to dismiss, motion for summary judgment, or discovery motion resulting in terminating sanctions.

VII. New Lawsuits

The number of new lawsuits in which the County was served rose 11 percent, from 762 in FY 18-19 to 844 in FY 19-20. This is consistent with the trend over the past four years, as the number of new lawsuits has increased every year since FY 15-16. LASD was sued more often than any other County department in FY 19-20. LASD was served with 194 lawsuits in FY 19-20, unchanged from FY 18-19. DPW was a distant second again this year, with 60 new lawsuits in FY 19-20, up from 47 in FY 18-19. Closely following DPW was DHS, with 40 new lawsuits, down from 42 in FY 18-19, and DCFS, with 35 new lawsuits, down from 44 in FY 18-19. Nine additional departments were named in 10 or more new lawsuits in FY 19-20: Treasurer and Tax Collector, 28, up from 18; Assessor, 22, up from 12; Internal Services, 18, up from 12; Probation, 18, up from 17; Fire, 15, down from 22; District Attorney, 13, down from 14; Public Social Services, 13, up from 12; Mental Health, 12, unchanged from FY 18-19; Child Support Services, 11, up from 5. All remaining County departments were either not sued or were named in fewer than 10 lawsuits in FY 19-20.

The County was also named in 304 Non-Jurisdictional lawsuits. These lawsuits consist of allegations that do not involve the County, County officers or employees acting in the scope of their employment, or County property.

The new lawsuits cover 12 case types: Auto Liability (148), Breach of Contract (16), Dangerous Condition (303), Election (7), Employment (86), Environmental (3), Foster Care (36), General Liability (50), Law Enforcement (117), Medical Malpractice (29), Real Property (27), and Tax (22).

VIII. Trials, Writs and Appeals

Trials

The County prevailed in three of the eight trials in FY 19-20, a success rate of 38 percent, lower than the four-year average success rate of 49 percent. Of the eight lawsuits tried in FY 19-20, LASD had the most, with four trials. LASD won one of those

four trials, a law enforcement case. Also, DPW won a general liability trial, and DHS won a medical malpractice trial. Of the five losses, an employment lawsuit involving LASD (*Rodriguez*; Case No. BC680213) resulted in the largest verdict this year. In *Rodriguez*, the plaintiff was an LASD deputy who alleged that he was subjected to a hostile work environment, harassment, and retaliation after refusing to sign false police reports and engage in other unlawful activity. The jury returned a verdict in the plaintiff's favor in October 2019, awarding a total of \$8,115,000 and \$214,791 in attorneys' fees, which the County is appealing.

Writs

A petition for a writ of mandate can be filed to compel the County to perform certain acts. The County was named as a respondent in two writs filed in FY 19-20, down from three in FY 18-19. The County successfully obtained a dismissal of one writ, *Alexander* (Case No. BS162731). *Alexander* involved a Public Records Act (PRA) request regarding an order to compel the District Attorney's Office to produce records pertaining to the petitioner's criminal cases. Petitioner sought the disclosure of booking photographs, fingerprint records, and search warrants relating to his arrests and 1997 conviction. The trial court denied the writ because the documents the petitioner sought were investigatory records exempt from disclosure pursuant to Government Code section 6254(f) and judgment was entered in the County's favor in November 2019.

Appeals

The County won 12 of the 13 appeals to which it was a party this year. Twelve of the appeals were initiated by adverse parties and one was initiated by the County. One notable appellate victory this year was *Flores* (Case No. B287382). In *Flores*, the plaintiff was a clerk employed by a temporary staffing agency, AppleOne, and assigned to the Probation Department. In 2016, she sued the County for discrimination, sexual harassment, retaliation, and failure to prevent discrimination and retaliation. In 2017, the jury found in the County's favor on the claims of discrimination and sexual harassment, but returned a verdict for the plaintiff on the retaliation and failure to prevent discrimination and retaliation claims, awarding her \$62,127 in damages and \$743,731 in attorneys' fees and costs. After the County appealed, the Court of Appeal reversed the jury verdict and the attorneys' fee award and directed that judgment be entered in favor of the County on all claims.

IX. Recoveries

The County recovered \$62.8 million through its litigation efforts in 38 lawsuits in FY 19-20. A noteworthy \$62.3 million recovery was obtained in *County of Los Angeles v. Southern California Edison* (Case No. 19STCV14376). This lawsuit stemmed from the November 2018 Woolsey Fire, the largest and most destructive fire in Los Angeles County history. The Woolsey Fire burned for 13 days before it was contained. It consumed more than 96,000 acres, destroyed 1,500 buildings, damaged another 341 buildings, and killed three people. After Southern California Edison (SCE) publicly

acknowledged that its equipment was likely associated with the ignition of the fire, the County and multiple other public entities filed lawsuits against SCE. The County's complaint, filed on behalf of the County, the Flood Control District, and the Consolidated Fire Protection District, alleged numerous causes of action, including inverse condemnation, negligence, nuisance, and various violations of state codes. In November 2019, the County and the coalition of public agencies reached a global settlement which required SCE to pay a total of \$210 million. The County received \$62.3 million from SCE in the settlement. The funding will help compensate the County — and its taxpayers — for extensive firefighting and emergency response costs, recovery efforts, infrastructure damage, injury to natural resources, loss of tax revenue, and other significant public losses that resulted from the Woolsey Fire.

Exhibit B



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

February 9, 2018

Los Angeles County Board of Supervisors
Attn: Lori Glasgow
500 W. Temple St., Ste. 383
Los Angeles, CA 90012

Re: Request for Settlements and Verdicts Records

Dear Ms. Glasgow,

The Human Rights Defense Center (HRDC) makes this request pursuant to the California Public Records Act, Cal. Gov't Code § 6250, *et sec.*

HRDC is seeking records of all litigation and pre-litigation settlements against the Los Angeles County Sheriff's Office and the Los Angeles County District Attorney's Office and/or their subdivisions, employees, or agents where Los Angeles County, its subdivisions, and/or its insurers paid \$1,000 or more to resolve a claim or claims against it. These payments include but are not limited to settlements, damages, attorney fee awards, and sanctions, irrespective of the identity of the plaintiff or claimant. Specifically, HRDC requests the following records, provided in electronic native format where possible, and otherwise in electronic format pursuant to Cal. Gov't Code § 6253.9. Please note that our requests encompass any documents within the definition of the term "writing" as defined in Cal. Gov't Code § 6252(g):

1. Records sufficient to show for all claims or cases brought, or settled pre-litigation, against the Los Angeles County Sheriff's Office and the Los Angeles County District Attorney's Office and/or any of their subdivisions, agents, or employees in which payments totaling \$1,000 or more were disbursed from January 1, 2010 to the present:
 - The name of all parties involved;
 - The case or claim number;
 - The jurisdiction in which the case or claim was brought (e.g., US District Court for the Central District of California, California Superior Court, etc.);
 - The date of resolution;

- The amount of money involved in the resolution and to whom it was paid,
2. For each case or claim detailed above:
- The complaint or claim form and any amended versions;
 - The verdict form, final judgment, settlement agreement, consent decree, or other writing that resolved the case.

The California Public Records Act requires determination of whether these records may be disclosed, and specific reasons why any material requested, or portions thereof, are exempt from disclosure, within ten days from receipt of this request. It also requires that you promptly notify us of this determination, and of the estimated date and time when the records will be produced. If any records responsive to this request are denied in part, please release all segregable portions of those records.

Please contact me via email, mdillon@prisonlegalnews.org, should you require any additional information. Thank you for your time and attention in this matter.

Sincerely,

HUMAN RIGHTS DEFENSE CENTER



Michelle Dillon
Public Records Manager

