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*Affiliations appear only
for purposes of identification.*

September 24, 2021

The Honorable Chief Justice and Associate Justices of the
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-4797

Re: Letter of Amici Curiae in Support of the Petition for Review in *Voice of
San Diego et al. v. Superior Court for the County of San Diego*, Supreme
Court No. S270557 (Ct. of Appeal No. D078415)

To the Honorable Chief Justice and Associate Justices:

Pursuant to rule 8.500, subdivision (g) of the California Rules of
Court, amici curiae, the Reporters Committee for Freedom of the Press, The
Associated Press, California Broadcasters Association, California News
Publishers Association, California Newspaper Partnership, The Center for
Investigative Reporting (d/b/a Reveal), Cityside, The E.W. Scripps Company
(parent corporation to KGTV-TV, KERO-TV, and KSBY-TV), Embarcadero
Media, Gannett Co., Inc., Greater Los Angeles Pro Chapter of the Society of
Professional Journalists, KQED Inc., Los Angeles Press Club, Media Guild of
the West (NewsGuild-CWA Local 39213), Mother Jones, Northern California
Chapter of the Society of Professional Journalists, and the Society of
Professional Journalists, San Diego Pro Chapter (collectively, “Amici”) respectfully submit this letter in support of the petition for review filed in
Voice of San Diego et al. v. Superior Court for the County of San Diego, case
number S270557, on August 25, 2021.

I. INTEREST OF AMICI CURIAE

Amici are news media organizations and organizations who advocate on behalf of journalists and the press. Lead amicus the Reporters Committee for Freedom of the Press is an unincorporated nonprofit association founded by leading journalists and media lawyers in 1970 when the nation’s news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.¹

As members and representatives of the news media, Amici frequently rely on public records requests to gather information and inform the public

¹ Full descriptions of the other amici are included below as Appendix A.

about how the government is conducting the people’s business. Accordingly, Amici have a strong interest in ensuring that the provisions of the California Public Records Act, Cal. Gov’t Code §§ 6250 *et seq.* (the “CPRA”), are interpreted and applied in a manner that facilitates prompt public access to government information.

In this case, Petitioners Voice of San Diego, KPBS Public Broadcasting, and the San Diego Union Tribune, LLC (collectively, “Petitioners”) requested information related to COVID-19 outbreaks in the San Diego-area from the County of San Diego (the “County”). The disclosure of this information is vital to public health; public access to such information helps prevent community spread and allows the public to understand the government’s response to the COVID-19 crisis. Yet despite these compelling justifications for disclosure, the County denied Petitioners’ request, and the Superior Court for the County of San Diego and California Court of Appeal denied Petitioners’ petition for a writ of mandate.

Amici write to emphasize the substantive legal and policy considerations that necessitate disclosure of the requested information. As members of the news media, Amici have a unique perspective on the ways in which public records can inform and influence the public discourse, particularly as it relates to the COVID-19 pandemic. Here, the Court of Appeal erred in denying the petition. The requested records are public records under the CPRA to which no valid exemption applies. In holding otherwise, the Court of Appeal failed to properly balance the significant public interest in disclosure against the County’s nebulous and speculative claims of a potential chilling effect.

For the reasons discussed in detail herein, Amici urge the Court to grant review.

II. WHY REVIEW SHOULD BE GRANTED

This case concerns important questions of law; specifically, the proper application of the balancing test under the CPRA’s “catchall” exemption, (Cal. Gov’t Code § 6255(a)), and the evidentiary showing required by an agency to overcome the strong presumptive right of access to public records under the CPRA. (*See* Cal. Rule of Court 8.500(b)(1) [“The Supreme Court may order review of a Court of Appeal decision” when necessary “to settle an important question of law”].)

Access to public records is essential in a democracy; it prevents the government from operating in secret and allows the public to monitor the actions of government agencies and officials. For this reason, the CPRA and the California Constitution establish the public’s “right of access to information concerning the conduct of the people’s business.” (Cal. Const., art. I, § 3(b)(1).)

Petitioners submitted three requests to the County pursuant to the CPRA seeking location-based outbreak data related to the spread of COVID-19 in the San Diego-area

(collectively, the “Records”). (*Voice of San Diego v. Superior Court* (2021) 280 Cal. Rptr. 3d 906, 909–11 [66 Cal. App. 5th 669], *as modified* (July 27, 2021) (hereinafter the “Opinion”).) The County denied the request, claiming that information contained in the Records is confidential pursuant to Cal. Code Regs. tit. 17, § 2502(f), and thus “exempted or prohibited [from disclosure] pursuant to federal or state law” under Cal. Gov’t Code § 6254(k). (*Id.* at 913.) The County further argued that providing location data might create a chilling effect on reporting of COVID-19 data and, accordingly, that the interest in nondisclosure “clearly outweigh[ed]” the public interest in disclosure, thus exempting the Records under Cal. Gov’t Code § 6255(a). (*Id.* at 909.) The County subsequently released a community outbreak report to KPBS and the San Diego Union Tribune, but redacted outbreak location names and addresses (the “Location Data”). (*Id.* at 912.)

Petitioners filed a petition for writ of mandate in the Superior Court of California for San Diego County (the “Superior Court”) pursuant to Cal. Gov’t Code § 6258, seeking an order for release of the Records and the Location Data. (*Id.* at 909–11.) The Superior Court denied the petition, finding that the Records and the Location Data were exempt from disclosure for the reasons articulated by the County. (*Id.* at 916.) The Fourth Appellate District, Division One of the California Court of Appeal (the “Court of Appeal”), relying solely on opinion testimony of Dr. Wilma Wooten, Public Health Officer for the County, concluded that the County had “met its burden to establish that ‘on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.’” (*Id.* at 927 [quoting Cal. Gov’t Code § 6255(a)].) Because the Court of Appeal concluded that the Records and Location Data were exempt from disclosure under Section 6255(a), it did not reach the question of whether they were exempt under Section 6254(k). (*Id.* at 918.)²

² The County argued—and the Superior Court erroneously held—that the Location Data is prohibited from disclosure under Cal. Code Regs. tit. 17, § 2502, thus bringing the Records within CPRA’s exemption for “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law.” (Cal. Gov’t Code § 6254(k).) Section 2502 provides that “[i]nformation reported pursuant to this section is acquired in confidence and shall not be disclosed by the local health officer except as authorized by these regulations, as required by state or federal law, or with the written consent of the individual to whom the information pertains[.]” (Cal. Code Regs. tit. 17, § 2502(f).) This provision is analogous to one found in the Code of Federal Regulations governing the exchange of protected health information under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), which provides that “[a] covered entity may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.” (45 C.F.R. § 164.512(a)(1).) Courts around the country have consistently interpreted HIPAA’s “as required by law” exception as permitting the release of protected health information where a state public records act requires its release. (*See, e.g., Abbott v. Tex. Dep’t of Mental Health & Mental Retardation* (Tex. App. 2006) 212 S.W.3d 648, 659–60; *State ex rel. Adams Cty. Historical Soc’y v. Kinyoun* (Neb. 2009) 765 N.W.2d 212, 218; *Flores v. Freedom of Info. Comm’n*, (Conn. Super. Ct., Apr. 7, 2014, No. CV136020905S), 2014 WL 1876915, at *3.) The same conclusion follows here. As “record[s] created or maintained by a public agency,” (*Sander v. State Bar of Cal.* (2013) 58 Cal. 4th 300, 323 [165 Cal. Rptr. 3d 250]), the Records fall within the scope of the CPRA, which requires that the County disclose the Records

The Court of Appeal, like the Superior Court below, erred in denying the petition. The CPRA sets forth a basic rule requiring a state or local agency to disclose public records upon request. (*See* Cal. Gov’t Code § 6253.) In general, the CPRA creates “a presumptive right of access to any record created or maintained by a public agency that relates in any way to the business of the public agency.” (*Sander, supra*, 58 Cal. 4th at 323.) Every such record “must be disclosed unless a statutory exception is shown.” (*Id.*) Thus, the CPRA *requires* disclosure of public records by a public agency, with a few limited, enumerated exceptions. Any “agency opposing disclosure” under the CPRA “bears the burden of proving that an exemption applies.” (*ACLU of N. Cal. v. Superior Court* (2011) 202 Cal. App. 4th 55, 67 [134 Cal. Rptr. 3d 472] [citation omitted].) And because the “[s]tatutory exemptions from compelled disclosure are *narrowly construed*,” the agency must demonstrate a “*clear overbalance* on the side of confidentiality” to justify nondisclosure. (*Cal. State Univ. v. Superior Court* (2001) 90 Cal. App. 4th 810, 831 [108 Cal. Rptr. 2d 870] [emphasis added] [citations and internal quotation marks omitted].)

Here, the Records, including the Location Data contained within them, fall squarely under the CPRA as “record[s] created or maintained by a public agency.” (*Sander, supra*, 58 Cal. 4th at 323.) As detailed below, the County failed to meet its burden to show that any exemption to disclosure applies, let alone to demonstrate a “clear overbalance on the side of confidentiality.” (*Cal. State Univ., supra*, 90 Cal. App. 4th at 831 [citation and internal quotation marks omitted].) Thus, the CPRA mandates that the unredacted Records be disclosed to Petitioners, and the Court of Appeal erred in concluding otherwise. Moreover, the Court of Appeal failed to properly balance the substantial public interest in disclosure of the Location Data against the County’s unsupported, speculative claims of a possible chilling effect. As evidenced by examples from across the country, (*see* Section B, *infra*), public access to the Location Data will enable the news media to report meaningful information about the spread of the novel coronavirus. In turn, this reporting will allow Californians to make more informed decisions during this ongoing public health crisis—which, for individuals who are immunosuppressed or have another pre-existing condition, can be the difference between life and death.

A. The Court of Appeal erred in finding that Dr. Wooten’s declaration alone was sufficient to overcome the public’s right of access.

upon request, (Cal. Gov’t Code § 6253.) Therefore, the “as required by state or federal law” exception to Cal. Code Regs. tit. 17, § 2502(f) applies and the County cannot rely on the confidentiality provisions of that section to withhold the Records from Petitioners. (Cal. Code Regs. tit. 17, § 2502(f).)

In concluding that “the public interest served by not disclosing” the Records and Location Data “clearly outweighs the public interest served by disclosure,” (Cal. Gov’t Code § 6255(a)), the Court of Appeal relied solely on the County’s unsupported contention that “voluntary and candid public cooperation with contact tracing will occur only if the public is assured that information provided during contact tracing will be kept confidential.” (Opinion at 924.)

Despite its recognition that Section 6255(a) “contemplates a case-by-case balancing process, with the burden of proof on the proponent of nondisclosure to demonstrate a clear overbalance on the side of confidentiality,” (Opinion at 918–20 [citations omitted]), the Court of Appeal failed to apply this process in practice. Far from requiring the County to “demonstrate a clear overbalance on the side of confidentiality,” it merely adopted the reasoning found in the opinion testimony of Dr. Wooten, whose declaration offers no evidentiary support for the County’s speculation that identifying businesses associated with outbreaks would have a chilling effect on contact tracing.

California courts have long recognized that “speculative, self-serving opinions” are “inadequate to demonstrate any significant public interest in nondisclosure.” (*Cal. State Univ., supra*, 90 Cal. App. 4th at 835) [denying University’s request to withhold the names of donors pursuant to Cal. Gov’t Code § 6255(a) where the University provided no evidence to support statements made by University personnel that disclosure of the donors’ identities would chill donations]; *see also CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 652 [230 Cal. Rptr. 362] [“A mere assertion of possible endangerment does not ‘clearly outweigh’ the public interest in access to these records.” (quoting Cal. Gov’t Code § 6255(a)).] Here, however, the Court of Appeal concluded that “[u]nlike the speculative and vague prospect of adverse consequences in the cases that petitioners cite, the dangers to the public from the spread of disease during the COVID-19 pandemic are *real and concrete*.” (Opinion at 922 [emphasis in original].) While Amici do not dispute that the dangers to the public from the spread of disease during the COVID-19 pandemic are real and concrete, access to Location Data can help Californians make informed decisions to help reduce the spread of COVID-19, thus weighing in favor of disclosure, not against it.

More critically, however, the Court of Appeal failed to conduct the proper analysis under Section 6255(a). In weighing the County’s interest in non-disclosure, it relied on the “opinion of Dr. Wooten that promoting trust between members of the public and contact tracers is crucial if the public is to candidly and fully cooperate in contact tracing.” (*Id.*) However, the key question is not whether there is value in promoting public trust in contact tracing efforts, but rather whether there is evidence to support a “particularized connection” between public disclosure of Location Data and an adverse effect on public trust of contact tracing efforts. (*Connell v. Superior Court* (1997) 56 Cal. App. 4th 601, 612 [65 Cal. Rptr. 2d 738].) Here, no such evidence was provided.

Dr. Wooten’s declaration fails to “make any particularized connection,” (*id.*), between the disclosure of the Records and a chilling effect on contact tracing. Nor, in the ensuing months since Dr. Wooten made her declaration, has the County offered any additional or updated evidence to support a particularized connection between the release of Location Data and any alleged chilling effect on contract tracing efforts, even after KPBS and the San Diego Union Tribune published Location Data provided by a source in December 2020.

Finally, in finding that the County had carried its burden, the Court of Appeal cited Dr. Wooten’s assertion that “[t]here is a significant *government interest* during a pandemic in the candid exchange of information between those linked to these outbreak locations and the Public Health Officer’s disease investigators.” (Opinion at 919 [emphasis added].) However, the balancing of interests articulated in Section 6255(a) does not include contemplation of the *government* interest. (Cal. Gov’t Code § 6255(a).) Rather, the inquiry is whether the *public* interest served by non-disclosure clearly outweighs the *public* interest served by disclosure. (*Id.* [emphasis added].) This principle serves as the very bedrock of freedom of information laws such as the CPRA. (*See CBS, Inc.*, *supra*, 42 Cal. 3d at 651 [“Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power[.]”]; *see also Sonoma Cty. Emps.’ Ret. Ass’n v. Superior Court* (2011) 198 Cal. App. 4th 986, 993 [130 Cal. Rptr. 3d 540] [“In the particular context of the CPRA, if there is any ambiguity about the scope of an exemption from disclosure,” it must be construed “narrowly” to maximize disclosure and governmental transparency].) By simply adopting the hypothetical claims asserted in Dr. Wooten’s declaration—absent any specific evidence to support those claims—the Court of Appeal’s decision sets a dangerous precedent which threatens to undermine the principles of openness and transparency underlying the CPRA.

Dr. Wooten’s speculative declaration falls far short of carrying the County’s burden to “demonstrate a clear overbalance on the side of confidentiality,” (*Cal. State Univ.*, *supra*, 90 Cal. App. 4th at 831 [citation and internal quotation marks omitted]), and the Court of Appeal erred in concluding otherwise.

B. The Court of Appeal failed to properly weigh the public interest in disclosure.

The Court of Appeal further erred in failing to weigh the significant public interest in disclosure of the Records and Location Data. (*See Adam A. Marshall & Gunita Singh, Access to Public Records and the Role of the News Media in Providing Information About Covid-19*, 11 J. Nat’l Sec. L. & Pol’y 199, 212 (2020) [“Timely and dependable access to public records and meetings is always necessary for democratic governance, but it is especially critical in times of crisis and uncertainty.”].) Access to

information about the scope of COVID-19’s toll on local communities—including on local businesses—helps to educate and inform Californians as they make decisions about daily life throughout the pandemic. The news media plays a central role in communicating such information to the public, often relying on data gleaned from public records.

In other states, access to government records concerning COVID-19 outbreaks, including location data, has made possible meaningful reporting about the pandemic.

For example, in Kansas, state health officials release weekly the names of locations where “five or more cases with symptom-onset dates in the last 14 days” have been reported. (Kansas Department of Health and Environment, *FAQs on Release of COVID-19 Locations* (Sept. 24, 2020), <https://perma.cc/MT97-8UQN>.) The ability to access such data has allowed the news media to report on the location of specific outbreaks, thus helping the public to make informed decisions while navigating daily life during the pandemic. (See Melissa Brunner, *COVID-19 case numbers, school clusters increase in KDHE report*, WIBW (Aug. 25, 2021), <https://perma.cc/V299-8R3F> [reporting outbreaks at a college and local business]; Andrew Bahl, *Kansas sees rise of 4,500 COVID-19 cases, new business outbreaks*, Topeka Capital-Journal (Dec. 16, 2020), <https://perma.cc/VVS2-PFQZ> [reporting on new cases, including an outbreak at the Frito Lay manufacturing center in Topeka].) Indeed, the Kansas Department of Health and Environment’s goal in releasing such information is to enable the public to “determine for themselves whether their personal risk is increased for exposure and make decisions for themselves about reducing their risk.” (See Kansas Department of Health and Environment, *supra*.)

Similarly, in Colorado, the Department of Health and Environment publishes weekly the names and locations of COVID-19 outbreaks to allow the public “to make evidence-based decisions.” (Colorado Department of Public Health & Environment, *Outbreak Data*, <https://perma.cc/L254-3KRS> [last visited Sept. 11, 2021].) Access to this data has allowed the news media to report on significant COVID-19 outbreaks in the state. (See, e.g., Andrew Kenney, *In-N-Out Has Largest Coronavirus Restaurant Outbreaks Reported in Colorado*, Colorado Public Radio (Dec. 24, 2020), <https://perma.cc/F6BT-PKWH> [describing an outbreak impacting over 100 employees at In-N-Out restaurant locations]; Allison Sylte, *Active COVID-19 outbreaks at Colorado schools, ski areas, grocery stores and more*, 9News (Feb. 3, 2021), <https://perma.cc/H7GB-S9HS> [reporting on outbreaks in K-12 schools and colleges, restaurants, grocery stores, and other public locations].)

In Oregon, state health officials track COVID-19 outbreaks of five or more employees at workplaces where there are at least thirty workers, and such data is published weekly. (See, e.g., Oregon Health Authority, *COVID-19 Weekly Report* (Apr. 28, 2021), <https://perma.cc/5SCM-RCHK>.) Reporting based on these weekly updates has

examined outbreaks at prisons, corporate distribution facilities, childcare centers, and other locations, allowing Oregonians to better understand the scope of the pandemic’s toll in their state. (See, e.g., KGW Staff, *Here are the 102 active COVID-19 workplace outbreaks in Oregon*, KGW8 (Feb. 4, 2021), <https://perma.cc/CQC6-9VDP> [discussing how, as of February 4, 2021, seven of the eight largest active coronavirus outbreaks in Oregon were at state prisons]; KGW Staff, *Here are the 124 active COVID-19 workplace outbreaks in Oregon*, KGW8 (Dec. 9, 2020), <https://bit.ly/3sFel6P> [noting a record number of workplace outbreaks in the state, stemming in part from cases at Amazon and Walmart distribution centers]; Jade McDowell, *Oregon Health Authority lists weekly workplace outbreaks*, East Oregonian (Dec. 17, 2020), <https://perma.cc/7A9L-5293> [reporting outbreaks at childcare facilities].)

California residents, too, are entitled to accurate information from government agencies about the spread of COVID-19 in their communities. Californians need accurate, comprehensive information—including location outbreak data—to navigate the pandemic effectively. With knowledge of current outbreak locations, San Diego residents can take steps to reduce their chances of contracting COVID-19. Individuals who are immunosuppressed or have another pre-existing condition, or have not been vaccinated, can avoid such locations. And those who continue to frequent the location of a current outbreak may take additional precautions. Knowledge of past outbreak locations is equally important; individuals who were recently at the site of a past outbreak may be motivated to obtain a COVID-19 test, thereby reducing the chance of further community spread.

As recently as 2017, San Diego residents bore the adverse effects of a similar lack of transparency on the part of Respondent in connection with a Hepatitis A outbreak in San Diego County that killed 20 people and sickened 600 others. (See *Hepatitis A outbreak spurs new legislation*, KUSI News (Jan. 25, 2019), <https://perma.cc/Ry3J-CRCU>.) Then, the County similarly failed to provide the public and local city officials with location-based data about those who had contracted Hepatitis A citing, in part, state and federal health privacy laws. (See Lisa Halverstadt, *County Won’t Share Many Details on Where Hepatitis A Cases and Deaths Are Happening*, Voice of San Diego (Oct. 5, 2017), <https://perma.cc/D9CT-6P24>.) Despite calls from the public and city officials for more detailed outbreak information, a County spokesperson contended that “more location information wouldn’t necessarily help combat the spread of the virus because most San Diegans aren’t at risk of contracting the virus unless they have close contact with someone with hepatitis A.” (*Id.*) Rather, the County posited that city officials could identify the greatest areas of outbreak as they “know where the concentrations of homeless people are, and they know . . . where there’s feces on the street . . . [t]hat’s something that’s observable.” (*Id.*) In response to a December 2018 state audit detailing the County’s failure to timely respond to the Hepatitis A epidemic, legislation was passed in the California State Assembly which would require California counties to make Hepatitis A location outbreak information available to city officials. (See *Bill Authored*

In Response To Hepatitis A Audit Passes Assembly Unanimously, KPBS (May 2, 2019),
<https://perma.cc/G786-XRKT>.)

Public records laws, such as the CPRA, are intended to ensure that the public has timely access to information about matters of significant importance in their communities, including the government's response to emergencies. As these examples illustrate, such information is particularly vital during a pandemic, or other health crisis, such as COVID-19. Public access to the Location Data will help provide the people of California with the tools they need to safely navigate the ongoing pandemic and to help reduce the spread of the disease in San Diego County and throughout California.

III. CONCLUSION

For the foregoing reasons, Amici urge this Court to grant the petition for review filed by Petitioners.

Dated: September 24, 2021

Respectfully submitted,



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APPENDIX A

SUPPLEMENTAL STATEMENTS OF IDENTITY OF AMICI CURIAE

The Associated Press (“AP”) is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP’s members and subscribers include the nation’s newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100 countries. On any given day, AP’s content can reach more than half of the world’s population.

The California Broadcasters Association (“CBA”) is the trade organization representing the interests of the over 1000 radio and television stations in our state. The CBA advocates on state and federal legislative issues, provides seminars for member education and offers scholarship opportunities to students in the communication majors.

The California News Publishers Association (“CNPA”) is a nonprofit trade association representing the interests of over 400 daily, weekly and student newspapers and news websites throughout California.

California Newspaper Partnership (“CNP”) is a general partnership organized under the laws of the State of Delaware. CNP does business in Southern California as the Southern California News Group and publishes numerous daily papers including The Orange County Register, The Sun, The Press-Enterprise, Los Angeles Daily News and Long Beach Press-Telegram. CNP does business in Northern California as the Bay Area News Group, publishing, among other daily papers, The Mercury News, East Bay Times, Marin Independent Journal, Santa Cruz Sentinel and Monterey Herald. Each of these publications are daily newspapers of general circulation engaged in the business of gathering and disseminating information to the public.

The Center for Investigative Reporting (d/b/a Reveal), founded in 1977, is the nation’s oldest nonprofit investigative newsroom. Reveal produces investigative journalism for its website <https://www.revealnews.org/>, the Reveal national public radio show and podcast, and various documentary projects. Reveal often works in collaboration with other newsrooms across the country.

Cityside is a nonpartisan, nonprofit media organization committed to building community through local journalism. Cityside publishes Berkeleyside and The Oaklandside, two of the leading independent, online news sites in the country.

The E.W. Scripps Company is the nation’s fourth-largest local TV broadcaster, operating a portfolio of 61 stations in 41 markets, including KGTV-TV in

San Diego, KERO-TV in Bakersfield, and KSBY-TV in San Luis Obispo. Scripps also owns Scripps Networks, which reaches nearly every American through the national news outlets Court TV and Newsy and popular entertainment brands ION, Bounce, Grit, Laff and Court TV Mystery. The company also runs an award-winning investigative reporting newsroom in Washington, D.C., and is the longtime steward of the Scripps National Spelling Bee.

Embarcadero Media is a Palo Alto-based 40-year-old independent and locally-owned media company that publishes the Palo Alto Weekly, Pleasanton Weekly, Mountain View Voice and Menlo Park Almanac, as well as associated websites. Its reporters regularly rely on the California Public Records Act to obtain documents from local agencies.

Gannett is the largest local newspaper company in the United States. Our 260 local daily brands in 46 states and Guam — together with the iconic USA TODAY — reach an estimated digital audience of 140 million each month.

The Greater Los Angeles Pro Chapter of the Society of Professional Journalists (“SPJ/LA”) is a chapter of the Society of Professional Journalists. SPJ/LA is dedicated to improving and protecting journalism in the greater Los Angeles area. Founded in 1934, SPJ/LA provides educational programming for journalists and the public and promotes First Amendment issues of concern.

KQED Inc. is a nonprofit public benefit corporation organized under the laws of California and engaged in dissemination of news and information since its founding as a public broadcasting station in 1953. At all times relevant to this proceeding, KQED’s core mission has been the pursuit and publication/broadcast of information in the public’s interest. KQED has advanced this purpose not only through its consistent San Francisco Bay Area and statewide news reporting, which relies heavily on the use of the California Public Records Act, but also as a champion of public access to some of the most serious information maintained by government: law enforcement use of deadly force, police misconduct and the broader operations of our state’s criminal justice system.

The Los Angeles Press Club exists to support, promote, and defend quality journalism in Southern California. Our task is to encourage journalists by involving the public in recognizing such journalism together in belief that a free press is crucial to a free society. It is the only SoCal Journalist organization that serve journalists of all stripes (radio, podcast, TV, print, online, documentary filmmakers). The LAPC has existed since the early 1900’s and was incorporated in 1948.

Media Guild of the West, NewsGuild-CWA Local 39213, was founded in 2019 by newly unionized journalists at the Los Angeles Times. The local now

represents hundreds of unionized journalists and media workers in newsrooms throughout Southern California, Arizona and Texas. On July 8, 2020, Media Guild of the West members voted 94% to 6% to support advocacy for open-records access, improvements to the California Public Records Act and other transparency laws, and First Amendment issues that affect the work of journalists and serve the public interests of transparency and accountability.

Mother Jones is a nonprofit, reader-supported news organization known for ground-breaking investigative and in-depth journalism on issues of national and global significance.

The Northern California Chapter of the Society of Professional Journalists (“SPJ NorCal”) is dedicated to improving and protecting journalism. It is a Chapter of the national Society of Professional Journalists, the nation’s most broad-based journalism organization. Founded in 1909 as Sigma Delta Chi, the Society of Professional Journalists promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists, and protects the First Amendment guarantees of freedom of speech and press. SPJ NorCal has a Freedom of Information Committee of journalists and First Amendment lawyers, which assists in its free speech and government transparency advocacy. Also, in collaboration with its Freedom of Information Committee, it hosts the annual James Madison Freedom of Information Awards and offers training to journalists on free press and access issues.

The Society of Professional Journalists, San Diego Pro Chapter is a chapter of the national Society of Professional Journalists (“SPJ”). SPJ was founded in 1909 as a journalism fraternity known as Sigma Delta Chi, and is dedicated to the perpetuation of a free press. Among other things, SPJ works to protect the First Amendment guarantees of freedom of speech and of the press, to stimulate high standards and ethical behavior in the practice of journalism, to foster excellence among journalists, to encourage diversity in journalism, and to be the pre-eminent, broad-based membership organization for journalists. The San Diego Pro Chapter sponsors professional development and networking programs throughout the year, sponsors an annual journalism awards contest for professional and college journalists, gives scholarships to student journalists, and hosts an annual awards banquet. The chapter also assists local journalists and the public with First Amendment issues, access to public records and government meetings, and newsgathering issues.

PROOF OF SERVICE

I, Katie Townsend, do hereby affirm that I am, and was at the time of service mentioned hereafter, at least 18 years of age and not a party to the above-captioned action. My business address is 1156 15th Street NW, Suite 1020, Washington, D.C. 20005. I am a citizen of the United States and am employed in Washington, District of Columbia.

On September 24, 2021, I caused the foregoing document to be served: **Letter of Amici Curiae in Support of the Petition for Review**, as follows:

[x] By Truefiling:

Jeffrey P. Michalowski
w/ copy to: Jerri Zara
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[x] By mail:

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*Counsel for Respondent
The Superior Court
of San Diego*

The Honorable Chief Justice
and Associate Justices of the
Supreme Court of California
September 24, 2021
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I declare under penalty of perjury under the laws of the State of California and the
United States of America that the above is true and correct.

Executed on the 24th of September, 2021, in Washington, D.C.

By: 

Katie Townsend
Counsel for Amici Curiae

Document received by the CA Supreme Court.