

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Michael A. Velthoen (Bar # 187909)</b>  <b>FERGUSON CASE ORR PATERSON LLP</b>  <b>1050 South Kimball Road</b>  <b>Ventura, CA 93004</b>                  TELEPHONE NO.: (805) 659-6800 FAX NO. (Optional): (805) 659-6818                  E-MAIL ADDRESS (Optional): mvelthoen@fcoplaw.com                  ATTORNEY FOR (Name): <b>Camarillo Health Care District, Defendant</b></p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b>                  STREET ADDRESS: <b>800 South Victoria Avenue</b>                  MAILING ADDRESS: <b>P.O. Box 6489 - Ventura 93006</b>                  CITY AND ZIP CODE: <b>Ventura 93009</b>                  BRANCH NAME: <b>Hall of Justice</b></p>	
<p>PLAINTIFF/PETITIONER: <b>Jane Rozanski</b>                  DEFENDANT/RESPONDENT: <b>Camarillo Health Care District</b></p>	
<p style="text-align: center;"><b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b></p> <p>(Check one):    <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>                  (Amount demanded exceeded \$25,000)        <input type="checkbox"/> <b>LIMITED CASE</b>                  (Amount demanded was \$25,000 or less)</p>	<p>CASE NUMBER:</p> <p style="text-align: center;"><b>56-2016-00489673-CU-WM-VTA</b></p>


**TO ALL PARTIES :**

1. A judgment, decree, or order was entered in this action on (date): **April 26, 2017**
2. A copy of the judgment, decree, or order is attached to this notice.

Date: **May 3, 2017**

**Michael A. Velthoen**

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

  
 (SIGNATURE)

PLAINTIFF/PETITIONER: Jane Rozanski	CASE NUMBER:
DEFENDANT/RESPONDENT: Camarillo Health Care District	56-2016-00489673-CU-WM-VTA

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):

1050 South Kimball Road  
Ventura, CA 93004

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a.  deposited the sealed envelope with the United States Postal Service.  
b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): May 9, 2017  
b. from (*city and state*): Ventura, CA

4. The envelope was addressed and mailed as follows:

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|--|--|
| a. Name of person served:<br>Andrew Gilford, Esq.; Jessica Corpuz, Esq.<br>Street address: 10250 Constellation Blvd., Ste. 2900<br>City: Los Angeles<br>State and zip code: CA 90067 | c. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: |
| b. Name of person served:<br>Katie Townsend, Esq.<br>Street address: 1156 15th St. NW, Ste. 1250<br>City: Washington<br>State and zip code: DC 20005                                 | d. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

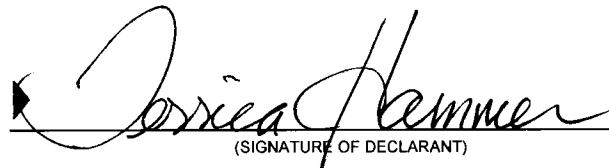
5. Number of pages attached 8.

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

Date: May 9, 2017

\_\_\_\_\_  
Jessica Hammer

(TYPE OR PRINT NAME OF DECLARANT)

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(SIGNATURE OF DECLARANT)

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APR 24 2017

VENTURA  
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APR 26 2017

MICHAEL D. PLANET  
Executive Officer and Clerk

By: \_\_\_\_\_ Deputy  
S. Legere

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

**COUNTY OF VENTURA - MAIN**

JANE ROZANSKI, an individual,  
Petitioner/Plaintiff,

v.

CAMARILLO HEALTH CARE  
DISTRICT, a California Special District  
Respondent/Defendant.

GOLDEN RULE PUBLISHING, INC., a  
California corporation, doing business as  
the Camarillo Acorn  
Real Party in Interest

Case No. 56-2016-00489673-CU-WM-VTA  
Petition for Writ of Mandate Filed:  
December 2, 2016

**[PROPOSED] FINAL JUDGMENT**

Assigned for all purposes to Hon. Rocky J. Baio

The Amended Verified Complaint and Petition for Writ of Mandate filed by petitioner Jane Rozanski came on for hearing on the merits on March 16, 2017 and April 19, 2017 in Department 20 of the above-referenced court. Andrew J. Gilford and Barry Groveman appeared on behalf of petitioner Jane Rozanski. Michael A. Velthoen appeared on behalf of respondent Camarillo Health Care District. Katie Townsend appeared on behalf of real party in interest Golden Rule Publishing, Inc.

After consideration of the evidence submitted by the parties and the briefing and argument

1 of counsel in support and opposition to the Amended Petition, the Court hereby adopts the tentative  
2 ruling attached hereto as Exhibit A as its final order and judgment, except that paragraph 9 of the  
3 tentative ruling is amended to reflect that the enforcement of the judgment is stayed until May 2,  
4 2017 at 5:00 p.m. Except as otherwise set forth in Exhibit A, the Amended Petition is DENIED.

5 SO ORDERED.

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7 **ROCKY J BAI0**

8 Date: 4-24-17

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Honorable Rocky J. Baio

FERGUSON CASE ORR PATERSON LLP  
1050 South Kendall Road  
Vernal, California 95004  
2801 Townsgate Road, Suite 215  
Westlake Village, California 91361

**EXHIBIT "A"**

Rozanski v. CHCD/Acorn;489673

Tentative Rulings

This matter is on for hearing on several issues:

A. Rozanski's "reverse CPRA petition" pursuant to *Marken v. Santa Monica-Malibu Unified School District* (2012) 202 Cal. App. 4<sup>th</sup> 1250 seeking a writ prohibiting CHCD from releasing certain voice mails and emails to the Acorn and Star newspapers pursuant to their CPRA requests. The petition is opposed by CHCD and the Acorn.

B. Rozanski's motion to quash a notice to appear served on her by CHCD. The motion is opposed by CHCD.

C. Rozanski's motion to stay this proceeding pending the outcome of a criminal investigation and possible prosecution. Opposed by CHCD and the Acorn.

D. Several motions to seal various pleadings that were filed under conditional seal in connection with the above petition and motions pending before the court. Motions opposed by CHCD and the Acorn.

This writ proceeding and accompanying motions are related to and are partially the product of :

-Fee dispute proceeding brought by CHCD against Ferguson and heard through the Ventura County Bar Association's Fee Arbitration Program.

-Ferguson v. CHCD, VCSC No. 478549. Contained within that case, is a petition filed by CHCD to enforce a fee dispute award in favor of CHCD and against Ferguson through the Ventura County Bar Association's Fee Arbitration Program.

-CHCD v. Rozanski; VCSC No. 487601.

-The CPRA requests by the Acorn and the Star for certain public records related to Rozanski and Ferguson.

-An investigation by the Ventura County District Attorney's office into possible wrongdoing by Rozanski or Ferguson in respect to the alleged misuse of public funds.

With the foregoing background, the court makes the following orders:

1. In respect to the voice mails and emails presented to the court for review, CHCD is free to exercise its discretion and release any voice mails or emails it deems appropriate with the exception of the following, which CHCD is enjoined from releasing:

a. Voice mails and emails to or from Rozanski or Ferguson related to their respective medical condition, treatment or medications.

b. Any emails or attachments related to Rozanski's communication with the law offices of Jackson, DeMarco, Tidus, and Peckenpaugh.

2. In assessing the CPRA requests and Rozanski's petition to enjoin CHCD from releasing any documents pursuant to the requests, the threshold question is whether or not the requested documents are public records, which is defined as any record created or maintained by a public agency that relates in any way to the business of the public agency. The recent California Supreme Court case of *City of San Jose v. Superior Court of Santa Clara County*, 2017 Cal. LEXIS 1607, filed March 2, 2017, acknowledges that it "will not always be clear" whether or not a writing is related to public business. Here, this court believes that many seemingly private communications between Rozanski and Ferguson must be read in the context of other contemporaneous and clearly public communications to understand the nature and content of the communications as a whole. For example, if certain communications had been made by Rozanski to her spouse, children, or friends and those communications were unrelated to her work as CEO of CHCD, then this court would not consider them to be public business related and would issue an order prohibiting their release. However, it is the public's business to know how public money is spent, and within that context, the communications between Rozanski and Ferguson shed light on the appropriateness of the expenditures, and if wrongful, how to ensure it doesn't happen in the future.

3. Having determined that the vast majority of the voice mails and emails were related in a substantive way to the public's business, the court then considered whether the release of the materials was prohibited by either Gov't Code §6254 or, §6255, or some other specific law. The court could find no prohibition. Finally,

the court considered Rozanski's right to privacy. The court finds that Rozanski could not have had an expectation of privacy in the materials because of the waivers she signed at the time the cell phone and computer at issue were issued to her. And, to the extent that she may have had an expectation of privacy, the right to privacy is outweighed by the public right to access to information related to a significant public issue.

4. To be clear, the court is not ordering CHCD to release anything to the Acorn or the Star pursuant to their requests. How CHCD chooses to respond is within its discretion-subject to the limited exclusions set forth above. If the Acorn or the Star are not satisfied with what they receive, then presumably they will file their own petition for the release of additional documents. Similarly, the court is not addressing or making any orders in respect to what CHCD may or may not do with any of the documents it has in its possession related to Rozanski or Ferguson.

5. The previously issued preliminary injunction prohibiting the release of certain documents is terminated.

6. The request to seal all pleadings submitted under conditional seal is denied, with the exception that any references to the items addressed in 1a and 1b shall be redacted. Counsel for Rozanski and CHCD shall meet and confer and advise the clerk's office which documents need to be redacted. All such pleadings, with the indicated redactions, are ordered filed.

7. The request to stay these proceedings is denied.

8. In light of the above ruling, the court deems the issue of the motion to quash the notice to appear to be moot.

9. The court is reasonably sure that one or all of the parties will not be in agreement with all or a part of this order. Because of the possible prejudicial effect of the order, enforcement of the order is stayed until April 28, 2017 at 5:00 p.m.



**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF VENTURA:

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 1050 S. Kimball Rd.

On April 24, 2017, I served  the original  a true copy of the foregoing document described as [PROPOSED] FINAL JUDGMENT, which is related to the action styled *CHCD v. Jane Rozanski*, Ventura Superior Court Case No. 56-2016-00489673-CU-MC-VTA, on the person or persons listed on the attached Service List as follows:

**BY MAIL:** I enclosed the above-described document in (an) envelope(s) with postage thereon fully pre-paid and addressed as set forth on the attached Service List. I am readily familiar with FERGUSON CASE ORR PATERSON LLP's practice of collection and processing correspondence for mail with the U.S. Postal Service. Pursuant to that practice, I placed the above-described envelope into the Firm's designated receptacle, of which the contents are to be deposited with the U.S. Postal Service on that same day at Ventura, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated herein.

**BY EXPRESS MAIL:** I enclosed the above-described document in (an) envelope(s) with Express Mail postage fully pre-paid and addressed as set forth on the attached Service List. I placed the above-described envelope into a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail.

**BY OVERNIGHT DELIVERY:** I enclosed the above-described document in (an) envelope(s) of a type designated by the express service carrier for overnight delivery with delivery fees fully pre-paid or provided for and addressed as set forth on the attached Service List. I  placed the above-described envelope into a box or other facility regularly maintained by the express service carrier/ delivered the above-described envelope to an authorized courier or driver authorized by the express service carrier to receive documents.

**BY PERSONAL SERVICE:** I personally delivered the above-described document to \_\_\_\_\_,  a party to this action;  an attorney for \_\_\_\_\_, who is a party to this action, by leaving the document at the attorney's office in an envelope clearly labeled to identify the attorney being served with \_\_\_\_\_, a receptionist or a person having charge the office; at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_, at \_\_\_\_\_.

**BY FACSIMILE TRANSMISSION:** I caused the above-described document to be transmitted via facsimile from (805) 659-6818 to each facsimile number listed on the attached Service List at \_\_\_\_\_  a.m.  p.m. on the date set forth above. Each fax transmission was reported as complete and without error, and each transmission report attached hereto was properly issued by the sending fax machine.

**BY ELECTRONIC TRANSMISSION:** I served a true copy of the document electronically in Portable Document Format (PDF) by transmitting it from \_\_\_\_\_@fcoplw.com to the electronic service address(es) (emails), as indicated on the attached Service List at \_\_\_\_\_  a.m.  p.m. on the date set forth above.

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

(Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 24, 2017, at Ventura, California.

  
Jessica Hammer

In accordance with the California Code of Civil Procedure and Rules of Court regarding service, an executed copy of this Proof of Service is on file at Ferguson Case Orr Paterson LLP and will be made available for photocopying and inspection upon a request made pursuant to applicable statutory provisions.

FERGUSON CASE ORR PATERSON LLP  
1050 South Kimball Road  
Ventura, California 93004  
2801 Torreyana Road, Suite 215  
Westlake Village, California 91361

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