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**VIA ELECTRONIC (MICHAEL.PALMISANO@CHHS.CA.GOV) MAIL ONLY**

July 16, 2020

Mr. Michael Palmisano  
California Health & Human Services  
Atten: PRA Request  
1600 9<sup>th</sup> Street, Room 460  
Sacramento, CA 95814

RE: California Public Records Act Request in re Corona Virus Pandemic / COVID-19 –  
Public Health orders regarding “Shelter in Place”, “Face Covering” and “Cancel  
Mass Gathering” orders.

**New Public Records Request and response to June 12, 2020 letter**

Dear Mr. Palmisano

**RESPONSE TO YOUR JUNE 12, 2020 CORRESPONDENCE:**

Thank you for your letter of June 12, 2020 in response to my meet and confer letter of June 9, 2020 regarding my client’s PRA requests. In your letter you stated that your department will not be disclosing further documentation requested and is relying on exemptions such as the deliberative process “exemption” to withhold responsive records. As you know, my client’s position is that the Department’s reliance upon these exemptions is improper. My client and I will decide shortly if we will file a Petition for Writ of Mandate against your Department with the Superior Court.

In light of this please advise if you are authorized to accept service of process for your department and Secretary Mark Ghaly and if so via electronic mail or does your department require a physical service?

**NEW PUBLIC RECORDS ACT REQUESTS:**

**Documents upon which the State of California and/or the California Health and Human Services agency based its “Shelter in Place”, “Face Covering”, “Cancel Mass Gathering” and “Cancel Church (and/or Worship) Gatherings” orders during the corona virus (COVID-19) pandemic.**

Pursuant to the California Public Records Act, Govt. Code §§ 6250-6276.48, Center for American Liberty (“Requestor”) respectfully requests to inspect all public records in the possession or control of the California Health and Human Services agency (“CHHS”) office for the following::

1. Each set of data and/or correspondence, including electronic communications (including but not limited to scientific studies, peer reviews, medical studies, analysis, hospital data, public health studies, health care statistics, memorandum, letters, correspondence, directives, etc.) upon which the State of California and/or the CHHS based its decision to issue, renew, re-issue or modify any and all “Shelter in Place”, “Face Covering”, “Cancel Mass Gathering” and “Cancel Church (and/or Worship) Gatherings” orders from May 25, 2020<sup>1</sup> to the present date regarding the COVID-19 pandemic;
2. Each set of data and/or correspondence, including electronic communication and in paper format, regarding each re-issuance, renewal or modification of any Order;
3. Each set of data and/or correspondence, including electronic communication and in paper format (including but not limited to scientific studies, peer reviews, medical studies, analysis, hospital data, public health studies, health care statistics, memorandum, letters, correspondence, directives, etc.) upon which the State of California and/or the CHHS based its decision regarding any issuance, renewal, re-issuance or modification of any Order regarding the COVID-19 pandemic specifically regarding *any public or private protests<sup>2</sup> of any type or kind* from May 25, 2020 to the present date regarding the COVID-19 pandemic; and
4. A copy of any and all requests for similar records under the California Public Records Act received by the CHHS and all responses thereto.

These requests are for any and all writings and communications (including but not limited to, letters, electronic communications, e-mails, text messages, notes, memorandums, messages) whether or not those communications are stored in the CHHS’s files and/or servers or on personal devices / accounts such as private electronic mail accounts or cellular telephones. *City of San Jose v. Superior Court (Smith)* (2017) 2 Cal. 5<sup>th</sup> 608.

The time frame for these Requests is from May 25, 2020 to the present date.

**REQUEST FOR INFORMATION IN ELECTRONIC FORMAT PURSUANT TO  
GOVERNMENT CODE SECTION 6253.9 (A) (2) & (E).**

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<sup>1</sup> The date of the unfortunate death of George Floyd.

<sup>2</sup> Protest shall generally mean: A solemn declaration of opinion and usually of dissent: such as the act of objecting or a gesture of disapproval specially: a usually organized public demonstration of disapproval or a complaint, objection, or display of unwillingness usually to an idea or a course of action or an objection made to an official or a governing body.

My client is seeking these records in any and all electronic formats your office keeps them in. Under the Public Records Act, the CHHS's office is required to deliver the information in whatever electronic format it is in no matter whether it is Excel, Word, WordPerfect or some other program or programs. Government Code section 6253.9 (a) (2) & (e). **My client's request extends to receipt of this information in the electronic format your office maintains these records in.** Delivery of this information to me by electronic mail (craig@craigalexanderlaw.com) or via a thumb drive or via a disk is fine. I can supply the CHHS with a thumb drive if needed. *Please advise what electronic format these records are kept in.*

In addition, if there are documents that satisfy this request that are in **both** electronic and paper formats, my client offers to receive the electronic version of those records and forgo inspection and potential photocopying of those paper copies. It is hoped that this will save the CHHS and my client's time, trouble and expense.

If you anticipate that data compilation, extraction, or programming will be required to satisfy a request (per Section 6253.9(b)), please provide a written estimate and justification for same. Given the high profile of this matter with the public and the recentness of the date of any responsive records (May 25, 2020 to July 16, 2020), a compilation, extraction or programming should not be required to obtain responsive documents. In addition on May 28, 2020 the California Supreme Court ruled that an agency may not charge a requestor of responsive documents for the act of searching for those documents or for review and redaction of any portion of a responsive document where the agency is claiming it is subject to an exemption or privilege. *National Lawyers Guild v. City of Hayward, et al* (2020) 9 Cal. 5<sup>th</sup> 488.

If you or anyone else at your Department wishes to discuss my client's requests, please feel free to contact me by e-mail or telephone.

I look forward to hearing from the Department within 10 days.

Very truly yours,

//s//

Craig P. Alexander