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David W. Slayton,  
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Attorneys for Petitioner and Plaintiff,  
Center for American Liberty

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES — STANLEY MOSK COURTHOUSE**

**Center for American Liberty,**  
a Virginia Not for Profit corporation;

Petitioner and Plaintiff

vs.

**Burbank Unified School District;**  
and DOES 1 through 100, inclusive

Respondents and Defendants.

Case No.: **24STCP02384**

Judge:

Dept:

UNLIMITED JURISDICTION

**Verified Petition for Writ of Mandate;  
Complaint for Declaratory &  
Injunctive Relief**

[Gov. Code §§ 7921.000, et seq.]

Petitioner and Plaintiff Center for American Liberty, (“CAL”), alleges as follows:

1. In this action, CAL seeks to enforce its right to obtain public records pursuant to the California Public Records Act, Government Code<sup>1</sup> section 7920.000<sup>2</sup> (“CPRA”) for several CPRA requests to Respondent.

**FACTS**

2. This matter is regarding Public Records Act requests contained in a letter from Petitioner to Respondent Burbank Unified School District.

<sup>1</sup> All undesignated code references are to the Government Code.

<sup>2</sup> The legislature re-codified the Public Records Act from Government Code section 6250, et seq. to section 7921.000, et seq effective on January 1, 2023.

1  
2 **PUBLIC RECORDS REQUEST OF MAY 23, 2024**

3 3. On or about May 23, 2024 Petitioner issued a Public Records Act (“CPRA”) request to  
4 the Respondent Burbank Unified School District (“BUSD”). A copy of CAL’s May 23, 2024  
5 Public Records Act request is attached hereto as Exhibit A. That request was for:  
6

7 **PUBLIC RECORDS ACT REQUEST I:**

8  
9 Pursuant to the California Public Records Act, Govt. Code §§ 7920.000 –  
10 7930.215, Center for American Liberty (“Requestor”) respectfully requests to  
11 inspect all public records in the possession or control of the District (“District”)  
12 for the following:

- 13 1. I request to have sent to my office the policy(s) and procedures adopted by the  
14 District for compliance with the District’s obligations to maintain Pupil Records  
15 and disclose same to parents / guardians as defined under Education Code  
16 sections 49061 & 49069.7 and under the Family Educational Right and Privacy  
17 Act (FERPA), 20 U.S.C. section 1232g and 34 CFR Part 99. In addition, I request  
18 that the District disclose to my client any policy(s) and procedures regarding or  
19 describing or handling “informal notes related to an identifiable pupil compiled  
20 by a school officer or employee.” Education code section 49061 (b). This  
21 specifically includes any document or documents that define what the District  
22 considers to be or defines “informal notes” as described in Education code section  
23 49061 (b) and set forth the basis for releasing to or withholding from a parent or  
24 guardian any such “informal notes” about a student (also known as granting or  
25 denying “access” as defined by Education Code section 49061 (e)).
- 26 2. Also, my client requests to review / receive any policy(s) and procedures adopted  
27 by the District for compliance with Assembly Bill 1266, the School Success and  
28 Opportunity Act of 2013.
3. My client requests to review / receive any policy(s) and procedures adopted by  
the District for compliance with Assembly Bill 329, the California Healthy Youth  
Act of 2016.
4. Any policy and procedures whether or not adopted by the District for creation of  
and implementation of Gender Support Plan(s) or any similar plans (such as  
Gender Transition Plan or Individual Transition Plan) for students transitioning  
genders or having gender questioning including but not limited to the use of  
pronouns for the affected student(s). Attached is a sample from another school  
district for the type of form some District’s utilize for this purpose. Even if your

1 District does not utilize such a form, we still request the District's  
2 communications and instructions, etc. on implementing the purposes of gender  
3 transition by the District. Please also forward a copy of the minutes of the Board  
4 of Trustees adopting the use of (or non-approval) of such a transition form. If no  
such minutes on this topic exists I request the District to advise that no records  
exist on this specific topic / vote.

- 5 5. For communications (electronic and in paper format) by and between employees  
6 and / or trustees of the District internally and/or with any third parties regarding  
7 the implementation of matters stated in requests numbers 1 through 4 above. For  
8 these items above, I recommend to the District that it begin its search for these  
9 communications by starting with the person(s) or Department(s) that were tasked  
10 with answering questions from District staff and/or third parties about the  
11 implementation of these policies and procedures. For example, the person(s)  
12 answering questions of District staff about filling out, safe keeping, responses for  
13 request to see records by parents / guardians regarding any Gender Support Plan  
14 (such as making changes or not to the student's permanent pupil records, etc.). Or  
15 questions regarding what is included in "Pupil records" a parent or guardian may  
16 see under Education Code sections 49061& 49069.7 and if that includes a filled-  
17 out Gender Support Plan (if any) or not. Another example would be about the  
18 implementation of new curriculum or instructional materials pursuant to any of  
19 the statutes listed above. It is hoped that this suggestion will assist the District in  
20 focusing its search efforts a distinct set of records rather than just a District wide  
21 search.
- 22 6. I request to have sent to my office the policy(s) and procedures adopted by the  
23 District for compliance with Education Code section 49063 ("Notification of  
24 parents of their rights") and section 48980 ("Notice at beginning of term of rights  
25 and responsibilities; required content"). In addition, my client requests the District  
26 provide a writing exhibiting (i.e., a sample of) the District's compliance with  
27 section 49063 (b) that annually the District is to notify the parent (or guardian) of  
28 a pupil of the "categories of information that the school district plans to release  
and of the recipients." In addition, my client requests the District provide a  
writing exhibiting (a sample of) the District's compliance with section 48980 for  
the time frames listed therein (quarterly, at the beginning of the semester,  
annually, etc.).
7. I request the District send my office all documents, handouts, PowerPoint / media  
presentations, videos, etc. used by any guest speakers for any topics related to the  
curriculum / teaching about the matters covered in items 1 through 6 above. This  
would include any materials about any such guest speaker including, for example,  
his/her Curriculum Vite, Resume, Biography, etc. and any invoice for services for  
that guest speaker's presentation. Also, any communications between any  
employee and any guest speaker, between employees about any such guest  
speaker and between any District employees and/or any third parties about any  
such guest speaker. If any writing / responsive records includes the name of any

1 student, I ask that the District redact that student's name and forward to me the  
2 document in redacted form. This request also includes any responsive records  
3 kept in electronic form.

- 4 8. For any contracts, memorandums of understanding, purchase orders, invoices and  
5 evidences of payment, such as warrants, checks, ACH transactions, wire transfers,  
6 etc., if any, between the District and the following organizations / entities /  
7 persons: the ACLU, Planned Parenthood (including any of its local affiliates), the  
8 Trevor Project, Health Connect, Gender Spectrum, Stefani McCoy, The Peace  
9 Project, the Human Rights Campaign, Children's Hospital Los Angeles and  
10 GLSEN.  
11  
12 9. For any communications by and between the District and any of the organizations  
13 listed in request number 8 above.  
14  
15 10. Any correspondence, presentations, PowerPoint presentations and/or videos,  
16 including electronic communication and in paper format, regarding any  
17 curriculum and/or supplemental curriculum and/or instructional materials and/or  
18 teacher training materials in any way regarding the District's programs /  
19 curriculum and the supplemental curriculum itself regarding Social Emotional  
20 Learning, Ethnic Studies, Critical Race Theory, Equity, Intersectionality,  
21 Transgenderism, Sanford Harmony, diversity, inclusion, racism, structural racism,  
22 microaggressions, social justice and/or white supremacy.
- 23 11. Any invoices, purchase orders, checks, warrants or any other form of payment by  
24 District to any persons or organizations for curriculum, teacher training, public  
25 relations, parent interactions, etc. regarding the topics described above. For this  
26 item number 11, I wish to make clear that we request a copy of any contracts,  
27 P.O.s, MOUs, etc. for any vendor the District has purchased curriculum materials,  
28 teacher training materials, ancillary materials (such as a video or PowerPoint to  
use with the curriculum materials in the classroom and/or teacher training). This  
is most important for any instance where the District makes any claims of  
exemption / privilege to deny CAL access to any responsive documents.

The timeframe for requests 1 through 11 above is from January 1, 2019 to the  
present date.

12. Any communications regarding my client Center for American Liberty, Inc. from  
January 1, 2019 to the present date.

**PUBLIC RECORDS ACT REQUEST II:**

**FOR DOCUMENTS RELATED TO THE DISTRICT'S FINDINGS OF ITS  
ALLOWED "DIRECT" COSTS PER GOVERNMENT  
CODE SECTION 7922.530 (A)**

1 Since the Public Records Request Act allows the District to only charge its  
2 “direct” costs for photocopying, please disclose documents that evidence how  
3 (including backup costs information or studies **not** just the Department’s formal  
4 policy on photocopy charges) the District arrives at its “direct” cost per page for  
5 photocopying charges. Please consider this request to be a separate Public  
6 Records Act Request.

7 13. This request (Exhibit A) also included a request for responsive documents to be  
8 delivered in electronic format if they were already stored in an electronic format. Govt. Code §  
9 7922.570.

10 14. On or about May 30, 2024 Respondent BUSD acknowledged CAL’s CPRA request.  
11 Respondent’s letter stated:

12 **RE: Public Records Request**

13 Hello,

14 Please note that your PRAR has been received. I am emailing to request an  
15 extension to provide a response due to shortage of staff/new staff. We don’t  
16 currently have enough support staff to be able to gather the information quickly.

17 If possible, we would like to request an extension through the 21<sup>st</sup> of June.

18 Thank you in advance for your consideration,

19 Cindy Quiterio  
20 Executive Assistant to the Board of Education and Superintendent  
21 Burbank Unified School District  
22 1900 W. Olive Avenue  
23 Burbank, CA 91506  
24 Office: (818) 729-4422

25 15. On June 6, 2024 Petitioner’s counsel responded to BUSD as follows:

26 Dear Ms. Quiterio,

27 My apology for the delay in responding to your e-mail. I will calendar forward to  
28 June 21st to hear back from the District.

Craig P. Alexander

1 Law Offices of Craig P. Alexander  
2 24681 La Plaza, Suite 250  
3 Dana Point, CA 92629  
4 949-481-6400 Office

5 A copy of the May 30, 2024 e-mail and the June 6, 2024 reply e-mail is attached hereto as  
6 Exhibit B.

7 16. Respondent issued an e-mail response to Petitioner on June 20, 2024 which  
8 stated:

9 Please find Burbank Unified School District requested documents attached.

10 Best,

11 Julie Markussen  
12 Director of Student Services  
13 Burbank Unified School District  
14 1900 W. Olive Ave.  
15 Burbank, CA 91506  
16 (818) 729-4456

17 A copy of BUSD's June 20, 2024 e-mail is attached as Exhibit C.

18 17. Approximately five attachments accompanied Exhibit C. On information and  
19 belief, these documents (one of which consisted of one document Petitioner had sent Respondent  
20 with Exhibit A) were not responsive to the entirety of Petitioner's PRA requests as listed in  
21 Exhibit A.

22 18. On June 20, 2024 Petitioner's counsel inquired if the June 20, 2024 disclosure  
23 was the completion of Respondent's response to Exhibit A or if future disclosures could be  
24 expected. On June 20, 2024 Respondent e-mailed and stated "This is the completion of the  
25 District's response." A copy of this e-mail exchange is attached as Exhibit D.

26 19. On June 20, 2024 Petitioner's counsel issued the following inquiry (via e-mail) to  
27 Respondent's employee as follows:  
28

1 Dear Ms. Markussen

2 Thank you for your e-mail advising that this is the “complete” response of the  
3 District to CAL’s PRA requests. The disclosure the District made today (those  
4 documents are attached) was the one and only disclosure of responsive documents  
5 to date. I have attached another copy of CAL’s May 23, 2024 PRA request letter.

6 It would appear that the District did not search for and disclose many responsive  
7 documents. For example: While there are documents (mostly invoices) about  
8 Health Connected, there is no copy of the contract between the District and that  
9 entity. There are no e-mails about it (except for one on payment of an invoice).  
10 And there are no documents regarding the other organizations listed in our May  
11 23, 2024 letter.

12 While the District sent its BP 5125 (student records), on DEI and a blank copy of  
13 a Gender Support Plan, it did not send any communications about those subjects  
14 which was a part of the request. See request categories 4, 5 & 7. For item 8 (and  
15 9) there is only a set of invoices for Health Connected. Nothing about any of the  
16 other organizations mentioned in item 8. And nothing regarding items 10, 11 and  
17 12. And nothing regarding Request II on copy charges.

18 Thus it would appear the District has not complied with its obligations under the  
19 Public Records Act.

20 My client’s next step is to file a lawsuit (a Petition for Writ of Mandate) to  
21 enforce its rights. However, as a hopeful attempt to avoid that we ask the District  
22 to advise:

- 23 1. Advise if it searched for all of the categories listed in the letter of May 23,  
24 2024;
- 25 2. What search terms did the District use for each category;
- 26 3. What were the results of each search (the numbers of potentially  
27 responsive documents) for each category;
- 28 4. If a search of computer systems (such as Outlook) for communications  
and other electronically stored documents was not conducted, what type of  
search was done?
5. If any documents were withheld on the basis of an exemption or privilege,  
please advise including what specific exemption / privilege is being  
claimed. Government Code section 7922.540.

6 Please let me hear from the District in response to these questions no later than  
7 Monday, July 8, 2024. If I do not hear from the District by that date, my client  
8 and I will have no choice but to assume the District will not respond to these  
9 inquiries.

10 Thank you

1 A copy of the June 20, 2024 inquiry e-mail is attached as Exhibit E.

2 20. Petitioner has not received any response or communication from Respondent to Exhibit E  
3 as of the date of the filing of this instant Petition.  
4

5 21. As of the date of the filing of this Petition, Respondent has not claimed or notified  
6 Petitioner that any responsive documents have been withheld on the basis of a claimed  
7 exemption and/or privilege.  
8

9 22. Respondent BUSD has violated Petitioner CAL's right to obtain public records by not  
10 adequately responding to Petitioner's PRA requests including its duty to assist Petitioner.  
11

12 **PARTIES**

13 23. Petitioner and Plaintiff Center for American Liberty, (Petitioner or CAL) is a nonprofit  
14 public benefit corporation organized under the laws of Virginia.

15 24. Respondent and Defendant Burbank Unified School District ("Respondent" or "Agency")  
16 is the public entity and it is a local agency as defined by the CPRA.

17 25. The true names of Respondent and Defendant DOES 1 through 100, inclusive are  
18 unknown to Petitioner who therefore brings this Petition and Complaint against DOES 1 through  
19 100, inclusive by such fictitious names, and will seek leave of this Petition, Writ and Complaint  
20 to show their true names, identities, and capacities when they have been determined.  
21

22 26. DOES 1 through 100 includes Basadena Unified School District officials, employees,  
23 contractors, and other agents who have public records relating to Agency business in their  
24 possession.  
25

26 27. Each Respondent and Defendant, including the DOE Respondents and Defendants, are  
27 each other's agents and at all relevant times were acting as each other's agents. Together, all  
28 Respondents and Defendants are the "Respondents."



1 **JURISDICTION**

2  
3 28. Pursuant to Government Code section 7923.000, “any person may institute proceedings  
4 for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to  
5 enforce his or her right to inspect or to receive a copy of any public record or class of public  
6 records under [the CPRA].”

7  
8 29. Petitioner is a person, as defined by the code, and is suing to enforce its right to receive  
9 public records. Petitioner has standing to bring this action. *Connell v. Super. Ct. (Intersource,*  
10 *Inc.)* (1997) 56 CA4th 601, 611.

11 30. The Los Angeles County Superior Court is the proper venue because the acts complained  
12 of which are the subject of this Petition, Writ and Complaint, have all occurred or will all occur  
13 in the County of Los Angeles, State of California. The relief sought in this Petition, Writ and  
14 Complaint is within the jurisdiction of this Court.  
15

16 **SUMMARY OF PERTINENT CALIFORNIA PUBLIC RECORDS ACT PROVISIONS**

17  
18 31. In enacting the CPRA, the Legislature declared that “access to information concerning  
19 the conduct of the people’s business is a fundamental and necessary right of every person in this  
20 state.” (§ 7921.000)

21  
22 32. The CPRA requires that a local agency respond to a request for public records within 10  
23 days to inform the requestor whether it possess disclosable public records that are responsive to  
24 the request (§ 7922.535 (a)). A local agency is permitted one fourteen-day extension only if one  
25 of four specified “unusual circumstances” exists. (§ 7922.535 (b) & (c).) Responsive records  
26 must be disclosed “promptly.” (§ 7922.530)  
27  
28

1 33. A local agency has a duty to assist the requestor in formulating a focused and effective  
2 request. (§ 7922.600)

3 34. Local agencies may not charge more than the agency’s “direct costs of duplication” for  
4 copies of records. (§ 7922.530 (a)) Direct costs of duplication are limited to the costs of making  
5 copies and do not include time spent searching for and reviewing records. (*North County Parents*  
6 *Organization v. Dept. of Education* (1994) 23 Cal.App.4th 144, 147.)  
7

8 35. An agency may not charge a requestor of responsive documents for the act of searching  
9 for those documents or for review and redaction of any portion of a responsive document where  
10 the agency is claiming it is subject to an exemption or privilege. *National Lawyers Guild v. City*  
11 *of Hayward, et al* (2020) 9 Cal. 5th 488.  
12

13 36. A local agency must, upon request, provide information in the electronic format it is  
14 stored in (§ 7922.570).

15 37. A local agency must, upon request, provide a copy of any contract it has entered into for  
16 goods or services. (§ 7928.801).  
17

18 38. “Purpose of request for disclosure; effect. This division does not allow limitations on the  
19 access to a public records based upon the purpose for which the request is being requested, if the  
20 record is otherwise subject to disclosure.” (§ 7921.300)

21 39. Where the documents requested do not contain the substance of or excerpts from “actual  
22 discussions or debate, or information showing how government policy was formed” and nothing  
23 in the requested documents will impede future discussions and debate on policy, the deliberative  
24 process exemption does not apply to justify denial of records disclosure. *Caldecott v. Superior*  
25 *Court* (2015) 243 Cal. app. 4th 212, 234-235.  
26  
27  
28

1 40. Documents that are not predicational or deliberative but reflect the implementation of  
2 policy are not subject to the deliberative process exemption. *American Civil Liberties Union of*  
3 *Northern California v. Superior Court* (2011) 202 Cal. App. 4th 55, 76.

4 41. When being applied to grant access to information, the CPRA must be interpreted  
5 broadly, and when being applied to deny access to information, CPRA exemptions must be  
6 interpreted narrowly (Cal. Const., art. I, § 3).

7 42. When public officials conduct the people’s business on private devices and accounts such  
8 as texting on privately owned cell phones or sending email using privately held electronic mail  
9 accounts, these records are subject to disclosure under the CPRA as if they were created on  
10 agency-owned devices. (*City of San Jose v. Superior Court (Smith)* (2017) 2 Cal. 5th 608.). At  
11 no time did Respondent include a statement that it had searched or caused to be searched any  
12 employee and/or trustee private devices for responsive public records.  
13

14 43. It does not appear that Respondent is claiming any privileges / exemptions to withhold  
15 partially or wholly as no advise of same was made by Respondent to Petitioner. An agency  
16 opposing disclosure has the burden of proof that an exemption / privilege applies. *Am. C.L.*  
17 *Union of N. California v. Superior Ct.*, (2011) 202 Cal. App. 4th 55, 67.  
18

19  
20 **FIRST CAUSE OF ACTION**  
21 (Writ of Mandate — Gov. Code §§ 7923.000 – 7923.005)  
22 Against all Respondents

23 44. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

24 45. Respondent, a local public agency, is required to comply with Petitioner’s CPRA  
25 requests. Respondents have a ministerial duty to comply with the CPRA by promptly providing  
26 documents responsive to CPRA requests.  
27  
28

1 46. Petitioner requests that a Writ of Mandate issue to compel Respondents to properly  
2 search for and disclose the public records and documents that are responsive to Petitioner's  
3 CPRA requests described herein, including those improperly withheld on the basis of general  
4 alleged exemptions and/or privileges, if any.

5 47. Petitioner's effort to obtain the records without litigation have been unsuccessful, and  
6 Petitioner has no further administrative remedies. Petitioner's attempt to, in effect, meet and  
7 confer with Respondent, has been unsuccessful. Therefore, there is no other adequate remedy in  
8 the ordinary course of law. Indeed, the CPRA specifically authorizes writ of mandate as a  
9 remedy for CPRA violations.  
10

11 **SECOND CAUSE OF ACTION**  
12 (Declaratory Relief — Gov. Code §§ 7923.000 – 7923.005)  
13 Against all Respondents

14 48. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

15 49. There is an actual and justiciable controversy between the parties as to whether  
16 Respondents' actions have complied with the California Public Records Act.  
17

18 50. Petitioner alleges that Respondents have committed the following CPRA violations:

- 19 a. On information and belief, failure to conduct a proper and complete search for the  
20 various responsive records in response to CAL's CPRA requests.  
21  
22 b. Failure to make a sufficient written determination as to whether Respondent possesses  
23 disclosable public documents/records including e-mails, studies, research, data, text  
24 messages, or other documents responsive to Petitioner's requests after more than the  
25 maximum 10 days (plus any 14-day extension) allowed under Government Code §  
26 6253(a);  
27  
28 c. Failure to properly disclose records and documents responsive to CAL's CPRA requests;

- 1 d. Failure to disclose records and documents responsive to CAL’s CPRA requests that are  
2 not properly subject to an exemption under the California Public Records Act;  
3 e. Failure to disclose records that are in its possession and/or constructive possession; and /  
4 or  
5 f. Failure to “promptly” disclose responsive public records as required by the CPRA.

6  
7 51. There is an actual controversy with respect to these violations because on information  
8 and belief, Respondents dispute the factual basis for the violation and/or whether the actions  
9 described violate the CPRA.

10 52. Declaratory relief is necessary to resolve these controversies and determine whether  
11 Respondents have violated the CPRA as described above.

12  
13 53. The CPRA specifically authorizes declaratory relief.

14 **THIRD CAUSE OF ACTION**  
15 (Injunctive Relief — Gov. Code §§ 7923.000 – 7923.005)  
16 Against all Respondents

17 54. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

18 55. The CPRA specifically authorizes injunctive relief as a remedy for CPRA violations.

19 56. Respondents have failed to respond with any documents responsive to the request for  
20 records related to how Respondent determined the costs it can or will charge for providing  
21 photocopies of responsive documents/information.

22 57. Respondents have failed to properly search for documents and/or have not disclosed all  
23 responsive records to Petitioner.

24  
25 58. The CPRA requires disclosure of public records regardless of whether the records are in  
26 the responding agency’s actual possession. Records in the possession of an agency’s employees  
27  
28

1 or elected officials are public records even if the records are not under the agency's immediate  
2 control.

3 59. On information and belief, charging improper and/or excessive fees frustrates the purpose  
4 of the CPRA and serves to discourage members of the public from requesting public records and  
5 participating in activities related to their constitutional right of public oversight.  
6

7 60. Petitioner seeks injunctive relief to:

8 g. Compel Respondents to disclose all public records responsive to CAL's three CPRA  
9 requests that are in Respondents possession; and

10 h. Compel Respondents to disclose all responsive records not properly subject to an  
11 exemption or privilege.  
12

13 i. Prohibit Respondent from charging improper and/or excessive fees before disclosing  
14 public records;

15 61. There is no monetary compensation that could adequately compensate Petitioner or any  
16 other affected party for the infringement of this right.  
17

18 62. Injunctive relief is necessary to prevent ongoing and future infringement of the public's  
19 right to receive public records from Respondents in a timely fashion, and, on information and  
20 belief, as a consequence of Respondents' demand for excessive duplication fees. Petitioner  
21 requests injunctive relief to ensure Respondents' compliance with the CPRA.  
22

23 **PRAYER FOR RELIEF**

24 Wherefore, Petitioner prays that this court:

25 As to the First Cause of Action:  
26  
27  
28

1 63. Issue Peremptory and/or Alternative Writ of Mandate ordering Respondents to promptly  
2 conduct a proper search for responsive records and to disclose to Petitioner all improperly  
3 withheld records.

4 64. That for any documents Respondent BUSD determines to withhold from Petitioner  
5 (either partially via redactions or in its entirety) to prepare and submit to Petitioner a privilege  
6 log containing the following information: the author of the document(s), the recipient(s) of the  
7 document(s), the “cc” recipient(s) of the document, if any author and/or recipient of a document  
8 is an attorney, the California State Bar number for that attorney, the date of the document(s), the  
9 type of document (memorandum, letter, electronic mail, etc.), a brief description of the  
10 document’s title and subject matter and the exemption / privilege claimed; and  
11

12 65. Issue a Peremptory and/or Alternative Writ of Mandate to order Respondents to ensure  
13 that its Trustees and employees search their personal email accounts and electronic devices for  
14 records responsive to Petitioner’s request;  
15

16 As to the Second Cause of Action:

17 66. Enter a declaratory judgment that Respondents violated the CPRA by:  
18

- 19 a) Failing to search for and disclose responsive public records-that that Respondent  
20 and its employees and officials possess in Respondent’s physical and electronic  
21 files;  
22 b) Failing to search for and disclose responsive public records that that Respondent’s  
23 employees and officials possess in their personal files, email accounts, and  
24 electronic devices;  
25 c) Failure to make a proper written determination as to whether Respondent  
26 possesses disclosable public records;  
27  
28

- 1 d) Failing to promptly disclose all the records that are responsive to Petitioner's  
2 CPRA requests; and  
3 e) Failure to disclose records that are not properly subject to an exemption /  
4 privilege under the California Public Records Act.

5 and order Respondent to comply with its duties to Petitioner under the CPRA.

6  
7 As to the Third Cause of Action:

8 67. Issue an order compelling Respondents to search their private email accounts, computers,  
9 and other electronic devices for public records that are responsive to Petitioner's request and  
10 disclose same to Petitioner;

11 68. Issue an order compelling Respondent to search for and disclose to Petitioner all  
12 responsive records not subject to any proper claim of exemption or privilege; and

13 69. Issue a permanent injunction prohibiting Respondent from charging improper fees for  
14 photocopying, compilation, extraction, or programming prior to disclosing records that are  
15 responsive to a CPRA request;  
16

17  
18 As to all Causes of Action:

19 70. Award Petitioner's attorneys' fees and costs reasonably incurred in this action; and

20 71. For such other and further relief as the Court deems proper.  
21

22 Dated: July 29, 2024

Respectfully submitted,  
LAW OFFICE OF CRAIG P. ALEXANDER

23  
24 By: *Craig P. Alexander*

25 \_\_\_\_\_  
26 Craig P. Alexander,  
27 Attorneys for Petitioner and Plaintiff  
28 Center for American Liberty, Inc.



1 **VERIFICATION**

2 I, Mark Trammell, declare that I am Executive Director of Center for American Liberty, the  
3 Petitioner in the above-entitled action. I have read the foregoing VERIFIED PETITION FOR WRIT OF  
4 MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know the contents  
5 thereof to be true of my own knowledge, except as to those statements made upon information  
6 and belief, and as to those I believe them to be true.  
7

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

10 Executed on July 29, 2024 in Vero Beach, FL.  
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13 \_\_\_\_\_  
14 Mark Trammell

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**TABLE OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>	<b>Reference</b>
<b>A</b>	<b>CAL's May 23, 2023 CPRA Request</b>	<b>¶ 3</b>
<b>B</b>	<b>Respondent's May 30, 2024 Initial Response to CAL's CPRA Requests and CAL's June 6, 2024 response thereto</b>	<b>¶ 15</b>
<b>C</b>	<b>Respondent's June 20, 2024 e-mail and partial disclosure of responsive records to Petitioner regarding CAL's CPRA Requests</b>	<b>¶ 16</b>
<b>D</b>	<b>CAL's June 20, 2024 inquiry and Respondent's June 20, 2024 response in re CAL's CPRA Requests</b>	<b>¶ 18</b>
<b>E</b>	<b>CAL's June 20, 2024 further inquiry into Respondent's June 20, 2024 response to CAL's CPRA Requests</b>	<b>¶ 19</b>

# **EXHIBIT “A”**

***Law Offices of Craig P. Alexander***

*24681 La Plaza, Suite 250*

*Dana Point, CA 92629*

*Office: 949-481-6400 Facsimile: 949-242-2545*

*E-mail: [craig@craigalexanderlaw.com](mailto:craig@craigalexanderlaw.com)*

**VIA ELECTRONIC (JOHNPARAMO@BURBANKUSD.ORG) AND U.S. MAIL**

May 23, 2024

Dr. John Paramo  
Superintendent  
Burbank Unified School District  
1900 W. Olive Ave.  
Burbank, CA 91506

RE: California Public Records Act Requests

Dear Superintendent Paramo,

This letter is being sent on behalf of the Center for American Liberty. I ask that you direct this letter to the responsible personnel to respond to my client's CPRA requests.

**PUBLIC RECORDS ACT REQUEST I:**

Pursuant to the California Public Records Act, Govt. Code §§ 7920.000 – 7930.215, Center for American Liberty ("Requestor") respectfully requests to inspect all public records in the possession or control of the District ("District") for the following:

1. I request to have sent to my office the policy(s) and procedures adopted by the District for compliance with the District's obligations to maintain Pupil Records and disclose same to parents / guardians as defined under Education Code sections 49061 & 49069.7 and under the Family Educational Right and Privacy Act (FERPA), 20 U.S.C. section 1232g and 34 CFR Part 99. In addition, I request that the District disclose to my client any policy(s) and procedures regarding or describing or handling "informal notes related to an identifiable pupil compiled by a school officer or employee." Education code section 49061 (b). This specifically includes any document or documents that define what the District considers to be or defines "informal notes" as described in Education code section 49061 (b) and set forth the basis for releasing to or withholding from a parent or guardian any such "informal notes" about a student (also known as granting or denying "access" as defined by Education Code section 49061 (e)).

2. Also, my client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 1266, the School Success and Opportunity Act of 2013.
3. My client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 329, the California Healthy Youth Act of 2016.
4. Any policy and procedures whether or not adopted by the District for creation of and implementation of Gender Support Plan(s) or any similar plans (such as Gender Transition Plan or Individual Transition Plan) for students transitioning genders or having gender questioning including but not limited to the use of pronouns for the affected student(s). Attached is a sample from another school district for the type of form some District's utilize for this purpose. Even if your District does not utilize such a form, we still request the District's communications and instructions, etc. on implementing the purposes of gender transition by the District. Please also forward a copy of the minutes of the Board of Trustees adopting the use of (or non-approval) of such a transition form. If no such minutes on this topic exists I request the District to advise that no records exist on this specific topic / vote.
5. For communications (electronic and in paper format) by and between employees and / or trustees of the District internally and/or with any third parties regarding the implementation of matters stated in requests numbers 1 through 4 above. For these items above, I recommend to the District that it begin its search for these communications by starting with the person(s) or Department(s) that were tasked with answering questions from District staff and/or third parties about the implementation of these policies and procedures. For example, the person(s) answering questions of District staff about filling out, safe keeping, responses for request to see records by parents / guardians regarding any Gender Support Plan (such as making changes or not to the student's permanent pupil records, etc.). Or questions regarding what is included in "Pupil records" a parent or guardian may see under Education Code sections 49061 & 49069.7 and if that includes a filled-out Gender Support Plan (if any) or not. Another example would be about the implementation of new curriculum or instructional materials pursuant to any of the statutes listed above. It is hoped that this suggestion will assist the District in focusing its search efforts a distinct set of records rather than just a District wide search.
6. I request to have sent to my office the policy(s) and procedures adopted by the District for compliance with Education Code section 49063 ("Notification of parents of their rights") and section 48980 ("Notice at beginning of term of rights and responsibilities; required content"). In addition, my client requests the District provide a writing exhibiting (i.e., a sample of) the District's compliance with section 49063 (b) that annually the District is to notify the parent (or guardian) of a pupil of the "categories of information that the school district plans to release and of the recipients." In addition, my client requests the District

- provide a writing exhibiting (a sample of) the District's compliance with section 48980 for the time frames listed therein (quarterly, at the beginning of the semester, annually, etc.).
7. I request the District send my office all documents, handouts, PowerPoint / media presentations, videos, etc. used by any guest speakers for any topics related to the curriculum / teaching about the matters covered in items 1 through 6 above. This would include any materials about any such guest speaker including, for example, his/her Curriculum Vite, Resume, Biography, etc. and any invoice for services for that guest speaker's presentation. Also, any communications between any employee and any guest speaker, between employees about any such guest speaker and between any District employees and/or any third parties about any such guest speaker. If any writing / responsive records includes the name of any student, I ask that the District redact that student's name and forward to me the document in redacted form. This request also includes any responsive records kept in electronic form.
  8. For any contracts, memorandums of understanding, purchase orders, invoices and evidences of payment, such as warrants, checks, ACH transactions, wire transfers, etc., if any, between the District and the following organizations / entities / persons: the ACLU, Planned Parenthood (including any of its local affiliates), the Trevor Project, Health Connect, Gender Spectrum, Stefani McCoy, The Peace Project, the Human Rights Campaign, Children's Hospital Los Angeles and GLSEN.
  9. For any communications by and between the District and any of the organizations listed in request number 8 above.
  10. Any correspondence, presentations, PowerPoint presentations and/or videos, including electronic communication and in paper format, regarding any curriculum and/or supplemental curriculum and/or instructional materials and/or teacher training materials in any way regarding the District's programs / curriculum and the supplemental curriculum itself regarding Social Emotional Learning, Ethnic Studies, Critical Race Theory, Equity, Intersectionality, Transgenderism, Sanford Harmony, diversity, inclusion, racism, structural racism, microaggressions, social justice and/or white supremacy.
  11. Any invoices, purchase orders, checks, warrants or any other form of payment by District to any persons or organizations for curriculum, teacher training, public relations, parent interactions, etc. regarding the topics described above. For this item number 11, I wish to make clear that we request a copy of any contracts, P.O.s, MOUs, etc. for any vendor the District has purchased curriculum materials, teacher training materials, ancillary materials (such as a video or PowerPoint to use with the curriculum materials in the classroom and/or teacher training). This is most important for any instance where the District makes any claims of exemption / privilege to deny CAL access to any responsive documents.

The timeframe for requests 1 through 11 above is from January 1, 2019 to the present date.

12. Any communications regarding my client Center for American Liberty, Inc. from January 1, 2019 to the present date.

For all categories 1 through 12 above, if any documents contain the names, home addresses, personal telephone numbers of specific students, we ask that you redact those names from the document(s) and forward the redacted document(s) to us. However, we expect the District will NOT redact the names of District staff or third parties (non-students) who may appear in responsive documents as that is not allowed under the PRA statute and case law. *Iloh v. Regents of Univ. of California*, (2023) 87 Cal. App. 5th 513, 527–28, reh'g denied (Feb. 6, 2023), review denied (Apr. 12, 2023) and *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal. 4th 278, 288. I note that my client's requests do NOT include any employee personnel files.

These requests are for 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 District's files and/or servers or on personal devices / accounts such as private electronic mail accounts or cellular telephones or cellular telephones issued by the District to any District personnel. *City of San Jose v. Superior Court (Smith)* (2017) 2 Cal. 5th 608.

We note that "A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division." Government Code section 7921.005. *Register Division of Freedom Newspapers v. County of Orange* (1984) 158 Cal. App. 3d 893, 903 (settlement related documents, including settlement agreements, are subject to disclosure under the PRA. Assurances of confidentiality are not sufficient to transform a public record into a private one).

Also, contracts for goods or services entered into by an agency (here a school district) and a third party must be disclosed under the Public Records Act. Government Code section 7928.801.

### **PUBLIC RECORDS ACT REQUEST II:**

#### **FOR DOCUMENTS RELATED TO THE DISTRICT'S FINDINGS OF ITS ALLOWED "DIRECT" COSTS PER GOVERNMENT CODE SECTION 7922.530 (A)**

Since the Public Records Request Act allows the District to only charge its "direct" costs for photocopying, please disclose documents that evidence how (including backup costs information or studies **not** just the District's formal policy on photocopy charges) the District arrives at its "direct" cost per page for photocopying charges. Please consider this request to be a separate Public Records Act Request.

#### **REQUEST FOR INFORMATION IN ELECTRONIC FORMAT PURSUANT TO**

## GOVERNMENT CODE SECTION 7922.570 (A) & (B)

My client is seeking these records in all electronic formats your office keeps them in. Under the Public Records Act, the District'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 7922.570 (a) & (b). **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 District 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 District 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 7922.575 (b) (2)), please provide a written estimate and justification for same.

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.

## REQUEST FOR INSPECTION OF DOCUMENTS

For any records not delivered electronically, my client elects to inspect these non-electronic records. Once my client's agent and/or I have had an opportunity to inspect these records, we will designate which documents we will wish to obtain copies from your office and its agents, employees, consultants, etc. I also note that under Government Code section 7922.530 (b) my client's agent has the right to use their own equipment (usually a cell phone) to take photos of the responsive documents being inspected.

The California Public Records Act requires the District's office to "reveal the general nature of the documents withheld," and to "set forth the names and titles or positions of each person responsible for the denial." Cal. Govt. Code Section 7922.540. I emphasize my client's request for a specific response and all applicable exemptions to the request. A blanket list of exemptions that may or may not apply to the request coupled with a failure to indicate the existence of documents responsive to the request denies us the ability to evaluate whether the District has justifiably withheld responsive documents. Denying my client her opportunity frustrates the Legislature's primary purpose in enacting the California Public Records Act, which is to "maximize public access to agency records."



There is no question that your office is a public entity subject to the Public Records Act pursuant to Government Code section 7920.525 and it must comply with the Request as set forth under the Act.

Terms utilized that are defined by the California Public Records Act should be given their full meaning. Thus, for example, a request for any "writing" includes a request for "any handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Cal. Govt Code section 7920.545. In keeping with the provisions of the California Public Records Act, "writing" includes any preliminary drafts, notes or interagency or intra-agency memoranda" unless such draft items are "not retained...in the ordinary course of business" and "the public interest in withholding clearly outweighs the public interest in disclosure."

Additionally, certain common terms should be given broad interpretation. For example, "relating to" means, in addition to the usual and customary meaning, depict or depicting, discuss or discussing, refer to or referring, reflect or reflecting, support or supporting, refute or refuting, address or addressing, evidence or evidencing, or record or recording.

For the purposes of this letter, a reference to an entity or body, such as the District's office includes all representatives of the entity or body.

**REQUEST FOR ASSISTANCE, IF NEEDED, PURSUANT  
TO GOVERNMENT CODE SECTION 7922.600**

While my client believes its request is fully understandable, concise and specific for the District to search for, review and disclose responsive documents, if the District has any confusion over my client's requests, under Government Code section 7922.600 the District has a duty to communicate with us about the requests. Towards that end, I am available to discuss this matter with you by phone or e-mail (phone preferred). Thank you.

**THE DISTRICT'S RESPONSE TO  
OUR REQUESTS ARE DUE WITHIN TEN DAYS**

In accordance with Section 7922.535, please contact me within ten (10) days of your receipt of this request and notify me whether this request seeks copies of dis-closable public records in the District's possession, and, if not, the reasons for such determination. We will wish to make an appointment with you to review the dis-closable records at your office.

Thank you in advance for your courtesy and cooperation in this matter.

Very truly yours,

*Craig P. Alexander*

Craig P. Alexander

**EXHIBIT ‘B’**

**From:** [Craig Alexander](#)  
**To:** [Cindy Quiterio](#)  
**Subject:** RE: Public Records Act Request  
**Date:** Thursday, June 6, 2024 12:18:00 PM

---

Dear Ms. Quiterio,

My apology for the delay in responding to your e-mail. I will calendar forward to June 21<sup>st</sup> to hear back from the District.

Craig P. Alexander  
Law Offices of Craig P. Alexander  
24681 La Plaza, Suite 250  
Dana Point, CA 92629  
949-481-6400 Office

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**From:** Cindy Quiterio <CindyQuiterio@burbankusd.org>  
**Sent:** Thursday, May 30, 2024 5:28 PM  
**To:** Craig Alexander <craig@craigalexanderlaw.com>  
**Subject:** Public Records Act Request

Hello,

Please note that your PRAR has been received. I am emailing to request an extension to provide a response due to shortage of staff/new staff. We don't currently have enough support staff to be able to gather the information quickly.

If possible, we would like to request an extension through the 21<sup>st</sup> of June.

Thank you in advance for your consideration,

Cindy Quiterio  
Executive Assistant to the Board of Education and Superintendent  
Burbank Unified School District  
1900 W. Olive Avenue  
Burbank, CA 91506  
Office: (818) 729-4422

## **EXHIBIT “C”**

**From:** [Julie Markussen](#)  
**To:** [Craig Alexander](#)  
**Subject:** BUSD Documents  
**Date:** Thursday, June 20, 2024 8:48:45 AM  
**Attachments:** [BUSD BP 5125.pdf](#)  
[BUSD DEI.pdf](#)  
[BUSD Gender Support Plan.pdf](#)  
[BUSD Health Connected.pdf](#)  
[BUSD ITP.pdf](#)

---

Please find Burbank Unified School District requested documents attached.

Best,

Julie Markussen  
Director of Student Services  
Burbank Unified School District  
1900 W. Olive Ave.  
Burbank, CA 91506  
(818) 729-4456

## **EXHIBIT “D”**

**From:** [Julie Markussen](#)  
**To:** [Craig Alexander](#)  
**Subject:** Re: BUSD Documents  
**Date:** Thursday, June 20, 2024 11:13:35 AM

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Hello, Mr. Alexander--

This is the completion of the District's response.

Best,

Julie Markussen  
Director of Student Services  
Burbank Unified School District  
1900 W. Olive Ave.  
Burbank, CA 91506  
(818) 729-4456

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**From:** Craig Alexander <craig@craigalexanderlaw.com>  
**Sent:** Thursday, June 20, 2024 8:57 AM  
**To:** Julie Markussen <JulieMarkussen@burbankusd.org>  
**Subject:** RE: BUSD Documents

Thank you Ms. Markussen. Is this the completion of the District's response to my client's PRA requests or will there be future disclosures of responsive documents?

Thank you,

Craig P. Alexander  
Law Offices of Craig P. Alexander  
24681 La Plaza, Suite 250  
Dana Point, CA 92629  
949-481-6400 Office

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**From:** Julie Markussen <JulieMarkussen@burbankusd.org>  
**Sent:** Thursday, June 20, 2024 8:48 AM  
**To:** Craig Alexander <craig@craigalexanderlaw.com>  
**Subject:** BUSD Documents

Please find Burbank Unified School District requested documents attached.



Best,

Julie Markussen  
Director of Student Services  
Burbank Unified School District  
1900 W. Olive Ave.  
Burbank, CA 91506  
(818) 729-4456

**EXHIBIT ‘E’**

**From:** [Craig Alexander](#)  
**To:** [Julie Markussen](#)  
**Subject:** FW: BUSD Documents  
**Date:** Thursday, June 20, 2024 11:35:00 AM  
**Attachments:** [BUSD BP 5125.pdf](#)  
[BUSD DEI.pdf](#)  
[BUSD Gender Support Plan.pdf](#)  
[BUSD Health Connected.pdf](#)  
[BUSD ITP.pdf](#)  
[5-23-2024 ltr to District.pdf](#)

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Dear Ms. Markussen

Thank you for your e-mail advising that this is the “complete” response of the District to CAL’s PRA requests. The disclosure the District made today (those documents are attached) was the one and only disclosure of responsive documents to date. I have attached another copy of CAL’s May 23, 2024 PRA request letter.

It would appear that the District did not search for and disclose many responsive documents. For example: While there are documents (mostly invoices) about Health Connected, there is no copy of the contract between the District and that entity. There are no e-mails about it (except for one on payment of an invoice). And there are no documents regarding the other organizations listed in our May 23, 2024 letter.

While the District sent its BP 5125 (student records), on DEI and a blank copy of a Gender Support Plan, it did not send any communications about those subjects which was a part of the request. See request categories 4, 5 & 7. For item 8 (and 9) there is only a set of invoices for Health Connected. Nothing about any of the other organizations mentioned in item 8. And nothing regarding items 10, 11 and 12. And nothing regarding Request II on copy charges.

Thus it would appear the District has not complied with its obligations under the Public Records Act.

My client’s next step is to file a lawsuit (a Petition for Writ of Mandate) to enforce its rights. However, as a hopeful attempt to avoid that we ask the District to advise:

1. Advise if it searched for all of the categories listed in the letter of May 23, 2024;

2. What search terms did the District use for each category;
3. What were the results of each search (the numbers of potentially responsive documents) for each category;
4. If a search of computer systems (such as Outlook) for communications and other electronically stored documents was not conducted, what type of search was done?
5. If any documents were withheld on the basis of an exemption or privilege, please advise including what specific exemption / privilege is being claimed. Government Code section 7922.540.

Please let me hear from the District in response to these questions no later than Monday, July 8, 2024. If I do not hear from the District by that date, my client and I will have no choice but to assume the District will not respond to these inquiries.

Thank you,

Craig P. Alexander  
Law Offices of Craig P. Alexander  
24681 La Plaza, Suite 250  
Dana Point, CA 92629  
949-481-6400 Office

---

**From:** Julie Markussen <JulieMarkussen@burbankusd.org>  
**Sent:** Thursday, June 20, 2024 8:48 AM  
**To:** Craig Alexander <craig@craigalexanderlaw.com>  
**Subject:** BUSD Documents

Please find Burbank Unified School District requested documents attached.

Best,

Julie Markussen  
Director of Student Services  
Burbank Unified School District  
1900 W. Olive Ave.  
Burbank, CA 91506  
(818) 729-4456