

DEPARTMENT 836 LAW AND MOTION RULINGS

Case Number: 25STCP01060 **Hearing Date:** May 28, 2026 **Dept:** 836

**MOTION TO COMPEL RESPONDENT TO DESIGNATE
AND PRODUCE FOR DEPOSITION A PERSON MOST
QUALIFIED**

Date: 5/28/26 (1:30 PM)

Case: **Center for American Liberty v. Compton Unified School District, et al. (25STCP01060)**

TENTATIVE RULING:

Petitioner Center for American Liberty's Motion to Compel Respondent to Designate and Produce for Deposition a Person Most Qualified is GRANTED.

Petitioner's objections to the Declaration of Michelle M. Holmes are OVERRULED.

Pursuant to the CPRA (Gov. Code § 6250, et seq.), individual citizens have a right to access government records. In enacting the CPRA, the California Legislature declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250; see also *County of Los Angeles v. Superior Court* (2012) 211 Cal.App.4th 57, 63.)

Code of Civil Procedure § 2017.010 provides: "Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." (CCP § 2017.010.) An "action" includes "a civil action and a special proceeding of a civil nature." (CCP § 2016.020(a).)

In *City of Los Angeles v. Sup. Ct. (Anderson-Barker)* (2017), 9 Cal.App.5th 272, the Court of Appeal held as a matter of first impression that the Civil Discovery Act applies to CPRA proceedings, which fall within the definition of a "special proceeding of a civil nature." (*Id.* at 284-88.) The Court of Appeal stated that "the right to discovery nonetheless 'remains subject to the trial court's authority to manage and limit discovery as required.'" (*Id.* at 288.) The Court discussed the need for CPRA discovery as follows:

[T]he CPRA is intended to “permit the expeditious determination” of a narrow issue: whether a public agency has an obligation to disclose the records that the petitioner has requested. [Citations.] Although many CPRA cases are likely to involve questions of law based on undisputed facts (including, for example, whether a particular type of record is subject to a disclosure exemption), other cases will require the court to make factual findings based on conflicting evidence. In some such cases, discovery may be necessary to test the agency's assertion that it does not have an obligation to disclose the records at issue. [Citation.] When a party does seek to compel discovery (or seeks a protective order from a discovery request), the trial court must determine whether the discovery sought is necessary to resolve whether the agency has a duty to disclose, and to additionally consider whether the request is justified given the need for an expeditious resolution.

(*Id.* at 289.)

The Court of Appeal also stated that “[i]n assessing the permissible scope of discovery in a CPRA proceeding, trial courts may also look to federal case law addressing the use of discovery in cases arising under the FOIA.” (*Id.* at 289-90.) Consistent with federal authorities under the FOIA, “the trial court has discretion to consider whether the petitioner has made an adequate showing that the discovery is likely to aid in the resolution of the particular issues presented in the proceeding.” (*Id.* at 290.)

Code of Civil Procedure § 2025.450(a) states: “If, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document, electronically stored information, or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent’s attendance and testimony, and the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice.”

Here, petitioner seeks to compel respondent to designate a PMQ for the purposes of conducting a deposition. The Court finds that the request is warranted.

As a preliminary matter, respondent’s contention that petitioner must establish that records were withheld in bad faith to seek discovery in a CPRA action does not comport with applicable case law. (*See Opp.* at pp. 7-8.) Rather, as held in *City of Los Angeles*, the petitioner must simply show that the “discovery is likely to aid in the resolution of the particular issues presented in the proceeding.” (9 Cal.App.5th at 290.) Such a determination is within the Court’s discretion. (*Ibid.*)

As explained in the moving papers, petitioner seeks to conduct a limited deposition of respondent’s PMQ given the vague responses to prior discovery requests and apparent failure to perform an electronic search and use search terms to locate responsive documents. (Separate Statement at pg. 6; Alexander Decl. ¶¶ 16, 19, 22.) The deposition is sought to determine what steps respondent took to conduct a reasonable search. (Separate

Statement at pg.6; Alexander Decl. ¶ 22.) Specifically, the deposition would revolve around the following questions:

- (1) “The steps taken by YOU (Respondent) to search for responsive DOCUMENTS in response to Petitioner’s May 23, 2024 Public Records Act request letter;”
- (2) “The search methods used by YOU (Respondent) to search for responsive DOCUMENTS in response to Petitioner’s May 23, 2024 Public Records Act request letter;” and
- (3) “Respondent’s RETENTION POLICY for all records including, but not limited to, electronic mail (e-mail) communications.”

(Alexander Decl. ¶ 20 & Ex. K.)

Notably, respondent does not argue that the requested deposition would not aid petitioner in determining whether a reasonable search has been conducted. Rather, respondent represents that it has conducted a reasonable search for the responsive records. (Opp. at pp. 9-10.) Even if respondent believes its efforts have been reasonable, the manner in which respondent chooses to conduct its search must actually be reasonably calculated to locate the requested documents. (See *American Civil Liberties Union of Northern Cal. v. Superior Court* (2011) 202 Cal. App. 4th 55, 85.) As respondent has not sufficiently explained its methods in its opposition or otherwise, the Court does not find that respondent’s representation should preclude petitioner from conducting necessary discovery to ensure that a proper search has in fact been conducted.

With respect to respondent’s objections, the Court finds them unpersuasive. For instance, respondent argues that the scope of the deposition for the first two matters is vague and overbroad as it is unclear which portions of petitioner’s CPRA request are at issue. (Opp. at 11:10-17; Reply to Separate Statement at pp. 3:22-4:4, 5:8-18.) However, given petitioner’s contention that search efforts have been inadequate for all the sub-categories, it is clear that the deposition would generally encompass respondent’s overall method in responding to petitioner’s CPRA requests. (Alexander Decl. ¶¶ 16, 22 & Ex. I.)

As to respondent’s objection that the deposition is unduly burdensome or expensive because respondent has not been able to find a PMQ due to staff turnover, the Court is unpersuaded. (Opp. at 11:18-22; Reply to Separate Statement at 4:5-6, 5:19-23.) While respondent may be experiencing turnover issues, the designated individual must simply testify “to the extent of any information known or reasonably available to the [them].” (CCP § 2025.230.) Respondent has failed to show how it would be unduly burdensome to provide the designated individual with reasonably available information to allow them to testify on the matters at issue within the amended deposition notice. Respondent has failed to show that multiple deponents would be needed.

Lastly, respondent objects to the third matter concerning its retention policy on the grounds that it is duplicative of a prior document production. (Opp. at 11:24-12:2.) While respondent may have provided its retention policy, the document itself does not explain how it may have affected the search in connection with petitioner’s CPRA request.

Based on the foregoing, the Motion to Compel Respondent to Designate and Produce for Deposition a Person Most Qualified is GRANTED. The Court directs respondent Compton Unified School District to designate a Person Most Qualified to testify in response to petitioner's amended deposition notice within 20 days of notice of this order. Thereafter, the deposition shall take place on a mutually agreed date within 15 days after respondent has designated the appropriate deponent.
