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FILED
Superior Court of California
County of Los Angeles

04/02/2024

David W. Slayton, Executive Officer / Clerk of Court

By: F. Becerra Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

ROXANE WAGNER-HOLLIER; RACHAEL
NICOLAISEN and her children AN, RN, UN;
and CHILDREN’S HEALTH DEFENSE, a
California Nonprofit Corporation,

Petitioners,

vs.

CITY OF LOS ANGELES; KAREN BASS, mayor
of the CITY OF LOS ANGELES, in her official
capacity; TED ROSS, general manager of the
INFORMATION TECHNOLOGY AGENCY, in
his official capacity; MIGUEL SANGALANG,
general manager of the BUREAU OF STREET
LIGHTING, in his official capacity; BEATRICE
HSU, president of LOS ANGELES WORLD
AIRPORTS, in her official capacity; KEITH
MOZEE, general manager of the BUREAU OF
STREET SERVICES, in his official capacity; TED
ALLEN, executive director for the BUREAU OF
ENGINEERING, in his official capacity; DANIEL
RANDOLPH, chief of staff for the LOS ANGELES
POLICE DEPARTMENT, in his official capacity,

Respondents.

CASE NO: 23STCP02601

**[proposed] JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE**

1 The Petition for Writ of Mandate, filed pursuant to Gov. Code, § 7923.100, Code Civ. Proc.,
2 § 1085, and Cal. Const, art. VI, § 10, by Plaintiffs Roxane Wagner-Hollier, et al. against the City of
3 Los Angeles, et al. came on regularly for hearing in Department 86 of the above-named Court on
4 March 27, 2024, Judge Mitchell L. Beckloff presiding. Attorneys Gregory J. Glaser and Ray L.
5 Flores II appeared in court on behalf of Petitioners, and Deputy City Attorney Bethelwel Wilson
6 appeared telephonically on behalf of Respondents. Having heard argument and considered the
7 papers filed by the parties, the Court hereby rules as follows:

8 The Petition for Writ of Mandate is **GRANTED**.

9 **Missing Attachments To Be Provided**

10 Subject to Respondents’ review and redaction for exemption/privilege, Respondents are
11 ordered to produce the following attachments identified by Petitioners:

- 12 a. Information Technology Agency (Verified Petition (“VP”) Exhibit 2 – P023-P029):
13 applicable to missing attachments identified in P851-P853.
- 14 b. Bureau of Street Lighting (VP Exhibit 3 – P030-P035): applicable to missing attachments
15 identified in P838-P840.
- 16 c. Los Angeles World Airports (VP Exhibit 4 – P036-P041): applicable to the missing
17 attachments referenced in Glaser Reply Decl., ¶ 3.d.vii.
- 18 d. Los Angeles Police Department (VP Exhibit 7 – P055-P063): applicable to the
19 supplemental document production referenced in counsels’ declarations (Glaser Reply
20 Declaration, ¶ 3.e.vi.1, Wilson Opposition Declaration, ¶ 9).
- 21 e. Mayor’s Office (VP Exhibit 8 – P064-P071): applicable to the missing attachments
22 referenced in Glaser Reply Decl., ¶ 3.f.vi.
- 23 f. Information Technology Agency (VP Exhibit 9 – P072-P085): applicable to the
24 supplemental document production identified in Glaser Reply Declaration, ¶ 3.g.vii.1;
25 Wilson Opposition Declaration, ¶ 11.
- 26 g. Information Technology Agency (VP Exhibit 10 – P086-P092): applicable to the
27 supplemental document production identified in Glaser Reply Declaration, ¶ 3.h.viii.1.

1 h. Bureau of Street Lighting (VP Exhibit 11 – P093-P102): applicable to the supplemental
2 document production referenced in counsels’ declarations (Glaser Reply Declaration,
3 ¶3.h.viii.1; Wilson Opposition Declaration, ¶ 13).

4 **Denied Request to ITA**

5 Regarding the third request to Information Technology Agency (VP Exhibit 10 – P086-
6 P092), after hearing argument, the court denies Petitioners’ request to require an additional search.
7 Petitioners agree a search with the term “smart” would yield the same results as a search “related to
8 Smart City” as to accounting records and contracts. The court finds on the evidence presented that
9 ITA has complied with its CPRA obligations as to this request.

10 **Resolved Request to ITA**

11 Regarding the second request to ITA (VP Exhibit 9 – P072-P085), prior to the hearing
12 Respondent ITA produced the City’s Information Security Policy and so that issue is resolved.

13 **New Searches by ITA and BSL**

14 Regarding the second request to ITA (VP Exhibit 9 – P072-P085), the City is ordered to
15 conduct another search using the names and section numbers of the privacy laws and advise
16 Petitioners of the outcome. The City shall release any responsive documents to the search. Such
17 documents are subject to the City’s review for exemption/privilege.

18 Regarding the second request to BSL (VP Exhibit 11 – P093-P102), after hearing argument,
19 the court orders the City to undertake an additional search as to contracts and accounting records.
20 The court finds it not credible that the Bureau of Street Lighting would have only a single excel
21 spreadsheet as accounting records. Also, it is not credible the search did not reveal a single contract.

22 **Exemptions and Privilege**

23 The City is ordered to produce all withheld documents subject to redactions on grounds of
24 exemption and privilege. That is, the City will not withhold any responsive documents. The City
25 will, however, review such documents for information that should be redacted on exemption or
26 privilege grounds.

27 This ruling re exemptions and privilege is applicable to the following requests:
28

- 1 a. Mayor’s Office (VP Exhibit 1 – P016-P022): Applicable to the 2,672 responsive
2 documents that have been withheld during litigation (see privilege logs at D529-D581
3 and D585-D586).
- 4 b. Information Technology Agency (VP Exhibit 2 – P023-P029): Applicable to the 188
5 responsive documents that have been withheld during litigation (see privilege log at
6 D589-D593).
- 7 c. Bureau of Street Lighting (VP Exhibit 3 – P030-P035): applicable to any responsive
8 documents withheld during litigation.
- 9 d. Los Angeles Police Department (VP Exhibit 7 – P055-P063): applicable to any
10 responsive documents withheld during litigation.
- 11 e. Information Technology Agency (VP Exhibit 9 – P072-P085): applicable to any
12 responsive documents withheld during litigation.
- 13 f. Bureau of Street Lighting (VP Exhibit 11 – P093-P102): applicable to any responsive
14 documents withheld during litigation.

15 **Balancing for Deliberative Process Privilege**

16 The Court finds the Petitioners’ interest in the requested records is substantial, which must be
17 given due consideration by the Respondents when exercising the deliberative process privilege.

18 Petitioners presented evidence that the Defendant ITA was tasked to make recommendations
19 for ensuring that “all City department websites or apps that require user login or registration utilize
20 the unified City of Los Angeles digital ID (‘Angeleno Account’).” See Exh. P276, Los Angeles City
21 Council Motion, dated October 27, 2021. The follow-up ITA report states that “the use of Angeleno
22 Account is mandated through the Mayor’s Office through Executive Directive #29.” See Exh. P289,
23 Report On Digital Modernization & Improving the City of Los Angeles Online Presence (Council
24 File 21-1255), dated March 22, 2022.

25 Petitioners presented evidence the City of Los Angeles recognizes residents’ right to navigate
26 the City without digital ID. See e.g., Exh. P192-193, P199, the City of Los Angeles Digital Code of
27 Ethics:

28

1 **THE RIGHT TO PRIVACY**

2 You can have the reasonable expectation that you will not be personally monitored
3 through surveillance, tracked by your location, or have your data shared outside of
4 our government.

5 **THE RIGHT TO EXCLUSIVE OWNERSHIP OF PERSONAL DATA**

6 Your data is your own. We will not share or sell your personally identifiable
7 information to outside parties without your consent.

8 **THE RIGHT TO GOVERNMENT TRANSPARENCY**

9 We will use our technology to promote open and accessible government. We will
10 make our public hearings and data open by default.

11 ...

12 **THE RIGHT TO FULL DISCLOSURE**

13 You have the right to understand how and why we collect and use your personal data.

14 ...

15 **WE WILL NOT DIGITALLY TRACK, STORE, OR SHARE YOUR
16 LOCATION**

17 Where you have been is fundamental to your privacy. Location data will not be
18 tracked or stored, unless it is required by a lawful warrant or essential to providing a
19 service, and then it is anonymized with no stored history.

20 ...

21 **OUR TECHNOLOGY WILL NOT BE USED FOR SURVEILLANCE**

22 The apps, websites, and portals that we provide to the public will never be
23 instruments for unauthorized spying or surveillance activities.

24 The Court advises the City important public interests to be considered (as appropriate) for
25 purposes of balancing and the deliberative process privilege includes the City’s Digital Code of
26 Ethics and the right of a member of the public to opt out of the collection and sharing of personal
27 data.

28 **Meet and Confer**

 The Court strongly encourages the parties to engage in a face-to-face or video conference to
resolve any disputes arising concerning redactions made by the City when the City releases the
withheld documents.

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Time for Compliance

Respondents shall comply with this Order within 120 days of issuance.

Prevailing Party

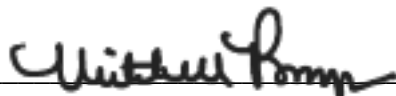
The Court finds Petitioners are the prevailing parties.

Final Order

The Court concludes proceedings on this petition but retains jurisdiction. Petitioners may file a motion for attorney fees. This Judgment shall also serve as the writ of mandate.

IT IS SO ORDERED.

Dated: 04/02/2024



Hon. Mitchell L. Beckloff
Judge of the Superior Court