1	KATHRYN BLANKENBERG (SBN 335563)		
2	JUDICIAL WATCH, INC. 425 Third Street SW, Suite 800	ELECTRONICALLY FILED	
3	Washington, DC 20024 Telephone: (202) 646-5172	Superior Court of California, County of San Francisco	
4	Facsimile: (202) 646-5199 kblankenberg@judicialwatch.org	12/19/2024 Clerk of the Court	
5	Attorney for Petitioner/Plaintiff	BY: MARIVIC VIRAY Deputy Clerk	
6			
7			
8	SUPERIOR COURT OF THI	E STATE OF CALIFORNIA	
9	FOR THE COUNTY OF SAN FRANCISCO		
10			
11	JUDICIAL WATCH, INC.,) Case No.:	
12	Petitioner/Plaintiff,	CPF-24-518820	
13	v.) PETITION FOR WRIT OF MANDATE,	
14 15	CALIFORNIA COASTAL COMMISSION,	 PETITION FOR WRIT OF MANDATE, OR, IN THE ALTERNATIVE, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF 	
16	Respondent/Defendant.)	
17)	
18		/))	
19)	
20			
21			
22	INTRODUCTION		
23	1. Petitioner/Plaintiff Judicial Watch, Inc., pursuant to section 10 of Article VI of the		
24	California Constitution, sections 1085 and 1060 of the Code of Civil Procedure, and sections		
25	7923.000 and 7923.100 of the Government Code, petitions this Court for a writ of mandate or other		
26	order directed to Respondent/Defendant California Coastal Commission (the "Commission"), or, in		
27	the alternative, declaratory judgment and injunctive	e relief, commanding the Commission to perform	
28	its ministerial duties as required by the California I	Public Records Act ("CPRA").	
	- 1 Petition for Writ of Mandate or In The Alternative		

Ш

]	l	
^)	

JURISDICTION AND VENUE

2 2. This Court has jurisdiction under Cal. Gov't Code § 7923.000 and Cal. Civ. Pro.
3 Code §§ 1060, 1085.

3. Venue is proper in this Court as Respondent/Defendant and the public records at
issue are located within the County of San Francisco and events giving rise to the claims occurred in
the County of San Francisco. Cal. Gov't Code §§ 7923.100, 7923.105, 7923.110 and Cal. Civ.
Proc. Code §§ 393, 394(a).

8

PARTIES

9 4. Petitioner/Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization
incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW,
Suite 800, Washington, DC 20024. Petitioner/Plaintiff seeks to promote transparency,
accountability, and integrity in government and fidelity to the rule of law. As part of its mission,
Judicial Watch regularly requests records under federal and state "open records" laws, analyzes the
responses and any records it receives, and disseminates its findings and the records to the public to
inform them about their government.

16 5. Respondent/Defendant California Coastal Commission (the "Commission") is a
17 "state agency," as that term is defined in Gov't Code § 7920.540. The Commission has possession,
18 custody, and control of records to which Petitioner/Plaintiff seeks access. Respondent/Defendant
19 maintains its primary place of business at 455 Market Street, San Francisco, California, 94105, in
20 the County of San Francisco.

21

22

STATEMENT OF FACTS

6. On October 16, 2024, Petitioner/Plaintiff submitted a CPRA request to

23 Respondent/Defendant Commission seeking access to the following:

Records and / or communications (internal and external), including emails, email chains, email attachments, text messages, meeting minutes, interviews, voice recordings, video recordings, photographs, correspondence, statements, letters, memoranda, reports, briefings, inspections, presentations, notes, or other form of record, of the below listed

28

Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief

1	Commissioners regarding a) Space X, 1 Rocket Road, Hawthorne, CA, b) Elon Musk, c)	
2	Starlink d) Donald Trump e) rocket launches from Vandenberg Air Force Base.	
3	1. Commission Chair Caryl Hart	
4	2. Commissioner Gretchen Newsom	
5	3. Commissioner Ann Notthoff	
6	4. Commissioner Susan Lowenberg	
7	5. Commissioner Dana Bochco	
8	6. Commissioner Effie Turnbull-Sanders	
9	7. Commissioner Linda Escalante	
10	8. Commissioner Mike Wilson	
11	9. Commissioner Catherine Rice	
12	10. Commissioner Paloma Aguirre	
13	11. Commissioner Meagan Harmon	
14	12. Commissioner Roberto Uranga	
15	13. Commissioner Justin Cummings	
16	14. Commissioner Juan Uranga	
17	15. Commissioner Rafael Mandelan	
18	16. Commissioner Charles Striplen	
19	17. Commissioner Raul Campillo	
20	The time frame of the request was identified as "April 1, 2023 to present."	
21	7. By email dated October 25, 2024, Respondent/Defendant advised Petitioner/Plaintiff	
22	that it had received Petitioner/Plaintiff's request and that it expected to provide Petitioner/Plaintiff	
23	with an additional response "in approximately fourteen days."	
24	8. On November 13, 2024, Petitioner/Plaintiff sent to Respondent/Defendant an email	
25	seeking an update on Petitioner/Plaintiff's request. On that same day, Respondent/Defendant	
26	responded to Petitioner/Plaintiff's email, stating it is continuing to process Petitioner/Plaintiff's	
27	request. Petitioner/Plaintiff has not received any further response.	
28		
	- 3 - Patition for Writ of Mandata or In The Alternative Complaint for Declaratory and Injunctive Poliof	

Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief

1 9. As of the date of this Complaint, the Commission has failed to: (i) determine whether 2 to comply with the request; (ii) demonstrate that the requested records are lawfully exempt from production; (iii) notify Petitioner/Plaintiff of the scope of any responsive records it intends to 3 produce or withhold and the reasons for any withholdings, or (iv) provide Petitioner/Plaintiff an 4 estimated date and time when the requested records will be made available, as required by 5 Government Code section 7922.535. 6 7 FIRST CAUSE OF ACTION 8 (Writ of Mandate - Violations of Public Records Act, Gov't Code §§ 7920.000 et seq. and 9 California Constitution, Art. I, § 3) 10. 10 Petitioner/Plaintiff incorporates by reference and realleges all its prior allegations. 11 11. The CPRA imposed a clear, ministerial duty on Respondent/Defendant to determine, 12 within no more than 24 days from receipt of Petitioner/Plaintiff's request, whether the request seeks 13 copies of disclosable public records in Respondent/Defendant's possession and to promptly notify Petitioner/Plaintiff of the determination and reasons for the determination. See Gov't Code § 14 15 7922.535. The CPRA also imposed a clear, ministerial duty on Respondent/Defendant to specify in 16 its notification, if they determined that Petitioner/Plaintiff's request sought disclosable records, the estimated date and time when the requested records would be made available. 17 18 12. Respondent/Defendant has failed to perform its clear, ministerial duties as required by the CPRA. 19 20 13. Petitioner/Plaintiff has an immediate, vital, and beneficial interest in, and right to, the 21 performance of the aforementioned duties. Petitioner/Plaintiff has no other plain, speedy, and 22 adequate remedy at law. There are no material issues of fact necessary to the resolution of this 23 matter that are or can be disputed. 24 14. Section 10 of Article VI of the California Constitution provides that superior courts 25 and their judges have original jurisdiction in proceedings for extraordinary relief in the nature of 26 mandamus, certiorari, and prohibition. Government Code section 7923 permits any person to 27 institute proceedings for injunctive or declaratory relief or writ of mandate to enforce his or her 28 right to inspect or to receive a copy of any public record under the CPRA. Code of Civil Procedure

Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief

1	section 1085 authorizes the Court to issue a writ of mandate to Respondent/Defendant to compel the	
2	performance of the aforementioned mandatory, ministerial duties under the CPRA.	
3	SECOND CAUSE OF ACTION	
4	(Declaratory Judgment and Injunctive Relief – Violations of Public Records Act, Gov't Code	
5	§§ 7920.000 et seq. and California Constitution, Art. I, § 3)	
6	15. Petitioner/Plaintiff incorporates by reference and realleges all its prior allegations.	
7	16. An actual controversy exists between Petitioner/Plaintiff and Respondent/Defendant	
8	regarding Respondent/Defendant's mandatory duties under the CPRA.	
9	17. Respondent/Defendant's failure to perform its clear, ministerial duties under the	
10	CPRA violates the CPRA.	
11	18. Petitioner/Plaintiff is being irreparably harmed by Respondent/Defendant's failure to	
12	perform its clear, ministerial duties under the CPRA, and Petitioner/Plaintiff will continue to be	
13	irreparably harmed unless Respondent/Defendant is compelled to comply with the law.	
14	19. Petitioner/Plaintiff has no plain, speedy, and adequate remedy at law.	
15	PRAYER FOR RELIEF	
16	WHEREFORE, Petitioner/Plaintiff prayers judgment against Respondent/Defendant as	
17	follows:	
18	1. Issue a writ of mandate ordering Respondent/Defendant to perform its clear,	
19	ministerial duties as required by the CPRA to: (1) determine whether Petitioner/Plaintiff's request	
20	seeks copies of disclosable public records in Respondent/Defendant's possession; (2) promptly	
21	notify Petitioner/Plaintiff of the determination and reasons for the determination; and (3) if the	
22	determination is that Petitioner/Plaintiff's request seeks disclosable public records, include in its	
23	notification the estimated date and time when the requested records shall be made available;	
24	2. In the alternative, treat this Petition as a complaint for declaratory and injunctive	
25	relief on the grounds that an actual controversy exists between Petitioner/Plaintiff and	
26	Respondent/Defendant regarding Respondent/Defendant's mandatory duties under the CPRA,	
27	declare that Respondent/Defendant violated the CPRA, and enjoin Respondent/Defendant from	
28	continuing to violate the CPRA with respect to Petitioner/Plaintiff's requests in the future;	
	- 5 - Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief	

1	3. Declare that Respondent/Defendant has violated Petitioner/Plaintiff's rights under		
2	the California Constitution, Art. I, § 3, and under Cal. Gov. Code § 7920 et seq., by failing to		
3	produce the requested documents;		
4	4. Award Petitioner/Plaintiff reasonable attorney's fees incurred in this action pursuant		
5	to Cal. Gov. Code § 7923.115.		
6	5. Award Petitioner/Plaintiff its costs in bringing this action; and		
7	6. Grant Petitioner/Plaintiff such other and further relief as the Court deems just and		
8	proper.		
9			
10			
11	DATED: December 17, 2024 Respectfully submitted,		
12	JUDICIAL WATCH, INC.		
13	By: Kathryn Blankenberg		
14	Attorney for Petitioner/Plaintiff		
15			
16			
17	×		
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28	- 6 -		
	Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief		

1	VERIFICATION	
2	I am an officer of the petitioner/plaintiff in the above-entitled action.	
3	I have read the foregoing PETITION FOR WRIT OF MANDATE, OR, IN THE	
4	ALTERNATIVE, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know	
5	its contents. The same is true of my own knowledge, except as to those matters which are therein	
6	stated upon information or belief, and as to those matters, I believe it to be true.	
7	I declare under penalty of perjury under the laws of the State of California that the foregoing	
8	is true and correct.	
9	Executed on December <u>16</u> , 2024 at Winchester, Virginia.	
10	Chuz Melson	
11		
12	Chris Nelson	
13		
14		
15		
16		
17		
18		
19 20		
20		
21 22		
22		
23 24		
25		
23 26		
20		
28		
_0	- 7 -	
	Petition for Writ of Mandate or In The Alternative Complaint for Declaratory and Injunctive Relief	