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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 82

HON. MARY H. STROBEL, JUDGE
(VIA MICROSOFT TEAMS)

GOVERNMENT ACCOUNTABILITY &)
OVERSIGHT, P.C.,)

PETITIONER,)

VS.)

THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA,)

RESPONDENT.)

CASE NO.
20STCP01226

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, JANUARY 20, 2022

APPEARANCES:

FOR PETITIONER: PACHULSKI, STANG, ZIEHL & JONES, L.L.P.
BY: JAMES K.T. HUNTER, ESQ.
(VIA TELEPHONE)
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FOR RESPONDENT: REED SMITH, L.L.P.
BY: RAYMOND A. CARDOZO, ESQ.
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CINDY CAMERON, CSR NO. 10315
OFFICIAL COURT REPORTER

1 CASE NO: 20STCP01226
2 CASE NAME: GOVERNMENT ACCOUNTABILITY &
3 OVERSIGHT, P.C. VS. THE REGENTS
4 OF THE UNIVERSITY OF CALIFORNIA
5 LOS ANGELES, CALIFORNIA THURSDAY, JANUARY 20, 2022
6 DEPARTMENT 82 HON. MARY H. STROBEL, JUDGE
7 REPORTER: CINDY CAMERON, CSR NO. 10315
8 TIME: P.M. SESSION (2:42 P.M.)

9 THE COURT: ALL RIGHT. THE COURT CALLS NUMBER 9,
10 GOVERNMENT ACCOUNTABILITY & OVERSIGHT VERSUS REGENTS.

11 DO WE HAVE MR. HUNTER, AND YOUR APPEARANCE,
12 PLEASE?

13 MR. HUNTER: GOOD AFTERNOON, YOUR HONOR. JAMES
14 HUNTER APPEARING FOR PETITIONERS GOVERNMENT ACCOUNTABILITY
15 & OVERSIGHT, P.C.

16 THE COURT: AND MR. CARDOZO?

17 MR. CARDOZO: GOOD AFTERNOON, YOUR HONOR. RAY
18 CARDOZO REPRESENTING RESPONDENT THE REGENTS OF THE
19 UNIVERSITY OF CALIFORNIA.

20 THE COURT: OKAY. THIS IS HERE ON THE PETITION
21 FOR WRIT OF MANDATE. I ISSUED A TENTATIVE RULING LATE THIS
22 MORNING.

23 MR. HUNTER, ARE YOU READY TO PROCEED OR DO YOU
24 NEED MORE TIME?

25 MR. HUNTER: I'M READY TO PROCEED. THANK YOU,
26 YOUR HONOR.

27 THE COURT: THANK YOU.

28 AND MR. CARDOZO?

1 MR. CARDOZO: READY TO PROCEED, YOUR HONOR.

2 THE COURT: OKAY. MR. HUNTER, WHY DON'T YOU START
3 US OFF.

4 MR. HUNTER: OKAY. FIRST OF ALL, THANK YOU VERY
5 MUCH, YOUR HONOR, FOR THE DETAILED TENTATIVE, WHICH
6 DETAILED NUMEROUS POINTS I HAD INTENDED TO MAKE AND WILL,
7 THEREFORE, GREATLY ALLOW ME TO SHORTEN THE PRESENTATION I
8 HAD INTENDED TO MAKE. THERE ARE, HOWEVER, A NUMBER OF
9 ISSUES NOTED IN THE TENTATIVE RULING REGARDING WHICH A
10 FURTHER EXPLANATION OF MY CLIENT'S POSITION IS APPROPRIATE.

11 FIRST OF ALL, MY CLIENT ENTIRELY AGREES WITH THIS
12 COURT THAT REGENTS FAILED TO PROVIDE DECLARATIONS, WHICH
13 ADEQUATELY DESCRIBED WHAT ANY OF THE WITHHELD RECORDS
14 CONTAINED OR THE SPECIFIC REASONS WHY A PARTICULAR E-MAIL
15 COULD BE WITHHELD.

16 HOWEVER, G.A.O. SUBMITS THAT WITH RESPECT TO NINE
17 PRE-PUBLICATION DOCUMENTS, THE COURT'S FINDING THAT THE
18 EVIDENCE ESTABLISHES A CLEAR OVERBALANCE ON THE SIDE OF
19 CONFIDENTIALITY IS NOT JUSTIFIED GIVEN ANN CARLSON'S
20 RELEVANT TESTIMONY, WHICH IS SET FORTH ON PAGES 606 AND 607
21 OF THE ADMINISTRATIVE RECORD AND PARAGRAPH 15 TO 17 AS
22 FOLLOWS, AND I WOULD READ THEM AS FOLLOWS FROM A.R. 606
23 THROUGH 607, LINES 26 THROUGH 11:

24 "WHEN I AM CONDUCTING ACADEMIC RESEARCH IN
25 ANTICIPATION OF LATER PRODUCING A LOT OF ACADEMIC WORK, THE
26 PROCESS OF GETTING INPUT FROM OTHERS AS SOURCES IS CRITICAL
27 TO MY WORK. SOURCES WHO SPEAK WITH ME TRUST ME TO QUOTE
28 THEM CORRECTLY. FROM TIME TO TIME I WILL, PRIOR TO

1 PUBLICATION, COMMUNICATE WITH A SOURCE TO CONFIRM THAT THE
2 QUOTATION I AM ATTRIBUTING TO THEM IS ACCURATE. IF MY
3 INITIAL DRAFT OF A QUOTE IS INACCURATE, THE SOURCE CORRECTS
4 IT. IF PRE-PUBLICATION COMMUNICATIONS ARE SUBJECT TO
5 COMPELLED DISCLOSURE, THERE IS A DANGER THAT AN INACCURATE
6 QUOTE THAT WOULD NORMALLY BE CORRECTED IS RELEASED AND
7 MISINTERPRETED.

8 "I ALSO SOMETIMES SHARE WITH SOURCES A DRAFT OF A
9 CHAPTER OR PASSAGE TO SEEK THEIR REVIEW AND INPUT ON THE
10 IDEAS I AM DEVELOPING. THIS BACK AND FORTH CONTRIBUTES TO
11 AND IMPROVES MY FINAL DRAFT. THE DISCLOSURE OF SUCH
12 PRE-PUBLICATION COMMUNICATIONS ALSO WOULD HARM MY ABILITY
13 TO ENGAGE IN SUCH COLLABORATION AS SOURCES WOULD BE LESS
14 WILLING TO PROVIDE THE KIND OF FRANK AND CANDID COMMENTS
15 THAT ARE MOST HELPFUL IF THEY KNEW ALL SUCH COMMENTS COULD
16 BE DISCLOSED TO THE ENTIRE PUBLIC. SUCH DISCLOSURE THUS
17 WOULD HARM THE PUBLIC'S INTEREST IN GETTING THE HIGHEST
18 QUALITY FINISHED PRODUCT."

19 NOTE THAT IN PARAGRAPH 14 IMMEDIATELY BEFORE
20 PARAGRAPH 15, SHE SPECIFICALLY REFERENCES DANIEL EMMETT.
21 SHE SAYS, "FOR EXAMPLE, DANIEL EMMETT IS A STRONG SUPPORTER
22 OF AND DEEPLY KNOWLEDGEABLE WITH REGARD TO THE EMMETT
23 INSTITUTE. TO BRAINSTORM FUNDRAISING IDEAS FOR THE
24 INSTITUTE, I HAVE CONSULTED AND COHORTED WITH MR. EMMETT ON
25 OCCASION TO GET INPUT ON FUNDRAISING IDEAS."

26 IN OTHER WORDS, SHE NEVER STATES IN PARAGRAPH 15
27 OR 17 WHERE SHE'S TALKING ABOUT SOURCES RELATING TO
28 ACADEMIC RESEARCH AND PRE-PUBLICATION MATTERS THAT DAN

1 EMMETT IS ONE OF THE SOURCES WITH WHOM SHE SHARES A DRAFT
2 TO SEEK REVIEW OR INPUT, THOUGH SHE DOES SPECIFICALLY NAME
3 DAN EMMETT AS A PERSON WITH WHOM SHE CONSULTS REGARDING
4 FUNDRAISING ISSUES.

5 G.A.O. HAS STATED THAT IF, IN FACT, THE
6 PRE-PUBLICATION DOCUMENTS CONSIST ENTIRELY OF EMMETT
7 PROVIDING REVIEW OR INPUT ON A DRAFT DOCUMENT, THOSE
8 PORTIONS SHOULD BE WITHHELD BASED ON HUMANE SOCIETY. BUT
9 ANN CARLSON DOESN'T STATE THAT THAT IS, IN FACT, THE CASE
10 AS TO ANY OF THE DOCUMENTS. AND IT IS CERTAINLY POSSIBLE
11 THAT AS WILLIAM HAPPER SUGGESTED, THE E-MAILS SIMPLY SEEK
12 TO MAKE A MAJOR DONOR FEEL CATERED TO OR PRIVY TO ADVANCE
13 INFORMATION.

14 ACCORDINGLY, G.A.O. WOULD REQUEST THAT RATHER THAN
15 DENY THE PETITION AS TO THE NINE PRE-PUBLICATION DOCUMENTS,
16 REGENTS BE REQUIRED, AS WITH RESPECT TO ALL OTHER
17 DOCUMENTS, TO SUBMIT A SUPPLEMENTAL DECLARATION THAT
18 SPECIFICALLY STATES WHETHER ALL PORTIONS OF THE NINE
19 DOCUMENTS NOT ALREADY DISCLOSED RELATES TO EMMETT ACTING AS
20 A SOURCE ASSISTING IN THE REVIEW OR PROVISION OF INPUT ON A
21 DRAFT DOCUMENT; AND SECONDLY, IF THE E-MAIL INCLUDES ANY
22 REASONABLY SEGREGABLE PORTION, WHICH AT LEAST INCLUDES ANY
23 FULL PARAGRAPH THAT ARE NOT RESTRICTED TO EXEMPT MATERIAL.

24 FURTHER, EVEN IF REGENTS SUBMITS SUCH A
25 DECLARATION, THIS COURT OR A SPECIAL MASTER CAN EXAMINE ANY
26 DOCUMENTS AS TO WHICH THE COURT FINDS AN ADEQUATE PRIMA
27 FACIE SHOWING HAS BEEN MADE IN ORDER TO CONFIRM THAT THE
28 DECLARATION CORRECTLY CHARACTERIZES THE DOCUMENT AND THAT

1 THERE ARE NO REASONABLY SEGREGABLE PORTIONS INCLUDED.

2 IN PARTICULAR, I WILL DRAW THE COURT'S ATTENTION
3 TO DOCUMENT 120, THE SMOG AND SIGN E-MAIL THAT WAS PRODUCED
4 ON JANUARY 15, 2021. THE ITS OPPOSITION AT PAGE 19, LINES
5 7 THROUGH 8, REGENTS ARGUES THAT IT ACTUALLY WAS CORRECT IN
6 FAILING TO PRODUCE ANY PART OF THAT E-MAIL AS FOLLOWS, AND
7 I'M QUOTING FROM THE OPPOSITION:

8 "BECAUSE THE VAST MAJORITY OF THE E-MAILS, OTHER
9 THAN THE INTRODUCTORY PART, IS EXEMPT, U.C.L.A. WAS
10 ENTITLED TO WITHHOLD THE ENTIRE E-MAIL AS IT DID IN
11 RESPONSE TO THE NOVEMBER 2019 REQUEST."

12 IF THE COURT CAN TURN OR LOOK AT A.R. 199, WHICH
13 IS A COPY OF DOCUMENT 120, WHICH IS THE SMOG AND FLYING
14 E-MAIL, THE ONE WHERE THEY DID ON JANUARY 15TH PRODUCE A
15 REDACTED COPY OF A DOCUMENT THAT INITIALLY WAS OBJECTED TO
16 IN ITS ENTIRETY, AS YOU CAN SEE THAT, IN FACT, THE ENTIRE
17 FIRST PARAGRAPH, THE HEADING, THE CLOSING, ALL OF THE FROM,
18 TO, AND SUBJECTS ARE NOT REDACTED AND THAT THERE IS A TOTAL
19 OF ONLY FIVE AND A HALF LINES THAT ARE REDACTED. THE
20 CHARACTERIZATION OF THE E-MAIL AS HAVING A VAST MAJORITY,
21 WHICH THEY ARE STILL CLAIMING IS PRIVILEGED, IS JUST SIMPLY
22 INACCURATE.

23 AND THE FACT THAT THE ENTIRE FIRST PARAGRAPH,
24 WHICH HAS NOTHING TO DO WITH PRE-PUBLICATION, WAS NOT
25 PRODUCED BY WHOEVER REVIEWED THIS, I THINK SUGGESTS THAT
26 THE COURT NEED -- CANNOT RELY ON REGENTS TO DETERMINE
27 WHETHER THERE WAS A REASONABLY SEGREGABLE PORTION, BUT IN
28 FACT, SHOULD HAVE TO REVIEW ANY DOCUMENTS THAT THEY CLAIM

1 ARE PRIVILEGED OR EXEMPT IN THEIR ENTIRETY TO SEE WHETHER
2 THE COURT OR THE SPECIAL MASTER, IN FACT, FINDS THAT THERE
3 ARE PORTIONS THAT ARE REASONABLY SEGREGABLE.

4 AND HERE, THE FACT IS IS THAT THE PORTION THAT
5 THEY FOUND THEY DID NOT PRODUCE AND NOW -- HAS NOW BEEN
6 REVEALED IS, IN FACT, ONE ACTUALLY RELATED SPECIFICALLY TO
7 THE CLIMATE LITIGATION REGENTS INTERFACE. SO IT JUST
8 TURNED OUT THAT A VERY IMPORTANT AND CRUCIAL PORTION OF AN
9 E-MAIL WAS NOT PROVIDED, WHICH CLEARLY WAS SEGREGABLE, BUT
10 WAS NOT SEGREGATED.

11 SO I THINK THE COURT OR A SPECIAL MASTER NEEDS TO
12 LOOK AT ANY DOCUMENTS AS TO WHICH THE COURT FINDS THAT
13 THEIR DECLARATIONS ESTABLISH A PRIMA FACIE CASE TO ALLOW IT
14 NOT TO BE PRODUCED, TO MAKE SURE THOSE DESCRIPTIONS, ONE,
15 ARE ACCURATE; AND TWO, THEY HAVE NOT FAILED TO NOTE THAT
16 THERE ARE ANY REASONABLY SEGREGABLE PORTIONS OF THE
17 DOCUMENTS THAT SHOULD HAVE BEEN PRODUCED.

18 WITH RESPECT TO THE COURT'S --

19 THE COURT: LET ME STOP YOU FOR A MOMENT,
20 MR. HUNTER. HAVE YOU FINISHED YOUR REMARKS ON THAT TOPIC?

21 MR. HUNTER: YES, I HAVE.

22 THE COURT: OKAY. SO I HAVE A QUESTION FOR YOU.

23 MR. HUNTER: SURE.

24 THE COURT: WHEN YOU REFER TO THE E-MAIL ON
25 A.R. 199, I UNDERSTAND YOU'RE SAYING THIS IS AN EXAMPLE OF
26 HOW REGENTS DOESN'T JUST REDACT THE INFORMATION THAT IS
27 EXEMPT, BUT OVER-REDACTS AND DOESN'T PROPERLY SEGREGATE. I
28 UNDERSTAND THAT'S YOUR ARGUMENT.

1 IS THIS DOCUMENT, IN FACT, PART OF THESE NINE
2 PRE-PUBLICATION DOCUMENTS? IT IS NOT; THAT IS CORRECT?

3 MR. HUNTER: NO; IT IS.

4 THE COURT: IT IS; IT IS ONE OF THE NINE?

5 MR. HUNTER: IT'S ONE OF THE NINE THAT THEY
6 CLAIMED INITIALLY WAS SUBJECT TO NOT BEING PRODUCED IN ITS
7 ENTIRETY AS DOCUMENT NO. 120 LISTED ON THEIR EXEMPTION LOG
8 AND IT IS ONE WHICH ON JANUARY 15TH THEY PRODUCED THIS
9 REDACTED COPY IN RESPONSE TO THE SUBSTANTIVE ONE.

10 THE COURT: UNDERSTOOD. ALL RIGHT. I JUST WANTED
11 TO CLARIFY WHETHER THIS IS ONE OF THE NINE DOCUMENTS WE'RE
12 TALKING ABOUT IN THIS CATEGORY OR NOT AND YOU'RE TELLING ME
13 IT IS.

14 MR. HUNTER: CORRECT, YOUR HONOR.

15 THE COURT: OKAY. GO AHEAD. YOU WANTED TO GO ON
16 TO ANOTHER TOPIC.

17 MR. HUNTER: YES.

18 WITH RESPECT TO THE COURT'S GRANTING OF THE
19 PETITION AS TO THE F.E.R.P.A. DOCUMENTS, WE CERTAINLY AGREE
20 THAT THAT WAS APPROPRIATE, BUT THE REGENTS OFFERED NO
21 EVIDENCE, EVEN CONCLUSORY ASSERTIONS, THAT THE NAMES OR
22 E-MAIL ADDRESSES OF ANY OF THE STUDENTS WHO WERE IDENTIFIED
23 IN THE F.E.R.P.A. DOCUMENTS WERE DISCLOSED, IF CERTAIN
24 F.E.R.P.A. DOCUMENTS WERE DISCLOSED, THESE INDIVIDUALS
25 WOULD BE SUBJECT TO INFAMY, OPPROBRIUM, OR PHYSICAL ASSAULT
26 AS REQUIRED BY NEW YORK TIMES VERSUS SUPERIOR COURT, 218
27 CAL.APP.3D 1579.

28 INDEED, IN THE COMMISSION ON PEACE OFFICERS VERSUS

1 SUPERIOR COURT CASE, WHICH WAS A SUPREME COURT CASE,
2 42 CAL.4TH 278, THE SUPREME COURT ORDERED THE DISCLOSURE OF
3 THE NAMES OF POLICE OFFICERS DESPITE ADMITTING THAT, QUOTE,
4 "THE SAFETY OF PEACE OFFICERS IS MOST CERTAINLY A
5 LEGITIMATE CONCERN."

6 BUT THE SUPREME COURT WENT ON TO SAY THAT, "BUT
7 THE COMMISSION'S CONTENTIONS OF PEACE OFFICERS IN GENERAL
8 WILL BE THREATENED BY THE RELEASE OF THE INFORMATION IN
9 QUESTION IS PURELY SPECULATIVE AND MERE ASSERTION OF
10 POSSIBLE ENDANGERMENT IS INSUFFICIENT TO JUSTIFY
11 NON-DISCLOSURE. THE COMMISSION HAS NOT OFFERED ANY
12 PERSUASIVE ILLUSTRATION OF HOW DISCLOSURE OF THE INNOCUOUS
13 INFORMATION AT ISSUE COULD CREATE MISCHIEF FOR PEACE
14 OFFICERS IN GENERAL."

15 AND THE COURT THEN WENT ON TO RELYING ON THE
16 SUPREME COURT'S OPINION IN BLOCK WHERE THE COURT HELD THAT
17 THE NAMES OF PERSONS WHO HAD APPLIED FOR A LICENSE TO
18 POSSESS A CONCEALED WEAPON NEEDED TO BE REVEALED EVEN
19 THOUGH THE SHERIFF HAD ARGUED THAT THE DISCLOSURE, QUOTE,
20 "WILL ALLOW WOULD-BE ATTACKERS TO MORE CAREFULLY PLAN THEIR
21 CRIME AGAINST LICENSEES AND WILL DETER THOSE WHO NEED A
22 LICENSE TO MAKE AN APPLICATION."

23 THE SUPREME COURT REJECTED THAT AND SAID THAT "THE
24 CONCERN OF THE RELEASE OF INFORMATION TO THE PRESS WOULD
25 INCREASE THE VULNERABILITY OF LICENSEES IS CONJECTURAL AT
26 BEST. A MERE ASSERTION OF POSSIBLE ENDANGERMENT DOES NOT
27 CLEARLY OUTWEIGH THE PUBLIC'S INTEREST IN ACCESS TO THESE
28 RECORDS."

1 I WOULD SUBMIT THAT THE NAMES OF THOSE TYPES OF
2 PERSONS ARE REQUIRED TO BE RELEASED BECAUSE THERE IS NO
3 SHOWING THAT THERE IS ANY NON-SPECULATIVE DAMAGE OR IMPACT
4 THAT IF THE NAMES WERE DISCLOSED, THAT TO SAY THAT THE
5 NAMES OF THE STUDENTS DO NOT NEED TO BE REVEALED HERE, IS
6 GOING WAY BEYOND WHAT THE SUPREME COURT INDICATED WAS
7 APPROPRIATE IN TERMS OF PROTECTING INFORMATION THAT IS
8 INCLUDED IN THE PUBLIC RECORD IN THE ABSENCE OF ANY SHOWING
9 MUCH LESS OF A MORE CONCRETE SHOWING THAT WAS OFFERED IN
10 BLOCK AND IN THE PEACE OFFICERS CASE THAT THERE REALLY IS
11 LIKELY TO BE ANY HARM, OPPROBRIUM, OR INFAMY TO ANY OF THE
12 STUDENTS.

13 SO WITH RESPECT TO -- SO THAT IS WHAT I WOULD HAVE
14 TO SAY IS I BELIEVE THE COURT SHOULD, IN FACT, REQUIRE THE
15 F.E.R.P.A. DOCUMENTS TO BE PRODUCED WITHOUT ANY REDACTION
16 WHATSOEVER BECAUSE I DON'T THINK THEY'VE MADE ANY SHOWING
17 THAT ANY REDACTION IS, IN FACT, APPROPRIATE.

18 WITH RESPECT TO THE REMAINING DOCUMENTS THAT THE
19 COURT HAS INDICATED THAT THEY SHOULD BE ENTITLED TO PRODUCE
20 SUPPLEMENTAL DECLARATIONS DETAILING WHAT EXACTLY IS IN EACH
21 OF THOSE DOCUMENTS AND WHY SHOULD BE SUBJECT TO AN
22 EXEMPTION OR BEING HELD NOT TO BE A PUBLIC RECORD, THIS
23 CASE HAS BEEN GOING ON OVER TWO YEARS AFTER THE INITIAL
24 PUBLIC RECORDS ACT REQUEST WAS FILED.

25 REGENTS HAS CLEARLY BEEN REPRESENTED BY EXTREMELY
26 COMPETENT COUNSEL. THEY ARE FULLY FAMILIAR WITH THEIR
27 OBLIGATIONS AS TO WHAT'S REQUIRED TO ESTABLISH AND MEET
28 THEIR BURDEN OF PROOF AND I THINK ALLOWING A SECOND BITE AT

1 THE APPLE HERE AT THIS TIME IS NOT APPROPRIATE. THE COURT
2 MAY HAVE DISCRETION TO DO THAT IF IT FINDS THAT ALL IN ALL
3 THEIR FAILURE TO PRODUCE SATISFACTORY DECLARATIONS
4 INITIALLY WAS APPROPRIATE.

5 BUT HERE, THIS IS TRANSPARENCY THAT HAS BEEN
6 DELAYED FOR A VERY LONG TIME AND TRANSPARENCY WITH JUSTICE
7 AT SOME POINT WHEN IT'S BEEN DELAYED IT'S EFFECTIVELY BEEN
8 DENIED.

9 BUT IF THE COURT IS GOING TO ALLOW THEM TO SUBMIT
10 ADDITIONAL DECLARATIONS, THEN WE WOULD HOPE AND REQUEST
11 THAT THEY BE REQUIRED TO SUBMIT THEM WITHIN A TIME THAT IS
12 REASONABLE AND THAT OBVIOUSLY G.A.O. BE ENTITLED TO
13 ADEQUATE TIME TO REVIEW THOSE DECLARATIONS AND TO FILE A
14 RESPONSE.

15 AND GIVEN IF THE COURT IS GOING TO ALLOW THEM TO
16 FILE SUPPLEMENTAL DECLARATIONS AS TO OVER 600 DOCUMENTS, I
17 WOULD REQUEST SO THAT -- IN ADVANCE SO THAT I DON'T END UP
18 HAVING TO MAKE A SUBSEQUENT APPLICATION, THAT THE COURT
19 GRANT G.A.O. 20 PAGES TO RESPOND TO AND SET FORTH ANY
20 OBJECTIONS TO THE ADEQUACY OF ANY SUPPLEMENTAL DECLARATION
21 THAT IS SUBMITTED BY THE REGENTS.

22 REALLY, A FINAL POINT IS THAT I BELIEVE THAT THE
23 COURT SHOULD, THEREFORE, REQUIRE THAT THE REGENTS AT THIS
24 POINT, ONE, PRODUCE ALL OF THE F.E.R.P.A. DOCUMENTS, EITHER
25 IF THE COURT IS GOING TO REQUIRE, ALLOW THEM TO REDACT THE
26 STUDENT NAMES, BUT THAT SHOULD BE DONE WITHIN A SHORT
27 PERIOD OF TIME UNLESS THE REGENTS IS GOING TO REPRESENT
28 THAT IT IS PLANNING ON ULTIMATELY SEEKING A PETITION TO

1 SEEK REVIEW OF THE COURT'S RULING IN THAT REGARD.

2 BUT I WOULD ALSO STATE THAT THE COURT SHOULD ASK
3 THAT REGENTS PROMPTLY, HOPEFULLY WITHIN NO MORE THAN
4 10 DAYS, PRODUCE SO THAT THE COURT CAN LOOK AT IT AND MAKE
5 A FINAL DETERMINATION HOPEFULLY ON DOCUMENT 5, THE
6 HARASSMENT DOCUMENT, WHICH THE COURT HAD INDICATED IT
7 THOUGHT IT MIGHT WANT TO LOOK AT.

8 BUT I ALSO THINK THAT THE COURT SHOULD, IN FACT,
9 FOR THE REASONS WE DISCUSSED ALSO REQUIRE THEM TO PRODUCE
10 THE FULL UNREDACTED COPIES OF ALL NINE PRE-PUBLICATION
11 DOCUMENTS, INCLUDING THE SMOG AND FLYING ONE WHERE WE'VE
12 ALREADY GOT A PARTIALLY UNREDACTED COPY, SO THAT THE COURT
13 CAN SEE WHETHER OR NOT WHAT IS INVOLVED IN THOSE DOCUMENTS
14 IS ACTUALLY EMMETT ACTING AS A SOURCE WHO IS ASSISTING IN
15 PRE-PUBLICATION WORK IN PROGRESS AS OPPOSED TO SIMPLY BEING
16 A DONOR WHO IS BEING CATERED TO.

17 AND ALSO TO CONFIRM WHETHER THERE IS ANY
18 REASONABLY SEGREGABLE PORTIONS THAT SHOULD HAVE BEEN
19 PRODUCED OR SHOULD BE PRODUCED OF ANY OF THOSE DOCUMENTS
20 BEYOND THE ONE PARAGRAPH THAT THEY HAVE NOW AT LEAST
21 ALREADY DISCLOSED.

22 AND THE FINAL POINT I WOULD MAKE IS THAT IN TERMS
23 OF ARGUING THAT THERE IS A SPECIFIC DECLARATORY RELIEF THAT
24 SHOULD BE INCLUDED AS TO VIOLATION BY THE REGENTS IN TERMS
25 OF THEIR CONDUCT IN RESPONDING TO THIS REQUEST, I BELIEVE
26 THE COURT SHOULD, AND ITS COMMENTS INDICATE THAT IT MIGHT
27 BE APPROPRIATE TO DO THAT, TO NOTE THAT THEIR ASSERTION OF
28 F.E.R.P.A., GIVEN THE MOGHADAM OF HIGHER OPINION, GIVEN HOW

1 THEY IGNORE THE VALVO OPINION BY THE SUPREME COURT, IS THAT
2 THEIR ASSERTION OF F.E.R.P.A. UNDER BLOCK IS A PRODUCTION
3 OF ANY DOCUMENT THAT NAMES A STUDENT WHEN IT CLEARLY DOES
4 NOT QUALIFY UNDER F.E.R.P.A. SHOULD BE STATED TO BE
5 IMPROPER SO THAT FUTURE REQUESTORS ARE NOT CONSTANTLY MET
6 WITH OBJECTIONS THAT ANY E-MAIL OR DOCUMENT THAT'S NOT PART
7 OF A PERMANENT RECORD, THAT MENTIONS A STUDENT'S NAME, THEY
8 CAN DELAY IT, THEY NEED TO LOOK AT IT, AND THEN THEY'LL
9 CLAIM F.E.R.P.A. PREVENTS IT FROM BEING PRODUCED.

10 I THINK THAT AT LEAST WILL BE AT LEAST ONE THING
11 THAT I THINK THE COURT WOULD AND SHOULD INCLUDE AS PART OF
12 THE DECLARATORY RELIEF IN ANY FINAL ORDER.

13 THANK YOU VERY MUCH, YOUR HONOR.

14 THE COURT: OKAY. MR. CARDOZO.

15 MR. CARDOZO: THANK YOU, YOUR HONOR. AND I TOO
16 APPRECIATE THE DETAILED TENTATIVE.

17 AS YOU CAN IMAGINE, THE REGENTS HAVE A NUMBER OF
18 OF ISSUES WITH THE TENTATIVE OF WHICH IT DISAGREES, BUT IN
19 LIGHT OF THE EXTRAORDINARY EFFORT THAT OBVIOUSLY WENT INTO
20 IT, WON'T CONTEST MOST OF IT, AND THERE ARE JUST A COUPLE
21 OF POINTS THAT I'D LIKE TO RAISE WITH YOUR HONOR.

22 FIRST OF ALL, IN SUBMITTING THE SUPPLEMENTAL
23 DECLARATIONS, UPON REVIEW OF YOUR TENTATIVE, I DO THINK IT
24 WOULD PROBABLY BE USEFUL TO SUBMIT A NUMBER, IF NOT PERHAPS
25 ALL, OF THE RECORDS THEMSELVES FOR IN-CAMERA REVIEW. AND I
26 WANT TO BE CLEAR WHAT I AM NOT PROPOSING. WE ARE NOT JUST
27 GOING TO TAKE THEM AND LOB THEM OVER TO YOU AND SAY, TAKE A
28 LOOK FOR YOURSELF AND DECIDE. WE'RE GOING TO FOLLOW THE

1 GOLDEN DOOR STANDARD YOU SET OUT, SO PUTTING SPECIFIC
2 DETAIL IN THE SUPPLEMENTAL DECLARATIONS.

3 I JUST THINK AS GOLDEN DOOR POINTS OUT, IT'S KIND
4 OF HARD TO TALK -- IN SOME OF THESE INSTANCES, IT'S KIND OF
5 HARD TO TALK ABOUT THESE DOCUMENTS AND THERE ARE SOMETIMES
6 DULLED A LITTLE BIT BY THE FACT THAT YOU DON'T HAVE THEM,
7 SO WE'LL GIVE YOU THE CONCRETE SPECIFICITY BY DECLARATION
8 AND MEET THE BURDEN UNDER GOLDEN DOOR, BUT I DO THINK IT
9 WILL PROBABLY BE HELPFUL IF YOU ACTUALLY HAVE THEM, AT
10 LEAST SOME OF THE DOCUMENTS. I COULD SEE THAT WOULD BE
11 USEFUL.

12 AND I WANTED TO BE -- BECAUSE YOURS WAS A LITTLE
13 BIT -- I WASN'T SURE I WAS CLEAR, THAT'S PERMISSIBLE OR
14 NOT. YOU SEEM TO SUGGEST WE HAVE TO DO SOMETHING FURTHER
15 TO SUBMIT THE IN-CAMERA RECORDS. I WOULD SUGGEST IT MAY BE
16 SIMPLER AT THIS POINT IF WE COMBINED THEM IN ONE SHOT, THE
17 SUPPLEMENTAL DECLARATIONS AND THE RECORDS. THAT WAS SORT
18 OF POINT ONE I'D LIKE TO URGE YOU.

19 THE SECOND THING IS YOUR TENTATIVE SAID WITH
20 REGARD TO THE ANTI-SEMITIC HARASSMENT E-MAIL CHAIN THAT THE
21 COURT, YOU KNOW, WANTED COUNSEL TO ADDRESS THE PROCEDURE
22 FOR SUPPLEMENTATION. AND I WILL SAY THIS IS ONE E-MAIL
23 CHAIN IN PARTICULAR WHERE I THINK THE CONTENT OF THE RECORD
24 AS WELL AS ANY SUPPLEMENTAL DECLARATIONS WE'LL PROVIDE YOU,
25 IT WILL BE VERY USEFUL FOR YOU TO HAVE IN CAMERA BECAUSE I
26 THINK THE CONTENTS OF THE DISCUSSION HIGHLIGHTS THE KIND OF
27 DELIBERATIVE PROCESS ASPECT OF THE DISCUSS AND WHY IT
28 REALLY SORT OF FITS EVERYTHING IN TIMES MIRROR.

1 SO THAT'S JUST RESPONDING TO THE COURT HOW WE
2 PROPOSE TO PROCEED ON THAT.

3 WE'RE FINE WITH ALL OF MR. HUNTER'S SUGGESTIONS ON
4 THE PROCEDURE AS WE GO FROM HERE WITH THE ONE CAVEAT.
5 WE'RE HAPPY TO WORK ON WHATEVER SCHEDULE THE COURT WOULD
6 LIKE. I WOULD JUST PUT IN THE PLEA THAT ONE OF OUR
7 PROBABLE DECLARANTS IS NOT AT U.C.L.A., HE'S IN THE BIDEN
8 ADMINISTRATION. THE OTHER IS A DEAN OF A LAW SCHOOL WHO
9 UNFORTUNATELY IS DEALING WITH ANOTHER C.O.V.I.D. OUTBREAK
10 THAT IS NOW WORSE THAN BEFORE.

11 AND SO, YOU KNOW, I HAVEN'T -- WE GOT THIS
12 TENTATIVE JUST BEFORE. I HAVEN'T CONFERRED WITH THEM ON
13 THE SCHEDULE. LIKE TWO, THREE WEEKS, SOMETHING OF THAT
14 ORDER WOULD MAKE SENSE JUST TO MAKE SURE THEY CAN DELIVER
15 IT.

16 AND THEN THE LAST POINT ON THE TENTATIVE RULING,
17 I'D URGE YOU TO CONSIDER PUTTING THE STUDENT RECORDS IN THE
18 CATEGORY OF CASES WHERE WE COULD SUPPLEMENT AND YOU COULD
19 CONSIDER FURTHER. THE REASON WHY I SAY THIS, THE RECORDS
20 THEMSELVES ARE ONES WHERE, YOU KNOW, THE CONCERN ABOUT
21 REVERSE ENGINEERING IDENTITIES IS A LITTLE PROBABLY EASIER
22 TO APPRECIATE FROM LOOKING AT THE RECORDS THEMSELVES.

23 AND THEN THE SECOND THING ABOUT THE RECORDS IS,
24 YOU KNOW, THESE ARE E-MAILS IN WHICH THEIR PROFESSOR IS
25 URGING THEM TO, HEY, SEND A THANK YOU NOTE TO THE PEOPLE
26 WHO SUPPORTED YOUR FELLOWSHIP.

27 AND THEN IN THE COURSE OF THE E-MAILS, THE
28 STUDENTS -- THIS IS THE PROFESSOR, THEY'RE HAVING A

1 DISCUSSION WITH THE PROFESSOR ABOUT THEIR ACADEMIC CAREER
2 AND DISCUSSION, AND WE DO THINK IT IS WORTH THINKING ABOUT
3 IN THIS VERY TOXIC ENVIRONMENT WHERE PEOPLE WHO CHOOSE
4 CERTAIN ENDEAVORS GET TARGETED WITH PUBLIC RECORDS ACT LAWS
5 AND GET POUNDED WITH IT.

6 IF THE PUBLIC INTEREST IS REALLY SERVED, DO WE
7 REALLY NEED TO HAVE A STUDENT'S DISCUSSING WITH THEIR
8 PROFESSOR ABOUT THEIR CAREER OUT THERE TO ANYONE WHO MAYBE
9 DOES NOT LIKE THE CAREER THEY CHOSE AND WANTS TO START --
10 YOU KNOW, THESE STUDENTS HAVE GOVERNMENT E-MAILS. EVERYONE
11 AT U.C.L.A. HAS A UCLA.EDU E-MAIL. I'M NOT SURE IT'S BEEN
12 DONE BEFORE, BUT THAT DOESN'T MEAN IT WON'T BE DONE IN
13 RESPONSE TO THIS RULING THAT THE STUDENTS WILL GET A
14 REQUEST FOR ALL OF THEIR E-MAILS AT U.C.L.A.

15 I MEAN, LOOK AT THE REQUEST FOR E-MAILS FOR
16 EVERYTHING MS. CARLSON WROTE, ANY E-MAIL SHE WROTE THAT HAD
17 AN E-MAIL ADDRESS.

18 YOU KNOW, I'D REMIND YOUR HONOR THAT G.A.O.
19 SUCCESSFULLY OBJECTED TO THE AMICUS BRIEF FROM A GROUP OF
20 CONCERNED SCIENTISTS WHO WANTED TO TALK TO THE COURT ABOUT
21 HOW THESE PUBLIC RECORDS LAWS GET USED TO WEAPONIZE PEOPLE
22 OUT IN THE FIELD AND THEY POSED A VERY PROVACATIVE
23 QUESTION. YOU KNOW, A UNIVERSITY DOES NOT MAKE PUBLIC
24 POLICY OR LEGISLATION. THEY'RE DIFFERENT FROM A
25 TRADITIONAL PUBLIC ENTITY. THEY'RE ABOUT EDUCATION,
26 LEARNING; IT'S GOT A DIFFERENT MISSION.

27 THEY DON'T SIT ANY OF THE TRADITIONAL GOVERNMENT
28 FUNCTIONS AND SO THE IDEA THAT A PROFESSOR CAN BE EXPOSED

1 TO THE FULL BREADTH OF THE ACT THE WAY IT'S BEING DONE IN
2 THIS CASE, YOU KNOW, THAT WASN'T AN ARGUMENT WE MADE
3 BECAUSE THE UNIVERSITY ACCEPTS FULLY THAT THE PUBLIC
4 RECORDS ACT IS BEHIND IT.

5 BUT IT JUST GAVE ME PAUSE PERSONALLY WHEN I
6 THOUGHT ABOUT IT, I THOUGHT IT WAS A THOUGHTFUL ARGUMENT.
7 AND I THINK THE STUDENT RECORDS POINT BRINGS THAT TO THE
8 FLOOR. AND SO I'D URGE YOU TO CONSIDER WHETHER WE COULD
9 SUPPLEMENT ON THAT AS WELL.

10 AND WITH THAT, YOUR HONOR, WE'RE PREPARED TO
11 FOLLOW YOUR TENTATIVE AND THE INSTRUCTIONS IN IT. WE WOULD
12 LIKE THE IN-CAMERA REVIEW POINT.

13 MR. HUNTER: YOUR HONOR, CAN I BRIEFLY RESPOND TO
14 ONE POINT?

15 THE COURT: YES.

16 MR. HUNTER: OKAY. WITH RESPECT TO THE IDEA THAT
17 THIS COURT IS SUPPOSED TO ASSUME THAT IF THE NAMES OF
18 FELLOWSHIP RECIPIENTS ARE REVEALED THEY WILL BE BE HARASSED
19 BECAUSE THEY'RE DEALING IN THE CLIMATE CHANGE AREA IS
20 BEYOND SPECULATION. THEY DON'T EVEN OFFER THE SPECULATION.

21 BUT THE SUPREME COURT HAS HELD THAT THE NAMES OF
22 POLICE OFFICERS AND PEOPLE WHO ARE APPLYING FOR CONCEALED
23 WEAPONS PERMITS NEEDS TO BE RELEASED IF YOU CAN'T SHOW THAT
24 THERE'S AN ACTUAL LIKELIHOOD OF ENDANGERING OR HARASSMENT.
25 THIS IS BEYOND --

26 THE COURT: MR. HUNTER, LET ME JUST STOP YOU FOR A
27 MOMENT BECAUSE I THINK YOU'RE TOO NARROWLY READING THE
28 COURT'S TENTATIVE ON THIS POINT AND MAYBE YOU WANT TO GO

1 BACK AND LOOK AT IT AGAIN.

2 IT IS NOT JUST ON THE BASIS THAT THEY COULD BECOME
3 THE TARGETS OF HARASSMENT. THESE ARE STUDENTS AND THEY ARE
4 INTERACTING WITH THEIR PROFESSORS. THEY'RE NOT POLICE
5 OFFICERS WHO HAVE TAKEN A JOB IN THE PUBLIC SECTOR OR
6 SOMEONE WHO HAS APPLIED FOR A CONCEALED WEAPON PERMIT.
7 THERE'S ANOTHER LEVEL OF PRIVACY THAT GOES ON HERE THAT IS
8 NOT IMPLICATED IN THE SAME WAY IN THE CASES THAT YOU'RE
9 TALKING ABOUT.

10 SO THIS IS NOT JUST THAT REGENTS HAS TO SHOW
11 THERE'S A MORE THAN SPECULATIVE THREAT OF HARASSMENT TO THE
12 STUDENT. SO I DON'T NEED YOU TO ARGUE THAT AGAIN. I
13 UNDERSTAND YOUR POINT, BUT THAT'S ONLY A PORTION OF WHAT
14 THE COURT SAID ABOUT WHY THE COURT THINKS THE NAMES SHOULD
15 BE REDACTED.

16 MR. HUNTER: OKAY. THANK YOU, YOUR HONOR.

17 THE COURT: OKAY. DOES THAT CONCLUDE OUR
18 DISCUSSION HERE?

19 MR. HUNTER: I THINK OTHER THAN SETTING THE
20 SCHEDULE FOR THE VARIOUS THINGS THAT THE COURT IS GOING TO
21 ORDER, YES, IT DOES.

22 THE COURT: I THINK I'LL START WITH THE CONCLUSION
23 PAGE. I AM GOING TO ADOPT MY TENTATIVE WITH RESPECT TO THE
24 PRE-PUBLICATION DOCUMENTS. I AM ALSO GOING TO GRANT MY
25 TENTATIVE WITH RESPECT TO THE F.E.R.P.A. DOCUMENTS.

26 I DO NOT WANT THE REGENTS TO LODGE WITH THE COURT
27 600 OR SO -- NO, MORE THAN THAT -- 700 DOCUMENTS FOR
28 IN-CAMERA REVIEW. THE FIRST STEP IS THAT THE REGENTS NEED

1 TO MEET ITS BURDEN OF PROVIDING SUFFICIENT INFORMATION FOR
2 THE COURT TO MAKE A DETERMINATION.

3 I RECOGNIZE THAT THAT MAY BE DIFFICULT WITH
4 RESPECT TO SOME DOCUMENTS AND PERHAPS SOME CATEGORIES OF
5 DOCUMENTS, BUT I'M NOT TAKING 700 DOCUMENTS NOW BEFORE
6 RESPONDENT HAS DONE THE WORK THAT IT NEEDS TO DO. I WILL
7 ALLOW IN THE SUPPLEMENTAL BRIEFING IF REGENTS FEELS THERE
8 ARE CERTAIN DOCUMENTS THAT YOU JUST CANNOT POSSIBLY GIVE
9 ENOUGH INFORMATION WITHOUT LODGING THEM FOR IN-CAMERA
10 REVIEW. YOU CAN SUGGEST THAT AND WHY THAT IS OR EVEN TYPES
11 OF DOCUMENTS.

12 BUT I HAVE TO TELL YOU, THE BULK OF THESE
13 DOCUMENTS, IF YOU'RE TALKING ABOUT SHEAR NUMBERS, ARE THESE
14 PURELY PERSONAL NOT -- THESE ARE NOT -- THESE ARE NOT
15 PUBLIC RECORDS. I'M VERY SKEPTICAL AT THIS POINT OF THAT
16 ASSERTION.

17 IF THERE ARE -- AND THIS IS NOT GOING TO BE
18 ACCURATE, BUT IF THERE ARE 11 PERSONAL E-MAILS A MONTH
19 GOING TO MR. EMMETT, LET'S HAVE DINNER, WHAT ABOUT THE GOLF
20 COURSE, ET CETERA, IT REALLY SUPPORTS MORE THAT THIS IS
21 PART OF THE BUSINESS, THIS IS PART OF FOSTERING THE
22 RELATIONSHIP WITH THE DONOR.

23 SO I DON'T EVEN KNOW WHAT THE SUBJECT MATTER -- IF
24 THE SUBJECT MATTER IS, YOU KNOW, HOW IS YOUR SICK RELATIVE,
25 I MIGHT VIEW THAT DIFFERENTLY. THERE MIGHT BE OTHER
26 REASONS WHY THAT IS THE PUBLIC INTEREST IN KNOWING
27 THAT KIND OF -- THE CONTENTS OF THAT KIND OF E-MAIL IS
28 LOWER THAN JUST E-MAILS THAT REVEAL THE RELATIONSHIP TO

1 SOME EXTENT BETWEEN THE DONOR AND THE UNIVERSITY.

2 SO YOU MAY BE ABLE TO SAY CERTAIN CATEGORIES YOU
3 WANT ME TO LOOK AT, BUT IT IS GOING TO BE A MUCH SMALLER
4 SUBSET THAN ALL THE DOCUMENTS. SO DO NOT LODGE THEM. I
5 WILL NOT ACCEPT THEM AT THIS POINT. YOU CAN OFFER TO LODGE
6 SOME AND EXPLAIN WHY AND THE COURT CAN RESPOND TO THAT.

7 MR. CARDOZO?

8 MR. CARDOZO: YEAH, UNDERSTOOD.

9 CAN I JUST SAY ONE THING ABOUT A POINT YOU MADE?
10 ON THESE PERSONAL OR PUBLIC RECORDS E-MAILS, I JUST WANT TO
11 MAKE THE POINT THAT PEOPLE WHO WORK TOGETHER AND, SAY, HAVE
12 A COMMON INTEREST, THEY OFTEN BECOME FRIENDS. SO I
13 WOULDN'T NECESSARILY CONCLUDE FROM THE VOLUME THAT THERE'S
14 A BUSINESS ASPECT TO IT.

15 THE PEOPLE I HAVE THAT VOLUME OF E-MAILS WITH
16 MYSELF THAT ARE PERSONAL ONLY ARE FELLOW LAWYERS THAT I'VE
17 MET THROUGH COMMON JOB-RELATED THINGS, SO I DON'T -- YOU'VE
18 GOT A TENTATIVE, THERE'S GOING TO BE MORE OF THAT TO COME.

19 I DON'T WANT TO MISUSE YOUR TIME, BUT THAT WAS A
20 POINT I JUST WANTED TO PUT A FLAG ON BEFORE WE COME TO A
21 DECISION ON THIS ISSUE LATER.

22 THE COURT: OKAY. I'VE EXPRESSED MY VIEW.

23 MR. CARDOZO: I UNDERSTOOD. I UNDERSTOOD WHAT YOU
24 SAID TOO, SO --

25 THE COURT: BUT I THOUGHT THERE WAS ANOTHER
26 CATEGORY OF -- SO I DO HAVE THE ANTI-SEMITIC, HARASSMENT --

27 MR. CARDOZO: THE OTHER PERSONAL IS THE OUTSIDE
28 BOARD WORK.

1 THE COURT: -- COMING IN. I'VE ALREADY SAID I
2 WILL LOOK AT THAT IN-CAMERA.

3 OH, WE DIDN'T TALK ABOUT THE CAMPBELL HALL
4 DOCUMENTS. MY TENTATIVE THERE IS THE DOCUMENTS THAT RELATE
5 TO THE COMMON WORK AS BOARD MEMBERS OF CAMPBELL HALL I'M
6 INCLINED TO FIND ARE NOT PUBLIC RECORDS, BUT I COULDN'T
7 TELL WHICH THOSE WERE EXACTLY.

8 MR. HUNTER: I BELIEVE SOMEWHERE IS, IN FACT,
9 IDENTIFIED IN RESPONSE TO ONE OF THE INTERROGATORIES AND I
10 THINK WE DO LIST THEM IN OUR INITIAL BRIEF AS TO WHICH
11 SPECIFIC DOCUMENTS. LET ME LOOK AND SEE IF I CAN FIND
12 THAT. I THINK IT IS DISCUSSED IN MY OPENING BRIEF AND I
13 THINK I CITED THE SPECIFIC DOCUMENT NUMBER. LET ME JUST --

14 THE COURT: YOU VERY WELL MAY HAVE, MR. HUNTER.
15 THERE WAS A LOT TO DIGEST HERE, SO --

16 MR. HUNTER: NO, I UNDERSTAND.

17 OKAY, YES. FOR CAMPBELL HALL, IT'S DOCUMENTS
18 NUMBERED 116 TO 129 THAT WERE IDENTIFIED. SO THAT WOULD BE
19 A TOTAL OF 14 DOCUMENTS THAT ARE THE CAMPBELL HALL ONES
20 THAT ARE ON THE EXEMPTION LOG AND ACCEPT THAT THERE IS ONLY
21 120. SO I THINK IT'S -- NOW I'M -- NOW I'M CONFUSED -- OH,
22 NO. THOSE ARE THE ONES THAT ARE PERSONAL; THAT'S RIGHT.
23 YES, DOCUMENTS -- 116 TO 129 ON THE NOT-PUBLIC-RECORDS LOG.
24 SO THOSE 14 DOCUMENTS.

25 AND IN ORDER TO EXPEDITE THINGS, ON BEHALF OF
26 G.A.O. WE WILL NOT CONTEST THAT.

27 THE COURT: THANK YOU.

28 MR. HUNTER: SO THOSE DOCUMENTS, THE COURT -- IN

1 ORDER TO SIMPLIFY THINGS, IT'S NOT THAT MANY DOCUMENTS, I
2 DON'T THINK THERE'S LIKELY TO BE ANYTHING MATERIAL THAT IS
3 RELATED TO CAMPBELL HALL. SO WE WOULD STIPULATE THAT THEY
4 NEED NOT PRODUCE OR FILE ANY FURTHER DOCUMENTS RELATING TO
5 DOCUMENT NOS. 116 TO 129 THAT ARE LISTED ON THE
6 NOT-PUBLIC-RECORDS LOG.

7 THE COURT: OKAY. THAT WAS WHERE I WAS GOING WITH
8 THIS. SO I'M FINE WITH THAT.

9 THOSE ARE -- SO THERE'S A FINAL DECISION AS TO
10 THOSE DOCUMENTS NOW. THEY DO NOT NEED TO BE PRODUCED;
11 OKAY?

12 MR. CARDOZO: UNDERSTOOD.

13 AND JUST TO BE CLEAR, THE OUTSIDE BOARD WORK IS
14 OKAY FOR IN-CAMERA SUBMISSION?

15 THE COURT: OKAY.

16 MR. CARDOZO: THE OUTSIDE BOARD WORK IS OKAY TO
17 LODGE IN CAMERA?

18 THE COURT: I'M NOT HEARING YOU. THE WHAT?

19 MR. CARDOZO: THE TWO OTHER BOARDS THAT THEY
20 SERVED ON. CAMPBELL YOU CARVED OUT, BUT TWO -- YOU JUST --
21 I THOUGHT I JUST HEARD YOU SAY THAT FOR THE DOCUMENTS THAT
22 RELATE TO THAT SERVICE ON THE OTHER TWO BOARDS, IT WOULD BE
23 OKAY TO SUBMIT THOSE IN CAMERA.

24 THE COURT: NO. I THINK I SAID --

25 MR. CARDOZO: ALL RIGHT.

26 THE COURT: -- THOSE WERE -- WELL, I THOUGHT I
27 SAID THOSE WERE SUBJECT TO --

28 MR. HUNTER: FURTHER DECLARATIONS, YOUR HONOR.

1 THE COURT: -- THE DECLARATIONS.

2 MR. CARDOZO: YEAH, IT'S SOMETHING YOU SAID
3 EARLIER I THOUGHT I WROTE DOWN. I JUST MISHEARD YOU.

4 THE COURT: I MAY HAVE MISSPOKE THERE. NO, I DO
5 NOT WANT THOSE AT THIS POINT.

6 MR. CARDOZO: OKAY.

7 THE COURT: AT SOME POINT I MAY NEED TO LOOK AT
8 THESE.

9 I UNDERSTAND, MR. HUNTER, YOU WANT THIS SOONER
10 RATHER THAN LATER AND WE'RE DOING THE BEST WE CAN HERE.

11 MR. HUNTER: WE WANT IT CORRECT MORE THAN WE WANT
12 IT FASTER. WE KNOW MORE PATIENCE IS REQUIRE IN ORDER TO DO
13 THAT.

14 THE COURT: ME TOO.

15 OKAY. TODAY IS THE 20TH. SO CAN YOU MAKE -- HAVE
16 THE SUPPLEMENTAL LOGS AND DECLARATIONS BY THE 10TH,
17 FEBRUARY 10TH?

18 MR. CARDOZO: YES.

19 THE COURT: AND, MR. HUNTER, I KNOW YOU WANT TIME
20 TO REVIEW AND RESPOND. HOW MUCH TIME DO YOU WANT?

21 MR. HUNTER: I THINK TWO WEEKS SHOULD BE ENOUGH,
22 SO IF I CAN HAVE UNTIL FEBRUARY 24TH?

23 THE COURT: YES.

24 MR. HUNTER: AND CAN I HAVE 20 PAGES? BECAUSE IT
25 SOUNDS LIKE THERE ARE GOING TO BE DETAILED DECLARATIONS AS
26 TO OVER 600 DOCUMENTS. MAYBE I WON'T NEED IT. I WILL NOT
27 USE IT IF I DON'T, BUT GIVEN THE --

28 THE COURT: OKAY. I WILL GIVE YOU THE 20 PAGES,

1 MR. HUNTER, RATHER RELUCTANTLY. I AM FAMILIAR WITH YOUR
2 ARGUMENTS, WHICH I THINK IS REFLECTED IN MY TENTATIVE
3 RULING.

4 MR. HUNTER: YOU INDICATE THAT, I UNDERSTAND THAT.
5 I WILL TRY NOT TO REPEAT THINGS THAT YOU CLEARLY HAVE
6 ALREADY UNDERSTOOD AND INCORPORATED INTO HOW YOU ANALYZE
7 THE LOGS.

8 THE COURT: OKAY. YOU CAN HAVE THE 20. DON'T USE
9 IT ALL IF YOU DON'T ABSOLUTELY NEED TO.

10 AND THEN WE'LL NEED A HEARING DATE AFTER THAT. SO
11 I'M GOING TO GO OFF CAMERA FOR A MOMENT, GENTLEMEN. I'M
12 GOING TO CHECK THE CALENDAR.

13

14 (PAUSE IN PROCEEDINGS.)

15

16 THE COURT: OKAY. I CAN DO APRIL 7TH AT 1:30.

17 MR. HUNTER: THAT'S FINE FOR ME, YOUR HONOR.

18 MR. CARDOZO: FINE FOR ME, YOUR HONOR.

19 THE COURT: OKAY. I'M GOING TO ASK MR. HUNTER TO
20 GIVE NOTICE, BUT I WILL JUST SAY THAT THE MINUTE ORDER THAT
21 MY CLERK WILL BE ISSUING WILL TRY TO CAPTURE THE SET OF
22 RULINGS AT THE END. SO IF YOU WANT TO WAIT FOR THAT TO GET
23 POSTED BEFORE -- YOU KNOW, IT WILL PROBABLY BE POSTED
24 TOMORROW -- BEFORE YOU GIVE NOTICE, THAT WILL BE FINE.

25 MR. HUNTER: THAT WILL BE MORE THAN FINE, YOUR
26 HONOR. I'D BE HAPPY TO DO THAT.

27 BUT ONE QUESTION IS, IS THERE A DATE BY WHICH YOU
28 WOULD LIKE THE ONE DOCUMENT THAT PUT -- THE DOCUMENT 5

1 PRODUCED TO YOU BY, SUCH AS FEBRUARY 10TH WHEN THEY'RE
2 GOING TO BE SUBMITTING IT? AND ALSO, IS THAT THE DATE BY
3 WHICH THEY SHOULD PRODUCE THE APPROPRIATE DOCUMENTS WITH
4 THE STUDENTS' NAMES EXEMPTED SO THAT YOU CAN HAVE THOSE
5 DOCUMENTS?

6 THE COURT: YES, THAT IS WHAT I WAS CONTEMPLATING.
7 AND OF COURSE SUBJECT TO WHAT MR. HUNTER MENTIONED BEFORE,
8 IF THE REGENTS IS GOING TO BE CONTESTING THE RULING ON THE
9 F.E.R.P.A. DOCUMENTS, THEY CAN JUST INDICATE THAT. AND I
10 THINK THE BEST WAY, IF WE WANT TO HAVE A FINAL ORDER, THAT
11 WOULD START THE CLOCK FOR A WRIT.

12 MR. HUNTER: SO I WOULD JUST BELIEVE IT WOULD BE
13 AFTER THE HEARING ON APRIL 7TH SO WE DON'T HAVE TWO
14 SEPARATE POTENTIAL PETITIONS.

15 THE COURT: YEAH, THAT WAS MY POINT. SO MY POINT
16 IS IF REGENTS SHOULD EITHER PRODUCE THE F.E.R.P.A.
17 DOCUMENTS BY THE 10TH OR INDICATE BY THE 10TH THAT THEY'RE
18 GOING TO BE TAKING A WRIT ON THAT ISSUE. BUT I'M SAYING IT
19 DOES NOT MEAN THAT THEIR TIME WILL START UNTIL THE FINAL
20 ORDER.

21 ARE WE IN AGREEMENT ON THAT?

22 MR. HUNTER: YES, I UNDERSTAND.

23 MR. CARDOZO: UNDERSTOOD.

24 THE COURT: AND THAT WOULD ALSO BE THE TIME FOR
25 THE ONE DOCUMENT THAT I HAVE ASKED TO COME IN CAMERA TO
26 COME IN AS WELL; OKAY?

27 MR. HUNTER: OKAY. THANK YOU, YOUR HONOR.

28 THE COURT: ALL RIGHT. THANK YOU.

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MR. HUNTER: THANK YOU, YOUR HONOR.

MR. CARDOZO: THANK YOU.

(PROCEEDINGS CONCLUDED AT 3:28 P.M.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 82

HON. MARY H. STROBEL, JUDGE
(VIA MICROSOFT TEAMS)

GOVERNMENT ACCOUNTABILITY &)
OVERSIGHT, P.C.,)

PETITIONER,)

VS.)

THE REGENTS OF THE UNIVERSITY OF)
CALIFORNIA,)

RESPONDENT.)

CASE NO.
20STCP01226

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