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7 Attorneys for Petitioner American Federation of Teachers

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

11 **BS 175171**

12 AMERICAN FEDERATION OF TEACHERS,

CASE NO.

13 Petitioner,

14 v.

**VERIFIED PETITION FOR WRIT OF  
MANDATE**

15 LOS ANGELES UNIFIED SCHOOL  
DISTRICT; BOARD OF EDUCATION OF  
16 THE LOS ANGELES UNIFIED SCHOOL  
DISTRICT; AUSTIN BEUTNER, in his  
17 capacity as SUPERINTENDENT OF  
SCHOOLS FOR THE LOS ANGELES  
18 UNIFIED SCHOOL DISTRICT,

[Gov't Code § 6258; Code Civ. Proc.  
§ 1085]

19 Respondents.



1 district in the state of California and the second largest school district in the United States. The  
2 principal office of LAUSD is located in the County of Los Angeles, California.

3 5. Respondent Austin Beutner is the Superintendent of LAUSD. Mr. Beutner was  
4 selected as LAUSD's Superintendent by its Board of Education on May 1, 2018.

5  
6 VENUE

7 6. Venue is proper in this Court pursuant to Code of Civil Procedure §§ 394 and 395  
8 in that Respondent LAUSD is a local agency situated in the County of Los Angeles, California,  
9 and the actionable conduct arose in the same.

10  
11 FACTUAL ALLEGATIONS

12 7. By letter dated July 7, 2018, Brad Murray, AFT's Manager of Research and  
13 Strategic Initiatives, requested from LAUSD the following information: "an electronic copy of  
14 the official calendar, inclusive of all attachments for Austin Beutner. You may restrict this  
15 request to Mr. Beutner's calendar as kept for May 15th, 2018 through the date this request is  
16 processed." A true and correct copy of this letter is attached hereto as Exhibit A.

17 8. By letter dated July 19, 2018, LAUSD Senior Paralegal Maritza Sandoval  
18 ("Sandoval") informed Murray: "Your request has been reviewed. Pursuant to Government  
19 Code § 6253(c), the District has made the determination that your request seeks public records  
20 and will produce these records to you, except for any material which is exempt from disclosure.  
21 The District estimates documents subject to public disclosure will be provided to you on or  
22 before the close of business on July 26, 2018." A true and correct copy of this letter is attached  
23 hereto as Exhibit B.

24 9. By e-mail dated August 17, 2018, Murray reminded Sandoval: "[j]ust  
25 writing to check on the progress of this PRA request."

26 10. By e-mail dated August 21, 2018, Murray again reminded Sandoval:  
27 "[y]our initial correspondence indicated that you'd be remitting responsive documents by  
28 July 26, 2018 . . . . I'd appreciate it if you let me know whether the District intends to

1 respond to this request by Monday, August 27th. If I don't hear back from you by that  
2 date, I will have to assume that the district is denying my request. If the district needs  
3 more time to review the requested materials, I am more than willing to work with you on  
4 that.”

5 11. By e-mail dated August 21, 2018, Sandoval responded to Murray: “My  
6 apologies for not responding to you earlier. Your request is definitely not denied. . . . I  
7 have a copy of the calendar requested, it is being reviewed by my supervising attorney,  
8 but we do need to obtain final approval from the [Superintendent]. I expect to have that  
9 by Monday and will continue to make every effort to get it to you asap.”

10 12. By e-mail dated August 27, 2018, Sandoval further responded to Murray:  
11 “I'll be sending you the requested calendar on Tuesday, 8/28.”

12 13. By e-mail dated September 6, 2018, Murray once again reminded  
13 Sandoval: “I still have not received these documents. Do you have any updated ETA for  
14 me?” Murray also called Sandoval on this date to receive an update about the status of  
15 the records request but was unable to reach her.

16 14. By e-mail dated September 7, 2018, Sandoval once again promised: “I'm  
17 making every effort to send this to you this afternoon. It has been approved by the  
18 [Superintendent's] office, but I need to obtain my immediate attorney's approval before  
19 sending it.” A true and correct copy of the email thread containing the emails exchanged  
20 by Murray and Sandoval discussed in paragraphs 9-14 of this Petition is attached hereto  
21 as Exhibit C. On September 7, 2018, Murray called Sandoval once again to further  
22 discuss the status of the records request but was still unable to reach her.

23 15. By e-mail dated September 10, 2018, Sandoval revised her previous  
24 promises: “[w]e are still in the process of reviewing whether the Superintendent's  
25 calendar is a public record. At the present time, the Superintendent's calendar is not  
26 authorized for release to the public; I will not have a final answer until the middle of next  
27 week.”

28 ///

1 16. On September 10, 2018, Murray responded to Sandoval's email, stating in  
2 part: "If I don't receive responsive documents by COB Thursday [September 13], I will  
3 be forced to consider this request denied." A true and correct copy of the email  
4 correspondence exchanged between Murray and Sandoval described above in paragraphs  
5 15-16 is attached hereto as Exhibit D.

6 17. To date, Respondents have failed to make available to Petitioner any of the  
7 requested records or to justify withholding any of these records from it.  
8

9 PETITION FOR WRIT OF MANDATE

10 18. Petitioner AFT re-alleges and incorporates by reference each and every allegation  
11 contained in the previous paragraphs.

12 19. Government Code § 6253(b) provides in pertinent part: "Except with respect to  
13 public records exempt from disclosure by express provisions of law, each state or local agency,  
14 upon request for a copy of records that reasonably describes an identifiable record or records,  
15 shall make the records promptly available to any person upon payment of fees covering direct  
16 costs of duplication, or a statutory fee if applicable."

17 20. Government Code § 6255(a) provides that "[t]he agency shall justify withholding  
18 any record by demonstrating that the record in question is exempt under express provisions of  
19 this chapter or that on the facts of the particular case the public interest served by not disclosing  
20 the record clearly outweighs the public interest served by disclosure of the record."

21 21. Government Code § 6255(b) provides that "[a] response to a written request for  
22 inspection or copies of public records that includes a determination that the request is denied, in  
23 whole or in part, shall be in writing."

24 22. All of the requested records are public records within the meaning of CPRA and  
25 none of the requested records are exempt from disclosure.

26 23. By failing to make available to Petitioner cost estimates to provide the requested  
27 records, and by failing to make available to Petitioner any of the requested records or to justify  
28 ///

1 withholding any of these records from it, Respondents have failed to comply with their  
2 ministerial duties under Government Code §§ 6253(b) and 6255.

3 24. Government Code § 6258 provides that “[a]ny 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 this chapter.”

7 25. Petitioner is entitled to a writ of mandate, pursuant to Code of Civil Procedure  
8 § 1085, because – as described in ¶¶ 7-17 above – Respondents violated their clear, present, and  
9 ministerial duty to make available to Petitioner any of the requested records or to justify  
10 withholding any of these records from it or, in the alternative, to notify it in writing of their  
11 decision to withhold any of the requested records and to justify that decision as provided by law.

12 26. Petitioner has no plain, speedy, or adequate remedy at law nor an administrative  
13 remedy it may exhaust with regard to the deprivation of its statutory rights described in this  
14 petition.

15 27. Government Code § 6259(d) provides in pertinent part that “[t]he court shall  
16 award court costs and reasonable attorney fees to plaintiff should plaintiff prevail in litigation  
17 filed pursuant to this section.”

18  
19 P R A Y E R F O R R E L I E F

20  
21 **WHEREFORE**, Petitioner prays:

- 22  
23 1. That this Court issue a writ of mandate commanding the Respondent, and each of  
24 them, immediately:
- 25 a. to disclose all records requested by Petitioner AFT in its California Public  
26 Records Act request;
  - 27 b. alternatively, that the Court order respondent LAUSD to show cause why  
28 the requested records should not be disclosed;

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- 2. For court costs and reasonable attorneys' fees incurred herein; and
- 3. For such other and further relief as the Court deems just and proper.

DATED: September 17, 2018

GLENN ROTHNER  
MARIA KEEGAN MYERS  
DANIEL B. ROJAS  
ROTHNER, SEGALL & GREENSTONE

By   
MARIA KEEGAN MYERS  
Attorneys for Petitioner American Federation of  
Teachers

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VERIFICATION

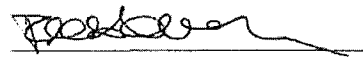
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am the Manager of Research and Strategic Initiatives for AMERICAN FEDERATION OF TEACHERS, petitioner in this action. I am authorized to make this verification for and on behalf of AMERICAN FEDERATION OF TEACHERS and make this verification for that reason.

I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents. The matters stated in the foregoing VERIFIED PETITION FOR WRIT OF MANDATE are true to my own knowledge, except as to the matters which are therein stated upon information or belief, and as to those matters I believe them to be true.

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

Executed at Washington, D.C. this 17 day of September, 2018.



BRAD MURRAY



## **Bradford Murray, Research & Strategic Initiatives**

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**From:** Bradford Murray, Research & Strategic Initiatives  
**Sent:** Wednesday, July 11, 2018 7:44 AM  
**To:** pra@lausd.net  
**Subject:** Public Records Act request

Hello,

Please see the attached Public Records Act request. Feel free to contact me with any questions.

Thanks,

Brad

**Attachments:**

[beutner FOIA.docx](#)

(15 KB)

Brad Murray  
555 New Jersey Ave NW  
Washington, DC 20001

July 7, 2018

Office of the General Counsel  
333 S. Beaudry Avenue, 24<sup>th</sup> Fl.  
Los Angeles, CA 90017  
via email: pra@lausd.net

Dear records officer:

Pursuant to California Public Records Act § 6250 et seq., I am requesting an electronic copy of the official calendar, inclusive of all attachments, for Austin Beutner. You may restrict this request to Mr. Beutner's calendar as kept for May 15<sup>th</sup>, 2018 through the date this request is processed.

This information is being requested on behalf of a non-profit organized under Section 501(c) of the Internal Revenue Code, and is not being sought for commercial purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200.00.

The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Brad Murray  
bmurray@aft.org



**Los Angeles Unified School District**

**OFFICE OF THE GENERAL COUNSEL**

333 S. Beaudry Avenue, 20<sup>th</sup> Floor, Los Angeles, CA 90017

TELEPHONE: (213) 241-7600; FACSIMILE (213) 241-3316

**AUSTIN BEUTNER**  
*Superintendent of Schools*

**DAVID HOLMQUIST**  
*General Counsel*

July 19, 2018

**By Electronic Mail**

Mr. Brad Murray  
American Federation of Teachers  
Email: [bmurray@aft.org](mailto:bmurray@aft.org)

**Re: Public Records Act Request Dated July 7, 2018**  
**Our File: OGC Control No. 0044251**

Dear Mr. Murray:

This letter responds to your Public Records Act Request dated July 7, 2018, addressed to the Office of the General Counsel, Public Records Act Unit, requesting a copy of Superintendent Beutner's calendar from May 15, 2018 through the date your request is processed.

Your request has been reviewed. Pursuant to Government Code §6253(c), the District has made the determination that your request seeks public records and will produce these records to you, except for any material which is exempt from disclosure.

The District estimates documents subject to public disclosure will be provided to you on or before the close of business on July 26, 2018.

If you have any questions in the meantime, please contact me by email at [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net) or by calling me at (213) 241-3793.

Sincerely,

*Maritza Sandoval*

Maritza Sandoval  
Senior Paralegal

## **Bradford Murray, Research & Strategic Initiatives**

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**From:** Sandoval, Maritza <maritza.sandoval@lausd.net>  
**Sent:** Friday, September 07, 2018 2:53 PM  
**To:** Bradford Murray, Research & Strategic Initiatives  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

I'm sorry, I'm making every effort to send this to you this afternoon. It has been approved by the Supt.'s office, but I need to obtain my immediate attorney's approval before sending it.

**Maritza Sandoval, Senior Paralegal**  
**LAUSD, Office of the General Counsel**  
**333 South Beaudry Avenue, 20th Floor**  
**Los Angeles, California 90017**  
**Phone: (213) 241-3793**  
**Fax: (213) 241-8444**  
**E-mail: [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)**



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**From:** Bradford Murray, Research & Strategic Initiatives [mailto:[bmurray@aft.org](mailto:bmurray@aft.org)]  
**Sent:** Thursday, September 6, 2018 1:14 PM  
**To:** Sandoval, Maritza <maritza.sandoval@lausd.net>  
**Subject:** Re: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

Hi Maritza,

I still have not received these documents. Do you have any updated ETA for me?

Thanks,

Brad

---

**From:** Sandoval, Maritza <[maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)>  
**Sent:** Monday, August 27, 2018 9:02 PM  
**To:** Bradford Murray, Research & Strategic Initiatives  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

I'll be sending you the requested calendar on Tuesday, 8/28.

**Maritza Sandoval, Senior Paralegal**  
**LAUSD, Office of the General Counsel**  
**333 South Beaudry Avenue, 20th Floor**  
**Los Angeles, California 90017**  
**Phone: (213) 241-3793**  
**Fax: (213) 241-8444**

**E-mail:** [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)



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**From:** Bradford Murray, Research & Strategic Initiatives [<mailto:bmurray@aft.org>]  
**Sent:** Tuesday, August 21, 2018 8:52 AM  
**To:** Sandoval, Maritza <[maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)>  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

Thanks! Appreciate the response!

---

**From:** Sandoval, Maritza [<mailto:maritza.sandoval@lausd.net>]  
**Sent:** Tuesday, August 21, 2018 11:51 AM  
**To:** Bradford Murray, Research & Strategic Initiatives  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

My apologies for not responding to you earlier. Your request is definitely not denied. We have a possible teachers' strike with UTLA this week and besides numerous other matters, the Superintendent's office is quite busy attending to the UTLA strike.

I have a copy of the calendar requested, it is being reviewed by my supervising attorney, but we do need to obtain final approval from the Supt. I expect to have that by Monday and will continue to make every effort to get it to you asap.

**Maritza Sandoval, Senior Paralegal**  
**LAUSD, Office of the General Counsel**  
**333 South Beaudry Avenue, 20th Floor**  
**Los Angeles, California 90017**  
**Phone: (213) 241-3793**  
**Fax: (213) 241-8444**  
**E-mail:** [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)



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**From:** Bradford Murray, Research & Strategic Initiatives [<mailto:bmurray@aft.org>]  
**Sent:** Tuesday, August 21, 2018 8:40 AM  
**To:** Sandoval, Maritza <[maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)>  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

Hi Maritza,

Your initial correspondence indicated that you'd be remitting responsive documents by July 26, 2018. I have not yet received these documents, nor have I heard back from you.

I know this is a super busy time of the year, but I'd appreciate it if you could let me know whether the District intends to respond to this request by Monday, August 27<sup>th</sup>. If I don't hear back from you by that date, I will have to assume that

the district is denying my request. If the district needs more time to review the requested materials, I am more than willing to work with you on that. Please just let me know!

Thanks,

Brad

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**From:** Bradford Murray, Research & Strategic Initiatives  
**Sent:** Friday, August 17, 2018 9:41 AM  
**To:** 'Sandoval, Maritza'  
**Subject:** RE: LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

Hi,

Just writing to check on the progress of this PRA request.

Thanks,

Brad

---

**From:** Sandoval, Maritza [<mailto:maritza.sandoval@lausd.net>]  
**Sent:** Thursday, July 19, 2018 3:17 PM  
**To:** Bradford Murray, Research & Strategic Initiatives  
**Subject:** LAUSD Supt. Beutner's Calendar Request - OGC Control No. 0044251

In response to your Public Records Act Request, see attached correspondence.

**Maritza Sandoval, Senior Paralegal**  
**LAUSD, Office of the General Counsel**  
**333 South Beaudry Avenue, 20th Floor**  
**Los Angeles, California 90017**  
**Phone: (213) 241-3793**  
**Fax: (213) 241-8444**  
**E-mail: [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)**



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## **Bradford Murray, Research & Strategic Initiatives**

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**From:** Bradford Murray, Research & Strategic Initiatives  
**Sent:** Monday, September 10, 2018 11:40 AM  
**To:** 'Sandoval, Maritza'  
**Subject:** RE: Request for Superintendent's Calendar - OGC Control No. 0044251

I'm really losing my patience here. I'm sure someone above you is playing political games here, and I'm sorry, Maritza, that you're being put in this intermediary position.

The superintendent's calendar is plainly a public record. I'm confused about why, if such a fundamental issue was ever in dispute, you would give me multiple specific deadlines for when I should expect the release of this information. Why should I trust that you'll be releasing this by the "middle of the week" when you've blown way past your statutory deadline and two prior self-imposed deadlines?

I don't want to litigate this, because when we undoubtedly prevail and LAUSD is forced to pay attorney's fees those will be dollars that should have gone to the classroom. But I'm starting to think that you're just stringing me along, and such measures will be necessary to get LAUSD to comply with basic transparency measures under California law.

If I don't have responsive documents by COB Thursday, I will be forced to consider this request denied.

---

**From:** Sandoval, Maritza [<mailto:maritza.sandoval@lausd.net>]  
**Sent:** Monday, September 10, 2018 11:25 AM  
**To:** Bradford Murray, Research & Strategic Initiatives  
**Subject:** Request for Superintendent's Calendar - OGC Control No. 0044251

Dear Mr. Murray:

We are still in the process of reviewing whether the Superintendent's calendar is a public record. At the present time, the Superintendent's calendar is not authorized for release to the public; I will not have a final answer until the middle of next week.

**Maritza Sandoval, Senior Paralegal**  
**LAUSD, Office of the General Counsel**  
**333 South Beaudry Avenue, 20th Floor**  
**Los Angeles, California 90017**  
**Phone: (213) 241-3793**  
**Fax: (213) 241-8444**  
**E-mail: [maritza.sandoval@lausd.net](mailto:maritza.sandoval@lausd.net)**



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