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

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

11 Petitioner, )

12 v. )

13 THE REGENTS OF THE UNIVERSITY OF )  
14 CALIFORNIA, )

15 Respondent. )

Case No. 20STCP01226

**PETITIONER’S OPPOSITION TO EX  
PARTE APPLICATION FOR LEAVE TO  
FILE REPLY TO PETITIONER’S  
SUPPLEMENTAL BRIEF**

Hearing Date: March 30, 2022

Time: 8:30 a.m.

Place: Dept. 82

Judge: Mary H. Strobel

Petition filed: April 1, 2020

16  
17 **I. INTRODUCTION**

18 Respondent’s Ex Parte Application for Leave to File a Reply to Petitioner’s Supplemental  
19 Brief (the “Application”) purportedly seeks to allow Respondent to respond to an assertion by GAO  
20 that “notwithstanding the additional declarations that the Regents had submitted to support its  
21 position with regard to the not public records documents, the bare fact that documents [withheld as  
22 not public records] were not logged on a document-by-document basis alone required disclosure of  
23 all non-public record documents,” (*Id.* Memorandum 2:26-28.) Yet it was this Court, not Petitioner,  
24 that expressly, specifically and repeatedly advised Respondent in its January 20, 2022 Minute Order  
25 (“1/20/22 Minute Order”) that Respondent would have to supply *both* declarations *and* detailed  
26 record-by-record log information as to each of the documents Respondent asserted was not a public  
27 record (collectively, the “NPR Documents”) in order to possibly satisfy its burden of proof as part of  
28

1 the second-bite-at-the-apple permitted therein.<sup>1</sup>

2 Thus, what Respondent actually seeks in the Application is for this Court to reconsider (and  
3 upon reconsideration repudiate) its determination in the 1/20/22 Minute Order that Respondent  
4 would, at a minimum, need to supply log information as part of its February 10 2022 second-bite-at-  
5 the-apple in order to meet its burden of proof as to the NPR Documents (the “Log Information  
6 Determination”). Its filing is therefore an Application for Reconsideration. (See, e.g., Weil & Brown  
7 et al., CAL. PRAC. GUIDE: CIV. PRO. BEFORE TRIAL (The Rutter Group 2021), Section 9:324.1  
8 at 9(1)-148 [“The name of the motion is not controlling. The above requirements ... apply to any  
9 motion that asks the judge to decide the same matter previously ruled on.”].)

10 Petitioner, however, does not even attempt to establish that there are any “new or different  
11 facts, circumstances, or law” as required for reconsideration pursuant to Code of Civil Procedure §  
12 1008(b). The Application is also untimely since Code of Civil Procedure § 1008(a) mandates that a  
13 motion for reconsideration must be made “within 10 days after service upon the party of written  
14 notice of entry of the order”.<sup>2</sup>

15 Furthermore, not only is the Log Information Determination firmly based on the statutes and  
16 cases cited in the 1/20/22 Minute Order, but the proposed Reply and Exhibit A attached thereto  
17 (jointly, the “Reply/Exhibit A”) underscore the crucial importance of the specified log information in  
18 order to allow GAO “a meaningful opportunity to contest the withholding of the documents”.  
19 (1/20/22 Minute Order 6:6.) In fact, as discussed in detail below, Regents’ admissions in the  
20 Reply/Exhibit A revealed that (1) Regents’ claimed bases for withholding seven of the NPR

21 <sup>1</sup> See 1/20/22 Minute Order 25:3-5 [“...the court will continue the hearing for supplemental  
22 declarations and supplemental information regarding the documents withheld. At a minimum,  
23 Respondent should provide further information about the emails including senders or recipients, the  
24 subject lines, dates, and general topics of discussion.” (Underlining added.); 26:20-22 [“because  
25 there is a sufficient probability that Respondent could meet its burden [with respect to the  
26 Unaffiliated Documents and Attachments] through supplemental declarations and log information,  
27 the court will continue the hearing for further proceedings. (Underlining added.); 29:28-30 [“...the  
28 court is inclined to permit Respondent to prove its stated exemptions and/or ‘non-public-record’  
withholdings through more detailed, supplemental declarations and log information.” (Underlinings  
added.); 30:11-12 [“With respect to the remaining documents, respondent is to provide  
supplemental declaration and log information to the court by February 10, 2022.” (Underlining  
added.)].

<sup>2</sup> GAO formally served Notice of the 1/20/22 Minute Order on Regents on January 24, 2022 and  
Regents expressly acknowledged its receipt of that Notice on that date. (See the concurrently-filed  
Hunter Declaration (“Hunter Dec.”) 2:13-16.)

1 Documents are indisputably without merit and (2) critical parts of the Supplemental Declaration of  
2 Ann Carlson filed herein on February 10, 2022 are false (the “Reply/Exhibit A  
3 Admissions/Revelations”).

4 Finally, regardless of whether the Application is granted, the pleadings submitted by Regents  
5 and GAO in connection with that application should be included within the trial record. Not only do  
6 those documents include the Reply/Exhibit A Admissions/Revelations, but they constitute further  
7 evidence that should cause this Court to change its inclination (as it expressly stated in the 1/20/22  
8 Minute Order might happen (id. 29:13-14)) that it should not “grant a judicial declaration that  
9 Respondent violated the CPRA.” (Id. 29:16.)

## 10 **II. ARGUMENT**

### 11 **A. The Log Information Determination Should Not Be Reconsidered**

12 In the 1/20/22 Minute Order, this Court correctly determined that Regents had failed to meet  
13 its burden of proof to justify its withholdings of, inter alia, the NPR Documents. Citing *Golden Door*  
14 (id., 14:18-19), however, the Court accorded Regents a second-bite-at-the apple; and , in connection  
15 with doing so, the Court provided specifics of what evidence it would require, at a minimum, from  
16 Regents for Regents to succeed in its second-bite-at-the apple.<sup>3</sup>

17 The guidance provided by this Court was clear<sup>4</sup> and reasonable. Indeed, it is only because  
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19

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20 <sup>3</sup>Petitioner respectfully submits that in allowing Regents a second-bite-at-the apple, this Court was  
21 making new law which, if generally adopted, will further tilt the framework of CPRA proceedings in  
22 favor of public agencies. In particular, neither *Golden Door* nor any other case located by GAO  
allowed or sanctioned a trial court allowing a public agency to submit supplemental declarations  
after trial had commenced.

23 Public agencies already start out with the advantages of (1) the imbalance in the knowledge of the  
24 contents of the withheld records between the public agency and the requester and (2) the standard  
25 procedural/discovery framework established for the determination CPRA petitions, which requires  
26 the petitioner to file its declarations and supporting evidence before it learns of the specific facts and  
evidence upon which the respondent will rely in support of its withholdings. A public agency should  
have no expectation, or even a hope, that if its filings fail to meet its burden of proof as of the  
commencement of trial, the trial may be continued, and an expeditious resolution of the proceeding  
delayed, so it can have a second-bite-at-the apple.

27 <sup>4</sup> Regents states that it “read the order as indicating that either further declarations *or* a log may  
28 suffice” (Application, Memorandum 2:17-18, italics in original.) In each instance, however, this  
Court expressly states “and”, not “or”. The claimed misreading is not credible and attempts to  
gaslight this Court into believing that its language was somehow ambiguous.

1 Exhibit A provided some of the log information that the Court specified should be provided<sup>5</sup> that (1)  
2 GAO was able to establish that at least six of the purported NPR Documents listed on Exhibit A  
3 have already been acknowledged by Regents to be public records, and not privileged or exempt (as  
4 the records' contents affirm) but produced to GAO and (2) Regents was compelled to admit that a  
5 seventh of the NPR Documents is a public record consisting of "a single email chain in which Dean  
6 Mnookin and Professor Carlson internally discuss a particular donor and their interpretation of how  
7 the donor views their cause" (Buck Dec., Exhibit A, Reply 2:6-7). (Hunter Dec.2:17-24.)

8 **B. All Of The Statements In Reply/Exhibit A Are Unsupported By Any Competent Sworn**  
9 **Testimony And Should Be Accorded No Weight In Determining If Regents Has Met Its**  
10 **Burdens Of Proof To Justify Its Claimed Withholdings**

11 In the 1/20/22 Minute Order (at 9:21-23), this Court states that "it appears that the privilege  
12 log is not verified by any custodian of records with personal knowledge about the emails (e.g.  
13 Professors Carlson or Horowitz.)", clearly indicating by the context in which that statement appears  
14 that if that were the case, the lack of such verification would constitute one more problem with the  
15 adequacy of Respondent's evidence in support of its exemption claims. Yet none of the statements in  
16 Reply/Exhibit A which Respondent seeks to submit as a de facto third-bite-at-the-apple are verified  
17 or included in a declaration establishing that those statements are accurate or were made by a witness  
18 who had a competent foundation therefor. In fact, as noted, *infra*, some of those statements in the log  
19 are demonstrably untrue.

20 Nor does GAO's insistence that the factual statements upon which Regents relies to support  
21 its claimed withholdings be verified or included in a competent declaration constitute reliance on a  
22 superfluous technicality. Indeed, the following seven unverified statements regarding the NPR  
23 Documents which are made in Exhibit A and Regents' Notice of Supplemental Evidence In Support  
24 of Its Opposition to Petition for Writ of Mandate ("Regents' Notice of Supplemental Evidence") are  
25 either false or mischaracterize indisputably public records as NPR Documents:

26  
27 \_\_\_\_\_  
28 <sup>5</sup> In particular, while this Court stated that the log information should specify senders and recipients,  
numerous of the entries on Exhibit A fail to name the sender or one or more recipient(s), instead  
referencing only "Non-UCLA employee" or "Non-UCLA employees".

1           1.       Regents’ Notice of Supplemental Evidence, filed herein on February 10, 2022,  
2 contains the following statement regarding the NPR Documents:

3           “In addition to the supplemental evidence submitted herewith, there are 180 pages of  
4 documents not described in the supplemental evidence. These are document [sic] that  
5 would not qualify as public records under the definition the University urged the Court to  
6 apply: “required by law to be kept by [the public] official or “necessary or convenient to  
7 the discharge of [her] official duties.” (Id. 1:5-8; underlinings added.)

8           Yet in the Reply, Regents admits the above-quoted statement, which itself was neither  
9 verified nor included in any declaration, was materially inaccurate as follows:

10           “Further, in its earlier supplemental submission, the Regents indicated there are 180  
11 pages of documents that would not qualify as not public records under its proposed  
12 definition but that would be public records if the Court maintains the definition indicated  
13 in its order continuing the hearing. Two pages of documents within that 180-page group  
14 were properly withheld and not subject to disclosure under the PRA, but for a different  
15 reason than previously articulated. These two pages consist of a single email chain in  
16 which Dean Mnookin and Professor Carlson internally discuss a particular donor and  
17 their interpretation of how the donor views their cause. Although the Regents previously  
18 characterized these documents as not public records, they are public records, but are  
19 exempt under Government Code section 6255....” (Id. 2:1-9; underlinings added.)

20           2.       Exhibit A to the Reply describes one of the purported NPR Documents listed thereon  
21 (i.e., item number 20 on page 11 of 15) as having been sent on October 3, 2017 at 13:37 from Dan  
22 Emmett to Cara Horowitz, copying Nicholette Fuhrman (“Fuhrman”) and with the Message Subject  
23 “Re: Oct 11 plans with Vic Sher at UCLA”. In fact, this two-page document (the “Page 11, Item 20  
24 Email”) was produced by Regents to GAO on August 31, 2020 as part of Regents’ “final”  
25 production of responsive public records (pages 95 and 96 of 1031) in response to the November  
26 2019 Request. (Hunter Dec. 2:25-3:5). Not only did Regents’ accompanying cover letter characterize  
27 these as “documents subject to release” (i.e., public records), but a review of the Page 11, Item 20  
28 Email itself establishes that it relates to the setting up of a meeting at UCLA between Vic Sher, Dan  
Emmett, Cara Horowitz, and UCLA Law Professors Ann Carlson, Cara Horowitz and Sean Hecht in  
connection with a lunch talk being given by Vic Sher at UCLA (1) hosted and promoted by the  
Emmett Institute entitled “Suing Over Climate Change Damages: The First Wave of Climate  
Lawsuits” and (2) posted on UCLA Law School’s YouTube page at <https://youtu.be/eCsg9ACPex4>  
(the “10/11/2017 Emmett Institute/Sher Lunch Talk”). (Hunter Dec. 3:5-13.)

1 Vic Sher is the first name partner of Sher Edling, the law firm about which Carlson wrote  
2 Dan Emmett as part of the CCI Introduction/Solicitation as follows:

3 “... I’ve been working with them [CCI] a bit – we participated in a conference in Hawaii  
4 to try and encourage Hawaii to consider a nuisance lawsuit [against the oil  
5 companies].I’ve also discussed them with Vic Sher [for whom Carlson acted as a  
6 consultant in lawsuits filed by cities against oil companies] and he thinks they are an  
7 important part of the broader effort on the lawsuits to engage the public. I think our  
8 involvement will continue. And as you may remember the clinic has been working on the  
9 nuisance cases.” (AR 207, top of page, 355:15-356:3; OB 3:7-11.)

10 The Sher Edling firm and the faculty’s work therewith is at the very heart of the Climate  
11 Litigation/Regents Interface. The Page 11, Item 20 Email, therefore, is not simply a public record  
12 relating to the conduct of the public’s business (and entirely dissimilar to “the shopping list phoned  
13 from home, the letter to a public officer from a friend that is totally void of reference to  
14 governmental activities” (1/20/22/Minute Order, 23:18-20)). It constitutes a key data point  
15 establishing the extent of the ties between Regents, the Emmett Institute, Dan Emmett and the Sher  
16 Edling firm (i.e., the Climate Litigation/Regents Interface).

17 Indeed, GAO submits that it was not the burden of supplying log information as to each of  
18 the NPR Documents that deterred Regents from providing Exhibit A as part of its February 10, 2022  
19 filings but rather Regents’ recognition that disclosing the “Message Subjects” of certain documents  
20 would itself establish them to be public records. Perhaps Regents will now admit the obvious – that  
21 the Page 11, Item 20 Email and the additional 5 emails described below (collectively, the “Six  
22 Emmett Institute/Sher Lunch Talk Emails”) are all public records.

23 This Court should not be deceived, however, if Regents accompanies that admission with  
24 assertions that (1) the inclusion of the Six Emmett Institute/Sher Lunch Talk Emails in Exhibit A  
25 was inadvertent and (2) the fact that the emails were produced as part of the August 31, 2020  
26 production ipso facto establishes Regents’ good faith in responding to the November 2019 Request.  
27 The “gaffe” was not Regents’ erroneous, but patently deliberate, denials that those emails were  
28 public records; rather, it was their production as part of the August 31, 2020 production.

3. Item number 21 on page 11 of 15 of Exhibit A, also titled “Re: Oct 11 plans with Vic  
Sher at UCLA”, is a second October 3, 2017 email from Dan Emmett to Horowitz, copying  
Fuhrman, time-stamped 13:30, produced by Regents to GAO as part of its August 31, 2020

1 production (pages 101 and 102), and relating to the 10/11/2017 Emmett Institute/Sher Lunch Talk on  
2 Climate Litigation. (Hunter Dec. 3:14-3:19.) All of Petitioner’s characterizations of the Page 11,  
3 Item 20 Email are equally applicable to this email and each of the following four below-discussed  
4 emails, which together comprise the Six Emmett Institute/Sher Lunch Emails.

5 4. Item number 22 on page 11 of 15 of Exhibit A, titled “Re: Oct 11 UCLA Dinner”, is a  
6 October 4, 2017 email from Fuhrman to Horowitz, time-stamped 15:51, produced by Regents to  
7 GAO as part of its August 31, 2020 production (pages 97 and 98), and relating to the 10/11/2017  
8 Emmett Institute/Sher Lunch Talk. (Hunter Dec. 3:20-24.)

9 5. Item number 23 on page 11 of 15 of Exhibit A, titled “Re: Oct 11 UCLA Dinner”, is a  
10 September 27, 2017 email from Fuhrman to Horowitz, time-stamped 9:28, produced by Regents to  
11 GAO as part of its August 31, 2020 production (pages 104 through 107), and relating to the  
12 10/11/2017 Emmett Institute/Sher Lunch Talk. (Hunter Dec 3:25-4:2.)

13 6. Item number 25 on page 11 of 15 of Exhibit A, titled “Re: Oct 11 UCLA Dinner”, is a  
14 September 25, 2017 email from Fuhrman to Horowitz, time-stamped 15:57, produced by Regents to  
15 GAO as part of its August 31, 2020 production (pages 101 and 102), and relating to the 10/11/2017  
16 Emmett Institute/Sher Lunch Talk. (Hunter Dec. 4:3-7.)

17 7. Item number 26 on page 11 of 15 of Exhibit A, titled “Re: Oct 11 UCLA Dinner”, is a  
18 October 2, 2017 email from Fuhrman to Horowitz, time-stamped 15:57, produced by Regents to  
19 GAO as part of its August 31, 2020 production (pages 103 through 107), and relating to the  
20 10/11/2017 Emmett Institute/Sher Lunch Talk. (Hunter Dec. 4:8-12.)

21 Accordingly, all of those statements, and Exhibit A in its entirety, should be accorded no  
22 weight in determining if Regents has met its burdens of proof to justify its claimed withholdings.  
23 Certainly Respondent should not be allowed a fourth-bite-at-the-apple.

24 **C. Regents Should Be Ordered To Provide GAO The Two Page Document Previously**  
25 **Claimed To Be An NPR Document But Now Belatedly Asserted To Be Exempt**

26 As noted in the preceding section, Regents admits in the Reply (at 2:1-9) that two pages of  
27 the 180 pages previously asserted to be NPR Documents in fact are a public record (the “Newly-  
28 Admitted Public Record”). Regents now asserts, however, that those two pages, which it previously

1 claimed were purely personal and unrelated to the conduct of the public’s business, are so critical to  
2 the conduct of the public’s business that they are “exempt for the deliberative process/Section 6255  
3 reasons the Regents previously briefed, and which Dean Mnookin’s declaration and the other  
4 evidence supports.” (Reply 2:10-12.)

5 Yet the Application is not accompanied by any second supplemental declaration of Dean  
6 Mnookin which specifically addresses the content and context of the Newly-Admitted Public  
7 Record. Thus, it is impossible to determine whether, as Dean Mnookin conceded about Document 46  
8 in the Mnookin Supplemental Declaration filed herein on February 10, 2022 (at 4:17-6:5), there is  
9 “nothing particularly sensitive about this particular email” and “UCLA has no particular concerns  
10 about [its] disclosure”. Nor has any declaration or log been submitted which states information as to  
11 the subject line, date, and general topic of discussion of the Newly-Admitted Public Record.

12 In the 1/20/22 Minute Order, this Court rejected GAO’s argument that Regents had waived  
13 those new exemption claims set forth in the Amended Exemption Log under the rationale of *Maydak*  
14 v. *DOJ* (D.C. Cir. 2000) 218 F.3d 760,765,767-8 as follows:

15 “Here, Respondent did assert the claimed exemptions in before the parties briefed the  
16 merits. While it would have been better if Respondent asserted the exemptions in the  
17 original exemption log, Petitioner does not show the delay constitutes a waiver under the  
18 CPRA.” (Id. 19:17-20; underlining added.)

19 Respondent first asserted its exemption claim as to the Newly-Admitted Public Record after  
20 the parties briefed the merits, after the trial commenced, and after the parties had completed the  
21 supplemental briefs allowed by this Court in the 1/20/22 Minute Order. Respondent should therefore  
22 be held to have waived any claim of exemption as to the Newly-Admitted Public Record.

23 Even if any exemption claim has not been waived, Respondent has not adduced any evidence  
24 that supports its exemption claim, much less that the public interest in non-disclosure clearly  
25 outweighs the public interest served by its disclosure. This Court should accordingly order Regents  
26 to provide an unredacted copy of the Newly-Admitted Public Record to GAO.

27 **D. The Supplemental Declaration Of Ann Carlson Filed Herein On February 10, 2022 Is**  
28 **False In Critical Parts And Should Be Distrusted In Its Entirety**

A careful review of the both the Declaration of Cara Horowitz and the Supplemental



1 Declaration of Ann Carlson (“Supplemental Carlson Declaration”) establishes that the sole reference  
2 in either of those declarations to the Six Emmett Institute/Sher Lunch Talk Emails is Paragraph 19 of  
3 the Supplemental Carlson Declaration, which states as follows:

4 “Seventeen (17) pages of the NPR Documents are emails coordinating a lunch meeting  
5 with me, Professor Cara Horowitz, Dan Emmett, and others who are involved in  
6 environmental causes but are not affiliated with UCLA or the Emmett Institute. This was  
7 a social outing, and the lunch was unrelated to my teaching or scholarship.”

8 Notably, Carlson, unlike Horowitz, is neither a sender nor recipient of any of the Six Emmett  
9 Institute/Sher Lunch Talk Emails. Thus, Carlson’s statement in the prefatory paragraph of the  
10 Supplemental Carlson Declaration that “I have personal knowledge of the facts set forth below and,  
11 if called as a witness could competently testify to all of the facts set forth herein” (*id.* 1:7-8) is false.  
12 This falsity is particularly inexcusable given that, concurrently with the Supplemental Carlson  
13 Declaration, Horowitz, a sender or recipient of all of the Six Emmett Institute/Sher Lunch Talk  
14 Emails, submitted her own declaration specifically discussing various other NPR Documents.

15 Why did Regents choose to have Carlson incompetently address the Six Emmett  
16 Institute/Sher Lunch Talk Emails in her declaration rather than Horowitz competently address them  
17 in hers? Petitioner would draw the Court’s attention to the final line of above-quoted Paragraph 19,  
18 wherein Carlson states “the lunch was unrelated to my teaching or scholarship” (underlining added).  
19 Simply put, Horowitz could not under any circumstance state that the Six Emmett Institute/Sher  
20 Lunch Talk Emails were unrelated to her teaching or scholarship since Horowitz herself introduced  
21 Vic Sher at the 10/11/2017 Emmett Institute/Sher Lunch Talk, as confirmed by the YouTube video  
22 of the event posted on the UCLA Law School’s YouTube channel at <https://youtu.be/eCsg9ACPex4>.

23 Not only did Carlson falsely swear that she had personal knowledge and could competently  
24 testify regarding the Six Emmett Institute/Sher Lunch Talk Emails, but Carlson’s statement about the  
25 contents of those emails (i.e., “a lunch meeting with me, Professor Cara Horowitz, Dan Emmett, and  
26 others who are involved in environmental causes but are not affiliated with UCLA or the Emmett  
27 Institute” (underlining added)) falsely minimizes the relationship of those emails to the conduct of  
28 the public’s business by asserting that the only persons at the lunch meeting who were affiliated with  
UCLA or the Emmett Institute were Carlson, Horowitz and Dan Emmett. To the contrary, a review

1 of the Six Emmett Institute/Sher Lunch Talk Emails establishes that the lunch meeting also involved  
2 at least (1) UCLA Law Professor Sean Hecht, the Co-Executive Director of the Emmett Institute, (2)  
3 UCLA Law Professor Alex Wang, the Faculty Co-Director of the Emmett Institute, and (3) Rae  
4 Emmett, the co-founder with Dan Emmett of the Emmett Institute. (Hunter Dec. 4:13-24.)

5 While the maxim *falsus in uno, falsus in omnibus* does not compel this Court to ignore all of  
6 Carlson’s testimony, CACI 5003 states, in relevant part: “if you decide that a witness did not tell the  
7 truth about something important, you may choose not to believe anything that witness said.” Carlson  
8 did not tell the truth about the Six Emmett Institute/Sher Lunch Talk Emails. Petitioner submits that  
9 this Court should exercise its discretion to distrust all of Carlson’s testimony.

10 **E. This Court’s Initial Inclination Not To Grant A Judicial Declaration That Respondent**  
11 **Violated The CPRA Should Change In Light Of The New Information Revealed, And**  
12 **Conduct Displayed By Regents, Since Entry Of The 1/20/22 Minute Order**

13 In the 1/20/22 Minute Order, this Court stated that its inclination not to grant a judicial  
14 declaration that Respondent violated the CPRA might be changed depending on “the results of the  
15 supplemental proceedings required for the documents specified in the privilege log” (*id.* 29:13-14).  
16 While Petitioner contends that the evidence it had presented prior to the commencement of trial on  
17 January 20, 2022 already warranted such a judicial declaration, Respondent has provided telling  
18 additional reasons for such a declaration in the course of these supplemental proceedings as  
19 discussed above and in Petitioner’s Supplemental Reply Brief filed herein on February 23, 2022.

20 **III. CONCLUSION**

21 The Application should be denied. If granted, it should be conditioned on the instant  
22 Opposition and supporting Hunter Declaration being included as part of the trial record.

23 Dated: March 28, 2022

Respectfully submitted,

24  
25 /s/ James K.T. Hunter \_\_\_\_\_  
26 James K.T. Hunter  
27 Attorney for Petitioner,  
28 Government Accountability & Oversight, P.C

**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  )  
COUNTY OF LOS ANGELES    )

I, Mary de Leon, am employed in the city and county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067-4003.

On March 28, 2022, I caused to be served the **PETITIONER’S OPPOSITION TO EX PARTE APPLICATION FOR LEAVE TO FILE REPLY TO PETITIONER’S SUPPLEMENTAL BRIEF** in this matter by sending a copy of said document(s) as follows:

***SEE ATTACHED SERVICE LIST***

- (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY EMAIL) I caused to be served the above-described document by email to the party indicated above at the indicated email address.
- (BY FAX) I caused to be transmitted the above-described document by facsimile machine to the fax number(s) as shown. The transmission was reported as complete and without error. (Service by Facsimile Transmission to those parties listed above with fax numbers indicated.)
- (BY OVERNIGHT DELIVERY) By sending by FEDERAL EXPRESS to the addressee(s) as indicated above.

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

Executed on Mach 28, 2022, at Los Angeles, California.

*Mary de Leon*

\_\_\_\_\_  
Mary de Leon

**SERVICE LIST**

1  
2  
3 John Gherini  
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