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10 GARY RUSKIN

FILED
YOLO SUPERIOR COURT

AUG 17 2016

By M. L. CURIEL
Deputy

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF YOLO

13 GARY RUSKIN,

14 Plaintiff/Petitioners,

15 v.

16 THE REGENTS OF THE UNIVERSITY OF
17 CALIFORNIA,

18 Defendant/Respondent.

CASE NO.: PT116-1304

**VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND PETITION
FOR WRIT OF MANDATE -- CALIFORNIA
PUBLIC RECORDS ACT, CAL.
GOVERNMENT CODE §6250**

ACTION FILED: August 17, 2016

BY FAX

1
2 **INTRODUCTION**

3 This case arises from the failure of Defendant/Respondent, The Regents of the University of
4 California, and its agents or employees, to disclose records to Plaintiff/Petitioner, Gary Ruskin
5 (“Ruskin”), pursuant to the California Public Records Act, California Government Code § 6250 *et seq.*
6 Ruskin submitted a series of requests, beginning on January 28, 2015, for Defendant/Respondent to
7 disclose records pursuant to the California Public Records Act. To date, Defendant/Respondent has (1)
8 failed to produce all responsive records to Ruskin promptly; and (2) failed to estimate the date of
9 production of yet-undisclosed records as required by California Government Code § 6253.
10 Defendant/Respondent’s repeated failure to comply with the California Public Records Act establishes
11 that there are no administrative remedies available to Ruskin and this lawsuit was Ruskin’s only
12 recourse to enforce his right to receive the records under California law.

13 **PARTIES**

- 14 1. Ruskin is a natural person who serves as Co-director of U.S. Right to Know, a non-profit
15 organization that advocates for transparency in our nation’s food system.
16 2. Ruskin is, and at all time mentioned herein was, a resident of Alameda County,
17 California.
18 3. Defendant/Respondent, The Regents of the University of California is, and at all times
19 mentioned herein was, a public trust authorized by Article IX, Section 9 of the California Constitution.
20 4. Upon information and belief, all University of California campuses, including University
21 of California, Davis, are subsumed entities of The Regents of the University of California.

22 **JURISDICTION AND VENUE**

- 23 5. This Court has personal jurisdiction over Defendant/Respondent by reason of
24 Defendant/Respondent’s presence within the State of California.
25 6. This Court has subject matter jurisdiction pursuant to California Government Code §§
26 6258 and 6259.
27 7. Defendant/Petitioner is a “state agency” under California Government Code § 6252(d)
28 and (f)(1).

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2 8. The relief sought by Ruskin is authorized by California Government Code §§ 6258 and
3 6259.

4 9. Ruskin is a “person” authorized to bring this action under California Government Code §
5 6252(c).

6 10. Venue in Yolo County is proper because the University of California, Davis, does
7 business in Yolo County and, upon information and belief, the agency records described herein are in
8 the possession of the University of California, Davis, Office of Campus Counsel.

9 11. Upon information and belief, The University of California, Davis, Office of Campus
10 Counsel is located at One Shields Avenue, Davis, CA 95616.

11 12. Upon information and belief, the University of California, Davis, Office of Campus
12 Counsel is located in Yolo County, California.

13 **FACTUAL ALLEGATIONS**

14 13. Ruskin is the Co-Founder and Co-Director of U.S. Right to Know, a nonprofit
15 organization working for transparency in our nation’s food system.

16 14. Michele M. McCuen is and at all relevant times stated herein has been employed as a
17 Legal Analyst at the Office of the Campus Counsel, Office of the Chancellor and Provost, University of
18 California.

19 15. As of September 25, 2015, Kirsten C. Stevenson was an attorney in the University of
20 California, Davis, Office of the Campus Counsel.

21 16. On February 20, 2015, McCuen sent an emailed letter to Ruskin, in which
22 Defendant/Respondent formally acknowledged receipt of six California Public Records Act requests that
23 were dated January 28, 2015 and one California Public Records Act request dated February 17, 2015. In
24 the February 20, 2015 letter, McCuen estimated that production of the records responsive to the six
25 January 28, 2015 requests and to the one February 17, 2015 request would take place by April 20, 2015.
26 In the letter, McCuen stated that “in the event that records become available at different times,
27 [Defendant/Respondent] will forward records to [Ruskin] as they become available.”

28 17. On April 24, 2015, McCuen sent Ruskin an email stating that records were expected to

1 become available beginning July 1, 2015.

2 18. On September 25, 2015, Defendant/Respondent, through Kirsten C. Stevenson, stated in
3 an email to Ruskin that the estimate for rolling production of records was to begin on October 15, 2015.

4 19. On October 15, 2015, McCuen sent an email to Ruskin requesting \$60.00 in payment for
5 records.

6 20. On October 21, 2015, Ruskin, through counsel, sent a letter by email to McCuen,
7 discussing and contesting the actual cost of duplication of electronic records compared with the
8 University's request for \$0.20 per page for copies to produce the record and requesting that documents
9 be provided in an electronic format. The October 21, 2015 Ruskin letter requested a fee waiver.

10 21. Defendant/Respondent did not respond to Ruskin's October 21, 2015 letter.

11 22. On January 19, 2016, Ruskin's counsel sent a letter to McCuen, referring to Ruskin's
12 unanswered October 21, 2015 letter. In Ruskin's January 19, 2016 letter, Ruskin agreed to send the
13 payment of \$60.00 to Defendant/Respondent and stated he did not waive any rights to contest future
14 payment requests from Defendant/Respondent. In Ruskin's January 19, 2016 letter, Ruskin requested an
15 estimate as to the date when the records for all remaining record requests would be made available to
16 Ruskin.

17 23. On February 2, 2016, Defendant/Respondent produced 297 pages of responsive records
18 to Mr. Ruskin.

19 24. On March, 25, 2016, Ruskin requested an estimated date of production for the remainder
20 of the records that had been requested by Ruskin.

21 25. On May 9, 2016, Defendant/Respondent produced a second set of records, containing
22 372 pages of responsive documents. In the May 9, 2016 email, Defendant/Respondent estimated that
23 additional responsive records would be sent to Ruskin: "if not this week, next week."

24 26. The records disclosed in the aforementioned February 2, 2016 and May 9, 2016
25 productions are the only records Defendant/Respondent has disclosed to Ruskin as responsive to
26 Ruskin's California Public Records Act requests described in paragraphs 13 through 26 herein, related
27 to the agrichemical industry.

28 **A. Records Pertaining to Professor Pamela Ronald**

1 27. On or about January 28, 2015, in accordance with his rights under the California Public
2 Records Act, Cal. Govt. Code § 6250 et. seq., Ruskin submitted to Defendant/Respondent a request for
3 public records pertaining to Professor Pamela Ronald that contained correspondence between Ms.
4 Ronald and sixteen organizations from the period of January 1, 2012 to the then present date.

5 28. Ruskin's request reasonably described the aforementioned records.

6 29. On or about February 20, 2015, Ruskin received a written response from
7 Defendant/Respondent indicating it estimated that the date of production for the Pamela Ronald records
8 would be April 20, 2015..

9 30. A small number of records pertaining to Pamela Ronald were disclosed on February 2,
10 2016.

11 31. No responsive records pertaining to Pamela Ronald were disclosed on May 9, 2016.

12 32. On information and belief, Defendant/Respondent maintains, but has failed and refused
13 to produce a substantial number of records pertaining to Professor Ronald that are responsive to
14 Ruskin's request.

15 **B. Records Pertaining to Professor Neal Van Alfen**

16 33. On or about January 28, 2015, Ruskin, in accordance with his rights under the California
17 Public Records Act, Cal. Govt. Code § 6250 et. seq., requested records from Defendant/Respondent
18 pertaining to Professor Neal Van Alfen that contained correspondence between Professor Van Alfen and
19 sixteen organizations from the period of January 1, 2012 to the then present date.

20 34. Ruskin's request reasonably described the aforementioned records.

21 35. On or about February 20, 2015, Ruskin received a written response from
22 Defendant/Respondent indicating it estimated that the date of production for the Professor Van Alfen
23 records would be April 20, 2015.

24 36. A small number of records pertaining to Van Alfen were disclosed on February 2, 2016.

25 37. A small number of records pertaining to Van Alfen were disclosed on May 9, 2016.

26 38. On information and belief, Defendant/Respondent maintains, but has failed and refused
27 to produce a substantial number of records pertaining to Professor Van Alfen that are responsive to
28 Ruskin's request.

1 **C. Records Pertaining to Professor Daniel Sumner**

2 39. On or about January 28, 2015, Ruskin, in accordance with his rights under the California
3 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
4 pertaining to Professor Daniel Sumner that contained correspondence between Professor Sumner and
5 sixteen organizations from the period of January 1, 2012 to the then present date.

6 40. Ruskin's request reasonably described the aforementioned records.

7 41. On or about February 20, 2015, Ruskin received a written response from
8 Defendant/Respondent indicating it estimated that the date of production for the Professor Sumner
9 records would be April 20, 2015. .

10 42. No records pertaining to Daniel Sumner were disclosed on February 2, 2016.

11 43. A small number of records pertaining to Daniel Sumner were disclosed on May 9, 2016.

12 44. On information and belief, Defendant/Respondent maintains, but has failed and refused
13 to produce a substantial number of records pertaining to Daniel Sumner that are responsive to Ruskin's
14 request.

15 **D. Records Pertaining to Professor Colin Carter**

16 45. On or about January 28, 2015, Ruskin, in accordance with his rights under the California
17 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
18 pertaining to Professor Colin Carter that contained correspondence between Professor Carter and sixteen
19 organizations from the period of January 1, 2012 to the then present date.

20 46. Ruskin's request reasonably described the aforementioned records.

21 47. On or about February 20, 2015, Ruskin received a written response from
22 Defendant/Respondent indicating it estimated that the date of production for the Professor Carter records
23 would be April 20, 2015.

24 48. No records pertaining to Colin Carter were disclosed on February 2, 2016.

25 49. One record pertaining to Colin Carter was disclosed on May 9, 2016.

26 50. On information and belief, Defendant/Respondent maintains, but has failed and refused
27 to produce a substantial number of records pertaining to Professor Colin Carter that are responsive to
28 Ruskin's request.

1 **E. Records Pertaining to Professor Alison L. Van Eenennaam**

2 51. On or about January 28, 2015, Ruskin, in accordance with his rights under the California
3 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
4 pertaining to Professor Alison L. Van Eenennaam that contained correspondence between Professor Van
5 Eenennaam and sixteen organizations from the period of January 1, 2012 to the then present date.

6 52. Ruskin's request reasonably described the aforementioned records.

7 53. On or about February 20, 2015, Ruskin received a written response from
8 Defendant/Respondent indicating it estimated that the date of production for the Professor Van
9 Eenennaam records would be April 20, 2015.

10 54. A small number of records pertaining to Professor Alison L. Van Eenennaam were
11 disclosed on February 2, 2016.

12 55. A small number of records pertaining to Professor Alison L. Van Eenennaam were
13 disclosed on May 9, 2016.

14 56. On information and belief, Defendant/Respondent maintains, but has failed and refused
15 to produce a substantial number of records pertaining to Professor Alison L. Van Eenennaam that are
16 responsive to Ruskin's request.

17 **F. Records Pertaining to Professor Julian Alston**

18 57. On or about January 28, 2015, Ruskin, in accordance with his rights under the California
19 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
20 pertaining to Professor Julian Alston that contained correspondence between Professor Alston and
21 sixteen organizations from the period of January 1, 2012 to the then present date.

22 58. Ruskin's request reasonably described the aforementioned records.

23 59. On or about February 20, 2015, Ruskin received a written response from
24 Defendant/Respondent indicating it estimated that the date of production for the Professor Alston
25 records would be April 20, 2015.

26 60. Two records containing article citations to Julian Alston were disclosed on February 2,
27 2016.

28 61. No records containing correspondence with Julian Alston were disclosed on February 2,

1 2016.

2 62. A small number of records pertaining to Julian Alston were disclosed on May 9, 2016.

3 63. On information and belief, Defendant/Respondent maintains, but has failed and refused
4 to produce a substantial number of records pertaining to Professor Julian Alston that are responsive to
5 Ruskin's request.

6 **G. Records Pertaining to Professor Kent Bradford**

7 64. On or about February 3, 2015, Ruskin, in accordance with his rights under the California
8 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
9 pertaining to Professor Kent Bradford that contained correspondence between Professor Bradford and
10 sixteen organizations from the period of January 1, 2012 to the then present date.

11 65. Ruskin's request reasonably described the aforementioned records.

12 66. On or about February 20, 2015, Ruskin received a written response from
13 Defendant/Respondent indicating it estimated that the date of production for the Professor Bradford
14 records would be April 20, 2015..

15 67. A small number of records pertaining to Kent Bradford were disclosed on February 2,
16 2016.

17 68. A small number of records pertaining to Kent Bradford were disclosed on May 9, 2016.

18 69. On information and belief, Defendant/Respondent maintains, but has failed and refused
19 to produce a substantial number of records pertaining to Professor Kent Bradford that are responsive to
20 Ruskin's request.

21 **H. Records Pertaining to Jon Entine**

22 70. On or about March 26, 2015, Ruskin, in accordance with his rights under the California
23 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
24 pertaining to Jon Entine that contained correspondence between Mr. Entine and nineteen organizations
25 from the period of January 1, 2012 to the then present date.

26 71. Ruskin's request reasonably described the aforementioned records.

27 72. No records containing correspondence with Jon Entine were disclosed by
28 Defendant/Respondent on February 2, 2016.

1 73. No records containing correspondence with Jon Entine were disclosed by
2 Defendant/Respondent on May 9, 2016.

3 74. Defendant/Respondent has not otherwise provided Plaintiff/Petitioner with access to or
4 copies of the aforementioned records.

5 75. Defendant/Respondent's failure to provide the requested records lacks any legal
6 justification.

7 76. On information and belief, Defendant/Respondent maintains, but has failed and refused
8 to produce a substantial number of records pertaining to Jon Entine that are responsive to Ruskin's
9 request.

10 **I. Records Pertaining to Robin Bisson**

11 77. On or about April 15, 2015, Ruskin, in accordance with his rights under the California
12 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
13 pertaining to Robin Bisson that contained correspondence between Mr. Bisson and eighteen
14 organizations from the period of January 1, 2014 to the then present date.

15 78. Ruskin's request reasonably described the aforementioned records.

16 79. No records pertaining to Robin Bisson were disclosed on February 2, 2016.

17 80. No records pertaining to Robin Bisson were disclosed on May 9, 2016.

18 81. Defendant/Respondent has not otherwise provided Plaintiff/Petitioner with access to or
19 copies of the aforementioned records.

20 82. Defendant/Respondent's failure to provide the records lacks any legal justification.

21 83. On information and belief, Defendant/Respondent maintains, but has failed and refused
22 to produce a substantial number of records pertaining to Robin Bisson that are responsive to Ruskin's
23 request.

24 **J. Records Pertaining to Roger Beachy**

25 84. On or about July 9, 2015, Ruskin, in accordance with his rights under the California
26 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
27 pertaining to Roger Beachy that contained correspondence between Mr. Beachy and eighteen
28 organizations from the period of January 1, 2012 to the then present date.

1 85. Ruskin's request reasonably described the aforementioned records.

2 86. One record containing an article citation to Roger Beachy was disclosed on February 2,
3 2016.

4 87. No records containing correspondence with Roger Beachy were disclosed on February 2,
5 2016.

6 88. No records pertaining to Roger Beachy were disclosed on May 9, 2016.

7 89. Defendant/Respondent has not otherwise provided Plaintiff/Petitioner with access to or
8 copies of the aforementioned records.

9 90. Defendant/Respondent's failure to provide the records lacks any legal justification.

10 91. On information and belief, Defendant/Respondent maintains, but has failed and refused
11 to produce a substantial number of records pertaining to Roger Beachy that are responsive to Ruskin's
12 request.

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14 **K. Records Pertaining to Julian Alston, Roger Beachy, Robin Bisson, Kent Bradford,**
15 **Colin Carter, Jon Entine, Martina Newell-McGloughlin, Pamela Ronald, Daniel**
16 **Sumner, and Alison Van Eenennaam.**

17 92. On or about August 3, 2015, Ruskin, in accordance with his rights under the California
18 Public Records Act, Cal. Govt. Code § 6250 *et. seq.*, requested records from Defendant/Respondent
19 pertaining to the following ten UC Davis faculty and staff: 1. Julian Alston, distinguished professor of
20 Agricultural and resource economics; 2. Roger Beachy, founding director of the World Food Center; 3.
21 Robin Bisson of the World Food Center 4. Kent Bradford, distinguished professor of plant sciences; 5.
22 Colin Carter, distinguished professor of agricultural and resource economics; 6. Jon Entine, senior
23 fellow at the World Food Center; 7. Martina Newell-McGloughlin, director of the International
24 Biotechnology Program 8. Pamela Ronald, professor of plant pathology; 9. Daniel Sumner, Frank H.
25 Buck distinguished professor of Agricultural and resource economics; and 10. Alison Van Eenennaam,
26 cooperative extension specialist.

26 93. Ruskin's request reasonably described the aforementioned records.

27 94. Two records containing article citations to Julian Alston were disclosed on February 2,
28 2016.

- 1 95. No records containing correspondence with Julian Alston were disclosed on February 2,
2 2016.
- 3 96. A small number of records pertaining to Julian Alston were disclosed on May 9, 2016.
- 4 97. One record containing an article citation to Roger Beachy was disclosed on February 2,
5 2016.
- 6 98. No records containing correspondence with Roger Beachy were disclosed on February 2,
7 2016.
- 8 99. No records pertaining to Roger Beachy were disclosed on May 9, 2016.
- 9 100. No records pertaining to Robin Bisson were disclosed on February 2, 2016.
- 10 101. No records pertaining to Robin Bisson were disclosed on May 9, 2016.
- 11 102. A small number of records pertaining to Kent Bradford were disclosed on February 2,
12 2016.
- 13 103. A small number of records pertaining to Kent Bradford were disclosed on May 9, 2016.
- 14 104. No records pertaining to Colin Carter were disclosed on February 2, 2016.
- 15 105. One record pertaining to Colin Carter was disclosed on May 9, 2016.
- 16 106. No records containing correspondence with Jon Entine were disclosed by
17 Defendant/Respondent on February 2, 2016.
- 18 107. No records containing correspondence with Jon Entine were disclosed by
19 Defendant/Respondent on May 9, 2016.
- 20 108. No records pertaining to Martina Newell-McGloughlin have been disclosed by
21 Defendant/Respondent at any time. Defendant/Respondent stated in an email from McCuen to Ruskin
22 on September 21, 2015, that Martina Newell-McGloughlin had separated from the University and that
23 Defendant/Respondent does not have any responsive records of hers. Ruskin does not seek disclosure of
24 the Martina Newell-McGloughlin records through this action.
- 25 109. A small number of records pertaining to Pamela Ronald were disclosed on February 2,
26 2016.
- 27 110. No responsive records pertaining to Pamela Ronald were disclosed on May 9, 2016.
- 28 111. No records pertaining to Daniel Sumner were disclosed on February 2, 2016.

1 112. A small number of records pertaining to Daniel Sumner were disclosed on May 9, 2016.

2 113. A small number of records pertaining to Professor Alison L. Van Eenennaam were
3 disclosed on February 2, 2016.

4 114. A small number of records pertaining to Professor Alison L. Van Eenennaam were
5 disclosed on May 9, 2016.

6 115. On information and belief, Defendant/Respondent maintains, but has failed and refused
7 to produce a substantial number of records pertaining to Julian Alston, Roger Beachy, Robin Bisson,
8 Kent Bradford, Colin Carter, Jon Entine, Pamela Ronald, Daniel Sumner, and Alison Van Eenennaam
9 that are responsive to Ruskin's request.

10 **L. Records Pertaining to Dr. Denneal Jamison-McClung, Jon Entine and Shannon**
11 **Albers**

12 116. On or about November 2, 2015, Ruskin, in accordance with his rights under the
13 California Public Records Act, Cal. Govt. Code § 6250 et. seq., requested all records maintained by the
14 University of California pertaining to Dr. Denneal Jamison-McClung containing email correspondence
15 to or from any staff or employees of twenty-one organizations or persons, from January 1, 2013 to the
16 then present.

17 117. In the same November 2, 2015 letter, Ruskin requested all records maintained by the
18 University of California containing email correspondence between Jon Entine and Shannon Albers, from
19 January 1, 2013 to the then present.

20 118. Ruskin's request reasonably described the aforementioned records in the November 2,
21 2015 letter.

22 119. On November 9, 2015, McCuen sent an email to Ruskin to formally acknowledge
23 Ruskin's November 2, 2015 request for records related to Dr. Jamison-McClung and Ms. Shannon
24 Albers. In the email, McCuen estimated January 15, 2016 as the date for production of the records.

25 120. On November 9, 2015, McCuen sent an email to Ruskin with a question related to
26 narrowing the scope of the November 2, 2015 request as it pertained to records from Dr. Jamison-
27 McClung.

1 121. Ruskin replied to McCuen's email on November 9, 2015, and confirmed the narrowing of
2 the November 2, 2015 request to twenty-one specific domain names.

3 122. No records responsive to the November 2, 2015 request have been produced by
4 Defendant/Respondent to Ruskin.

5 123. On information and belief, Defendant/Respondent maintains, but has failed and refused
6 to produce a substantial number of records pertaining to Dr. Denneal Jamison-McClung that are
7 responsive to Ruskin's request.

8 124. On information and belief, Defendant/Respondent maintains, but has failed and refused
9 to produce a substantial number of records pertaining to Dr. Denneal Jamison-McClung and Ms.
10 Shannon Albers that are responsive to Ruskin's request.

11 **M. Records Pertaining to the funding of the World Food Center at the**
12 **University of California, Davis**

13 125. On or about February 5, 2016, Ruskin, in accordance with his rights under the California
14 Public Records Act, Cal. Govt. Code § 6250 et. seq., requested all documents, email correspondence,
15 and email attachments maintained by the University of California, Davis, Department of Accounting and
16 Financial Services regarding funding for the World Food Center at the University of California, Davis
17 from January 1, 2013 to the then present date.

18 126. Ruskin's request reasonably described the aforementioned records.

19 127. On February 15, 2016, McCuen sent an email to Ruskin to formally acknowledge receipt
20 of the February 5, 2016 California Public Records Act records request. McCuen estimated the date of
21 production of the records to Ruskin as "on or before May 1, 2015." (sic).

22 128. On July 13, 2016 and July 14, 2016, 78 pages of records in PDF format, one Excel
23 spreadsheet containing approximately 3 pages of records, and one Excel spreadsheet containing
24 approximately 1 page of records responsive to the February 5, 2016 request were produced by
25 Defendant/Respondent to Ruskin.

26 129. On information and belief, Defendant/Respondent maintains, but has failed and refused
27 to produce a substantial number of records pertaining to funding for the World Food Center at the
28 University of California, Davis that are responsive to Ruskin's request.

FIRST CAUSE OF ACTION

Writ of Mandate

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3 130. Plaintiff/Petitioner incorporates paragraphs 1 through 140, inclusive, as if fully set forth
4 herein.

5 131. The California Public Records Act, California Government Code § 6253(a) provides that
6 every person has a right to inspect any public record. Ruskin is a natural person.

7 132. The California Public Records Act, California Government Code § 6253(b), requires
8 each state agency, upon request for a copy of records “shall make the records promptly available to any
9 person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable.”

10 133. Section 6253 of the California Government Code requires: “[w]hen the agency dispatches
11 the determination, and if the agency determines that the request seeks disclosable public records, the
12 agency shall state the estimated date and time when the records will be made available.”

13 134. Defendant/Respondent has acknowledged that it possesses at least some records, under
14 the California Public Records Act, Cal. Govt. Code § 6250 et. seq., for each of Ruskin’s California
15 Public Records Act requests.

16 135. No records responsive to the November 2, 2015 request have been disclosed by
17 Defendant/Respondent.

18 136. Limited records responsive to the February 5, 2016 request have been disclosed by
19 Defendant/Respondent.

20 137. Defendant/Respondent has not given Ruskin written notice to extend the production
21 timeline of the records described in this petition and complaint.

22 138. Defendant/Respondent has not provided Ruskin written notice of an expected date when
23 the remaining undisclosed records described herein will be made available to him, in violation of the
24 California Public Records Act, California Government Code §6253.

25 139. Ruskin has exhausted all administrative remedies provided by Defendant/Respondent.

26 140. Ruskin is prepared to provide payment of fees covering the direct costs of duplication of
27 the records.

28 141. Defendant/Respondents have a ministerial duty to provide copies of the requested public

1 records “promptly”, as required by section 6253(b) of the California Government Code.
2 Defendant/Respondent has failed to produce the requested records “promptly”. Failure to do so is an
3 abuse of discretion.

4 142. Under the California Public Records Act, California Government Code §§ 6258 and
5 6259, Ruskin brings this proceeding for writ of mandate to compel Defendant/Respondent to make
6 available to Ruskin the remaining records he has requested, and to which he is entitled, within a
7 reasonable period of time.

8 **SECOND CAUSE OF ACTION**

9 **Declaratory Relief**

10 143. Plaintiff/Petitioner/Petitioner incorporates paragraphs 1 through 153, inclusive, as if fully
11 set forth herein.

12 144. Plaintiff/Petitioner/Petitioner contends that the documents requested are public records.
13 Defendant/Respondent/Respondent has refused to disclose public records requested by
14 Plaintiff/Petitioner/Petitioner’s Public Records Act requests. Therefore, Plaintiff/Petitioner/Petitioner is
15 entitled to an order declaring the records sought are subject to disclosure pursuant to the California
16 Public Records Act §§ 6258 and 6259.

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18 **PRAYER FOR RELIEF**

19
20 WHEREFORE, Ruskin prays for judgment and relief, as follows:

- 21
- 22 1. For judgment in favor of Ruskin and against Defendant/Respondent.
 - 23
 - 24 2. For a writ of mandate for Defendant/Respondent to comply with the California Public
25 Records Act by providing to Ruskin the aforementioned remaining public records requested as set forth
26 herein, no later than _____, or in the alternative, that this court issue an order to
27 Defendant/Respondent to disclose the public record or show cause why the aforementioned records are
28 not subject to disclosure.

1 3. For declaratory judgment in favor of Plaintiff/Petitioner that the records sought are
2 subject to disclosure pursuant to the California Public Records Act § 6250 et seq.

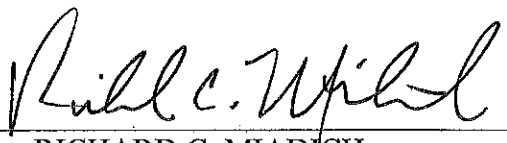
3
4 4. For costs of suit herein, including reasonable attorney's fees and costs as permitted under
5 Cal. Govt. Code § 6259.

6
7 5. For such other and further relief as the Court deems proper.

8
9 Dated: August 17, 2016

10 Respectfully submitted,

11 OLSON HAGEL & FISHBURN LLP

12
13 By: 


14 RICHARD C. MIADICH
15 Attorneys for Plaintiff/Petitioner
16 GARY RUSKIN

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VERIFICATION

I, GARY RUSKIN, verify under penalty of perjury of the laws of the state of California that the facts alleged in the foregoing complaint and petition are true and correct to the best of my information, knowledge and/or belief.

Dated: 8/16/16

BY: 

Gary Ruskin, Plaintiff/Petitioner