Public Records Requests in Tort Litigation: Get the records you need and get paid for doing it!

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Course Description: Public Records Requests in Tort Litigation: Get the records you need and get paid for doing it! A few years ago a trend developed by government agencies to refuse to release basic reports (such as traffic collision reports) to families who had lost loved ones in accidents. Some of these government entities held potential liability for said accidents. These records and/or related information are required to be disclosed under the Public Records Request ("PRR") Act. A discussion of how to submit PRR requests, how to enforce the PRR Act through a petition, trial related thereto, and recovery of fees. Finally, a discussion of fee rates related to Petitions to Enforce the PRR Act.

I. Introduction to Public Records Acts

a. All 50 states and the District of Columbia have freedom of information laws that govern the public's access to governmental records. These laws go by a variety of names – Sunshine Laws, Public Records Laws, Open Records Laws, and the like.

i. Freedom of Information Act – Federal law
1. Enacted in 1967
ii. Scope and strength varies between jurisdictions
1. Florida creates both a statutory and constitutional right to access
2. Other states create only a statutory right

b. Public Policy behind the laws
i. Justice Louis Brandeis famously observed, "sunlight is said to be the best of disinfectants," as "publicity is…a remedy for social and industrial diseases."
1. *Other People's Money,* from Writings by Louis Brandeis, collected by University of Louisville, https://louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/other-peoples-money-chapter-v
ii. Government transparency is central tenet of a functional democracy
1. Texas, in its Public Information Act, opens with recognition that "the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that the government is the servant and not the master of the people," thus entitling citizens "at all times to complete information about the affairs of government and the official acts of public officials and employees." Texas Govt. Code § 552.001(a)
iii. Potential to give citizens information to decide for whom to vote
iv. Improve bureaucratic performance
v. Bolster legitimacy of government

c. A number of studies have shown that state-level corruption is highly correlated with the likelihood that FOIA requests will be rejected.

i. Fisman & Yegen, "Measuring Government Openness Through Freedom of Information Requests", (November 2023) chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sites.bu.edu/fisman/files/2024/01/FY_FOIA_2023.pdf
    1. Based on study of federal prosecutions for illegal use of public office
        a. Campante, F. R. and Q.-A. Do (2014). Isolated capital cities, accountability, and corruption: Evidence from us states. The American Economic Review 104(8), 2456–81.

d. Actual practice varies from jurisdiction to jurisdiction. While a given jurisdiction may have a strong legislative mandate
    i. It may be negatively impacted by the actual practice of the governmental bodies in failing to comply
        1. Example – Federal FOIA
            a. Janet Reno – Issued memo that established a presumption in favor of disclosure
                i. "it shall be the policy of the Department of Justice to defend the assertion of a FOIA exemption only in those cases where the agency reasonably foresees that disclosure would be harmful to an interest protected by that exemption"
                ii. Encouraged all governmental agencies to review FOIA requests a manner most favorable to openness and release of information if there is no foreseeable harm from disclosure
            b. John Ashcroft – Issued a new policy memorandum on FOIA
                i. Declared DOJ would defend an agency's decision to withhold documents under one of the statute's exemptions "unless they lack a sound legal basis or present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records"
                    1. Essentially reversed the Reno standard
                        a. Agencies were told that in making discretionary FOIA decisions they should carefully consider the fundamental values behind the exemptions—national security, privacy, government's interests, etc.—and to lean in their favor whenever possible.
            c. Eric Holder rescinded the Ashcroft memo on March 14, 2009, and reinstated Reno standard

e. Response Times vary

i. 60% of state public records laws do not contain a specific provision with deadlines for production or denials
    a. Sanders & Steward, *Ghosted by Government*, Journal of Civic Information, Vol. 3, No. 3:1-13 (Oct 2021)
ii. A 2016 House committee report ("FOIA Is Broken") noted that delay was the biggest hurdle to effective transparency despite the act requiring decisions be made on FOIA requests w/n 20 days, with an extension up to 10 days for unusual circumstances (5 U.S.C. § 552(a)(6))
iii. Many state agencies simply don't reply
    1. For instance, a recent study showed it took an average of 145 days for Oregon agencies to respond
        a. Sanders & Steward, *Ghosted by Government*, Journal of Civic Information, Vol. 3, No. 3:1-13 (Oct 2021)
    2. Texas requires responses "promptly" and permits agencies to request an attorney general opinion about a given request w/n 10 business days of receipt. During the pandemic, the attorney general opined that "business days" did not include days when the office was physically closed – even if the government officials were working remotely
        a. *Houston Community College v. Hall Law Group*, 2021 Tex. App. LEXIS 4579, at *35 (Tex. Ct. App. Jun. 10, 2021).

f. Which governmental entities are covered varies from jurisdiction to jurisdiction
g. Persons entitled to access also varies from jurisdiction to jurisdiction
    i. Any citizen
        1. E.g., Alabama, Alaska, Arizona, California, Illinois, New York, and Texas
    ii. Citizens of the state or commonwealth
        1. E.g., Arkansas, Delaware, Missouri, New Jersey, and Virginia
    iii. Other formulations
        1. Kentucky
            a. "an individual residing in Kentucky, a domestic business with al location in Kentucky, etc."
        2. Pennsylvania
            a. Any legal resident of the United States
h. Exemptions vary
i. Fees vary
j. Penalties for non-compliance vary

II. Introduction to the California Public Records Act – A state-specific case study
a. California Public Records Request Act ("PRA") - *Gov. Code* §§6250 – 6260 recodified as §§7920.000 - 7931.000 on January 1, 2023
    i. "Sunlight is said to be the best of disinfectants." (Brandeis, Louis, *Other People's Money—and How the Bankers Use it*, (1913) Ch. V (What Publicity Can Do), pg.92.)

ii. Enacted in 1968 to safeguard the "accountability of government to the public, for secrecy is antithetical to a democratic system of "government of the people, by the people [and] for the people." (*San Gabriel Tribune v. Superior Court*, (1983) 143 CalApp.3d 762.)

iii. The PRA was adopted for the explicit purpose of increasing freedom of information by giving the public access to information in possession of public agencies. (*Roberts v. City of Palmdale*, (1993) 5 Cal.4th 363.)

iv. Evey person has a right to inspect any public record, except as hereafter provided. (Gov. Code §6253(a).)

v. The act permits reasonable access to the desired documents and to secure copies of specific documents subject to the imposition of reasonable restrictions on general requests for voluminous classes of materials. (*Rosenthal v. Hansen*, (1973) 34 Cal.App.3d 754.)

III. Public Policy

a. "In enacting this division, the Legislature, mindful of the rights of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (*Gov. Code* §7921.000.)

i. The broad, general public policy in favor of open government, express in former Gov. Code §6250, must be balanced against the broad, general public policy in favor of privacy expressed in Cal Const. Art 1, §1. (*Sanchez v. County of San Bernardino*, (2009) 176 Cal.App.4th 516.)

b. CPRA was modeled on the federal Freedom of Information Act ("FOIA"), enacted in 1967, and thus the CPRA can draw on its federal counterpart, the FOIA, for judicial construction and legislative history. (*South Coast Newspapers, Inc. v. City of Oceanside*, (Cal. Appp.4th Dist. 1984), 160 Cal.App.3d 261.)

i. A court may look to the FOIA's legislative history and judicial construction as an aid in interpreting the state act. (*State Bd. Of Equalization v. Superior Court*, (1992) 10 Cal.App.4th 1177.)

c. Grounds to deny disclosure of information, sought under the CPRA, must be found, if at all, among the specific exceptions to the general policy that are enumerated in the act. The general policy of disclosure reflected in the act can only be accomplished by narrow construction of the statutory exemptions. (*Citizens for a Better Environment v. Department of Food & Agriculture*, (1985) 171 Cal.App.3d 704.)

IV. Brief Explanation of Rights

a. If a record is a public record, all persons have access thereto under the PRA. (*Los Angeles Police Dept. v. Superior Court*, (1977) 65 Cal.App.3d 661.)

b. PRA favors disclosure and support for a refusal to disclose information must be found, it at all, among the specific exceptions to the general policy that are enumerated in the Act. (*Cook v. Craig*, (1976) 55 Cal.App.3d 773.)

c. Public Agency

i. CPRA applied to a private entity that operated an immigration detection facility, even though the operator was not a direct party to a contract with a city but rather contracted with the owner, which contracted with the city.

Under *CC* §1670.9, the CPRA applies to immigration detention facilities on a facility-wide basis rather than an entity-specific basis. (*Von Herrmann v. Superior Court*, (2022) 75 Cal.App.5th 535.)

V. Procedure

a. Petition-

i. *Verified Petition to the Superior Court in order to enforce the PRA. (Gov. Code* §7923.100.)

i. Some case law indicates a petition for writ must be filed w/in 60 days of denial. (*Volkswagen on America, Inc.*, (2001) 94 Cal.App.4th 695, 601.)

ii. *Judge Decision (Gov. Code* §7923.105.) Considers papers filed by the parties, oral argument, any additional evidence, and in camera, if permitted by Evid. Code 915(b).

i. If public official's decision to refuse disclosure was justified, then the court shall return the record to the public official without disclosing its content, together with an order supporting the decision refusing disclosure. (*Gov. Code* §7923.110(b).)

ii. If public official's decision to refuse disclosure is not justified, then the court shall order the public official to make the record public. (Gov. Code 7923.110(a).)

iii. *Attorney Fees. (Gov. Code* §7923.115(a).)

i. (a) If the requester prevails in litigation filed pursuant to this chapter, the court shall award court costs and reasonable attorney's fees to the requester. The costs and fees shall be paid by the public agency and shall not become a personal liability of the public official involved.

ii. (b) If the court finds that a requester's case pursuant to this chapter is clearly frivolous, the court shall award court costs and reasonable attorney's fees to the public agency.

iii. Multiplier –

a. Such as due to handling it on a contingent bases or withstanding significant delay. (*Bernardi v. County of Monterey* (2008) 167 Cal.App.4th 1379, 1399.)

iv. Venue- City of AG's office (CA – LA, SF, Sacramento, Oakland, & SD)

i. *Code of Civ. Proc.*, §401(1) Whenever it is provided by any law of this State that an action or proceeding against the State or a department, institution, board, commission, bureau, officer or other agency thereof shall or may be commenced in, tried in, or removed to the County of Sacramento, the same may be commenced and tried in any city or city and county of this State in which the Attorney General has an office.

ii. *LA*

a. *3 different CPRA judges in LA & this is all they do.*

v. Burden of Proof

i. The burden is on the party arguing for nondisclosure. (*Rogers v. Superior Court*, (1993) 19 Cal.App.4th 469, 476.) The burden is on the public agency to show that the records should not be disclosed. (*Ibid*.;

S*acramento County Employees Retirement System v. Superior Court*, (2013) 195 Cal.App.4th 440, 453 [the exemptions must be narrowly construed, and the agency bears the burden to show that a particular public record is exempt].)

ii. Any ambiguities in the CPRA must be interpreted in a way that maximizes the public's access to information unless the Legislature has expressly provided otherwise. (*Sierra Club v. Superior Court of Orange County*, (2013) 57 Cal.4th 157, 175-176.)

b. Question of Fact – Whether a disclosure of public records is warranted or unwarranted under the PRA is a question of fact for the trial court to determine by looking at the attendant circumstances. In order to find an abuse of discretion, it is necessary to find that the decision was not supported by substantial evidence. (*Braun v. City of Taft*, (1984) 154 Cal.App.3d 332.)

i. Discovery is permitted.

i. "Detailed Factual Basis" → forego discovery

ii. Must proof the exemption applies with admissible evidence at time of the hearing, i.e. via declarations signed by witnesses etc.

c. "Segregable" – Where nonexempt materials are not inextricably intertwined with exempt materials and are otherwise reasonably segregable therefrom, segregation is required to serve the objective of the PRA to make public records available for public inspection and copying unless a particular statute makes them exempt. (*Northern Cal. Police Practices Project v. Craig*, (1979) 90 Cal.App.3d 116.)

VI. Exceptions

a. CPRA reflects a general policy of disclosure of public records and information subject to narrowly drawn statutory exemptions.

i. The general policy of disclosure reflected in the act can only be accomplished by narrow construction of the statutory exemptions. (*Fairley v. Superior Court*, (1998) 66 Cal.App.4th 1414.)

ii. Narrow Construction of Exemptions. (*South Coast Newspapers, Inc. v. City of Oceanside*, (1984) 160 Cal.App.3d 261.)

iii. Motive is Irrelevant

i. Requesting public records as discovery for use in personal-injury litigation was not relevant in determining, for purposes of an award of attorney fees, whether the request for clearly frivolous; unless a petitioner submits a request for an improper purpose (such as harassment or delay), the motive is essentially irrelevant. (*Bertoli v. City of Sebastopo*l, (2015) 233 Cal.App. 4th 353 modified.)

b. "Pending Litigation" (*Gov. Code* §6254(b).)

i. "Pending Litigation", which focuses on the purpose of the document, serves to protect documents created by a public entity for its own use in anticipation of litigation, which documents it reasonably has an interest in keeping to itself until litigation is finalized. In this way a litigant opposing a public entity is prevented from taking unfair advantage of the public agency status of his or

her opponent. Through this exemption, a public entity may refuse to disclose documents which it prepares for use in litigation. There appears to be no grave danger in allowing a litigant or potential litigant to obtain documents from a public agency through the CPRA, rather than awaiting to file suit and obtain the document through formal discovery. In fact, to the extent that settlement of disputes may be aided by prompt access to documents, it would be better. (*Fairley v. Superior Court*, (1998) 66 Cal.App.4th 1414.)

ii. Ex. Invoices related to pending or ongoing litigation are privileged and are not subject to disclosure under the PRA. Thus, insofar as the superior court ordered a county to disclose invoices from it outside attorneys that related to pending matters, it erred. (*County of Los Angeles Bd. Of Supervisors v. Superior Cour*t, (2017) 12 Cal.App.4th 1264.)

c. *Record of Investigation or Investigatory Files (Gov. Code* §7923.600.)

i. *Gov. Code* §7923.600 (a)

i. Except as provided in Sections 7924.510, 7924.700, and 7929.610, this division does ***not*** require the disclosure of ***records of*** complaints to, or ***investigations*** conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any ***investigatory*** or security ***files*** compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

ii. *Gov. Code* §7923.605 (a) – The Exception to the Exemption of 7923.600(a)

i. (a) Notwithstanding Section 7923.600, a state or local law enforcement agency shall disclose the *names and addresses of persons involved in*, or *witnesses* other than confidential informants to, the incident, the *description of any property involved*, the *date*, *time*, and *location* of the incident, all *diagrams*, *statements of the parties* involved in the incident, the statements of all *witnesses*, other than confidential informants, *to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made*, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger either of the following:

a. (1) The safety of a witness or other person involved in the investigation.
b. (2) The successful completion of the investigation or a related investigation.

ii. (b) However, this article does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

iii. Records of Investigation

a. Animating Concern: confidential choices.

d. *Ongoing Investigation (Gov. Code* §7923.615.)

i. (a)(1) A state of local law enforcement agency shall make public the information described in (2), except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the *successful completion of the investigation* or a related investigation.

ii. (a)(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, paragraph (1) applies to the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes *alleged or committed or any other incident investigated is recorded:*

i. (A) The time, date, and location of occurrence.

ii. (B) The time and date of the report.

iii. (C) The name and age of the victim.

iv. (D) The factual circumstances surrounding the crime or incident.

v. *(E) A general description of any injuries, property, or weapons involved*.

iii. (b)(1) The name of a victim of any crime [] may be withheld at the victim's request.

e. "Video or Audio Recording of Critical Incident" *(Gov. Code* §7923.625.)

i. (a) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident [defined in (e) (1)-(2) as one involving the discharge of a firearm at a person, or use of force resulting in death or great bodily injury, by a peace office or custodial officer] may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident.

i. Can delay disclosure, if can demonstrate it would substantially interfere with investigation.

ii. After 1 yr, the agency delay disclosure only if it demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation.

f. "Catch All" Provision (*Gov. Code* §7922.000.)

i. *Gov. Code* § 7922.000 is a catchall provision that exempts from disclosure any records if "on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."

g. "Deliberative Process Privilege"

i. The Deliberative Process Privilege protects materials reflecting deliberative or decision making processes. The key question in every case is whether the disclosure of materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions. (*Wilson v. Superior Court*, (1996) 51 Cal.App.4th 1136.)

ii. Ex. This doctrine was created by the California Supreme Court in 1991, in a case involving a request for the calendars of then-Governor Deukmejian, and has since been applied in other contexts, including records of phone calls by city council members, and records regarding applications to the Government for appointment to fill vacancies on county boards of supervisors

VII. <u>Case Studies</u>

a. *Infanger v. Ca State Parks (LASC Case No. 20STCP00332)*

i. Facts:

i. State Park Ranger ran over our client's son on Pacific Coast Highway, and the State Parks Department refused to give us their "incident report", maintaining that the father was not an "authorized representative of his son / son's estate". We provided signed statements from the father and mother stating he was the authorized representative, and that his son was not married and had no children at the time of his passing.

ii. Claimed Exemptions:

i. *Investigatory Files* – qualified privilege by which public files become exempt as 'investigatory material' only applies if the prospect of law enforcement proceedings is "concrete and definite". (*Uribe v. Howie*, (1971) 19 Cal.App.3d 194, 212-213.)

a. State Parks argued no crime had been committed, therefore this exemption did not apply.

b. In addition, the Public Safety Report / was no 'compiled' for 'correctional, law enforcement, or licensing purposes." In that regard, it could not have, because it could not have investigated itself for "law enforcement purposes", i.e. conflict of interest. (Law enforcement means enforcement of penal statutes.)

c. Simply placing a record in a file labelled "investigatory file" is not enough. (*Uribe, supra*.)

i. Register, 158 Cal.App.3d 893 [Sheriff report investigating non-criminal civil case was not exempt bc it was conducting at request of County's risk management office primarily for purpose of ascertaining facts, not for 'correctional, law enforcement o licensing purposes].

ii. Records of Investigation

a. State Parks did not conduct the investigation, instead, the Newport Beach Police did.

b. While some 'routine' and 'everyday' matters are included in the ambit of 'investigations' within 6254(f), the records of investigation exemption under 6254(f) encompasses only those investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred. If a violation or potential violation is detected, the exemption also extends to records of investigations conducted for the purpose of uncovering information surrounding the commission of the

violation and its agency. (*American Civil Liberties Union Foundation*, (2017) 3 Cal.4th 1032, 1040.)

i. Whether a violation of law was not for it State parks to determine.
    1. Arriving at scene and documenting what happened was not an investigation.
ii. Exception to the Exemption. Victims of an incident or an Authorized Representative thereof, and an insurance carrier against which a claim has been made.
    1. If Insurance company is entitled to this insurance → so is his family.
    2. Authorized Representative. (see below)

Argument:

Finally, *it is very important that this Court realize the public policy implications of this matter.* Brad Infanger was essentially homeless, penniless and suffered from mental illness, including schizophrenia. He was one of the most vulnerable people in our society. He left no surviving spouse, no children, and no issue. He left no will and no significant assets. No probate estate will be opened for him, because there is nothing to probate. Yet Respondent would have this Court impose upon decedent's father, the closest person to Brad and the only person who would care to understand the circumstances of his death, the burden of filing a formal petition to open probate in order to obtain official letters of administration stating he is a personal representative. That process would include hiring a probate lawyer, paying probate filing fees ($435), incurring probate publication fees ($450), posting of a probate bond, and incurring other fees and costs. It would take months and cost thousands of dollars. Only then, once a probate court has officially issued letters of administration for an estate with literally no assets, would Respondent concede that Mr. Infanger is his deceased son's authorized representative and that it has to produce its *Public Safety* Report. In contrast, Mr. Infanger's CPRA request to Respondent must be responded to within 10 days and costs $5 to cover copy costs. (*Gov. Code* §6253(c); AR 6¶4.) It is respectfully submitted that heaping all these expenses, delays, and requirements on Mr. Infanger serves absolutely no purpose and would be bad public policy, as it would effectively keep Brad vulnerable even in death.

This public policy concern is heightened when a governmental entity is involved in the death of someone like Brad. This is because if Brad, his estate, or heirs have a claim for wrongful death or survival, they must file a governmental tort claim form within six (6) months of the accident or be barred from later filing a lawsuit. (*Gov. Code* §911.2, 910.) Thus, the governmental entity has *every* incentive to delay and deny Brad's authorized representative from obtaining the requested CPRA records, particularly if they illustrate liability. Requiring the vulnerable decedent's representative to spend thousands of dollars and months opening a probate for an estate which has no assets, just to figure out what happened to said vulnerable person, is just bad public policy.

Court Ruling:

Because the CPRA must be broadly construed to maximize the public's access to information, the court finds that the term "authorized representative" is reasonably interpreted to include the parents of a decedent that dies intestate during an incident subject to section 6254(f) and where there are no surviving spouse or issue. (See Prob. Code § 6402(a), (b).) Furthermore, in light of the purpose of the CPRA, the result should be the same regardless of whether or not the decedent has sufficient assets to open a probate estate. (See Reply 9-10.)

iii. Attorney rate: $450/ hr

b. *Carol Spann v. California Highway Patrol*

i. Facts:

i. Petitioner's son's body was found next to the lanes of traffic on a freeway, underneath a freeway pass. The CHP would not release the Traffic Collision Report to her. She just wanted to know what happened to her son. He had mental health issues and could have committed suicide, but also could have been pushed over the bridge by homeless in the area, or could have been walking on the side of the freeway and been hit.

Court Ruling:

The court does not have to agree with Spann's logic to agree that she is covered by the section 6254(f)exception to the exemption. Spann may not be a victim as defined in Penal Code section 679.01or Govt. Codesection 13951, but her son is a victim within the scope of section6254(f). Section 6254(f) states that the pertinent information must be disclosed to "the victims of an incident", not to the "victims of a crime." There is little doubt that Freightman is the victim of an incident, even though it may have been an incident of his deliberate making (i.e., suicide). CHP refers to Thomas' report as an "Incident Report" (AR 93), and the Dispatch Log uses the word "incident" to describe the situation numerous times. AR 31-43. The CPRA does not define the term "victim" and ambiguities must be interpreted in a way that maximizes the public's access to information. Sierra Club, supra, 57 Cal.4th at 175–76. The only reasonable interpretation of "victim" as used in section 6254(f) is to include those whose death may result in a wrongful death claim under CCP section377.60 even if they are not the victim of a crime.

As Spann argues, this interpretation is consistent with section 6254(f)'s language permitting an insurance carrier against which a claim might be made to obtain the pertinent information. If Spann filed or even threatened a wrongful death lawsuit, then any relevant insurance company would be entitled to such a report. It seems obvious that where aninsurance company would be entitled to a report, the person making the claim should also be entitled to it. Thus, section6254(f) must be interpreted to include a person making a wrongful death claim after a suicide as the authorized representative of a victim. See Reply at 9.

Spann is correct that public policy supports this interpretation. Reply at 9-10. The CPRA exemption in section6254(f) should not be interpreted to prevent his mother and authorized representative from access to information about his death. Doing so would elevate non-disclosure interests above the clear public interest in providing parents with as much information as possible about their child's death. Further, there is no harm to releasing this information to Spann.

In sum, there is a "strong public policy in favor of disclosure of public records" and exemptions are construed narrowly. The court interprets section 6254(f)'s exception to include Freightman as a victim and Spann as his authorized representative. Spann is entitled to disclosure of the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants. There are no confidential informants and Spann acknowledges that she has received everything except the names and addresses of witnesses and their witness statements. Reply at 8. She is entitled to this information.

ii. $650/ hour

c. *Carolyn Hunter v. LAPD*
    i. Petitioner's daughter was released from prison and later that day / evening found outside a metro station, having overdosed on drugs. However, Petitioner, the mother, felt things were not as they seemed and that the Metro videos should be provided. She feared her daughter had been the victim of an attack in which someone had stuck her with a needle.
    ii. We obtained the videos and related the contents to the client. The LAPD ended up paying
    iii. Attorney rate: $850/hour

d. *Carolyn Hunter v. LA MTA*
    i. Similar as above.

e. Molina v. LAPD
    i. Petitioner's father was the victim of a hit and run on a street in LA at night. LAPD's bureaucracy kept it from timely producing a Traffic Collision Report. We filed suit and obtained the TCR.
    ii. By this time, counsel was very familiar with our office and just tendered the TCR. Both sides were able to minimize attorney fees.
    iii. Attorney rate: $850/hour