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12 ISAIAS CERVANTES, by and through his  
13 legal conservator ROSA PADILLA

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF LOS ANGELES**

17 ISAIAS CERVANTES, by and through his )  
18 legal conservator ROSA PADILLA, )

19 Petitioner, )

20 v. )

21 COUNTY OF LOS ANGELES, a legal )  
22 subdivision of the State of California; and )  
23 DOES 1-10, inclusive. )

24 Respondents. )  
25 )  
26 )  
27 )  
28 )

**CASE NO.: 21STCP01515**

**VERIFIED PETITION FOR WRIT  
OF MANDATE, AND COMPLAINT  
FOR PRELIMINARY AND  
PERMANENT INJUNCTION AND  
DECLARATORY RELIEF FOR  
VIOLATIONS OF THE PUBLIC  
RECORDS ACT (CAL.  
GOVERNMENT §6250, ET SEQ.)**

1  
2 **INTRODUCTION**

3 1. This action brought pursuant to the California Public Records Act (Gov. Code  
4 § 6250 et seq.) (hereinafter sometimes “CPRA”) by **Petitioner ISAIAS CERVANTES, by**  
5 **and through his legal conservator ROSA PADILLA, who challenges the failure of**  
6 **Respondent COUNTY OF LOS ANGELES (hereinafter sometimes “COUNTY”) to legally**  
7 **comply with the requirements of the California Constitution and the California State record**  
8 **retention and disclosure laws.**

9 2. Local agencies are mandated by California law to retain public records and  
10 disclose them upon request, permitting the public “access to information concerning the  
11 conduct of the people’s business [which] is a fundamental and necessary right of every  
12 person in this state.” (Gov. Code §§ 6200 et seq.; 6250 et seq.; and 34090 et seq.) These  
13 laws facilitate efficient and transparent governance by ensuring that local government  
14 officials, staff, and the public at-large have a fuller understanding of public agencies’  
15 actions to better guide decision-making.

16 3. By this petition and pursuant to Code of Civil Procedure §§ 1085, et seq. and  
17 Government Code §§ 6250, et seq., Petitioner ISAIAS CERVANTES specifically requests  
18 a writ of mandate be issued to enforce the California Public Records Act against the County  
19 of Los Angeles and the Los Angeles Sheriff’s Department. **The basis of this petition is**  
20 **pursuant to a public records act request which has been ignored. On April 4, 2021, Petitioner**  
21 **ISAIAS CERVANTES submitted a request for records concerning Los Angeles County**  
22 **Sheriff’s Department’s (hereinafter sometimes “LASD”) March 31, 2021, shooting of**  
23 **ISAIAS CERVANTES. To date, zero records have been disclosed to Petitioner, including**  
24 **failing to disclose the names of the two (2) deputies personally involved in shooting ISAIAS**  
25 **CERVANTES. Respondent refused to release several categories of requested records.**  
26 Respondent has violated its legal obligations under the California Constitution and  
27 California Government Code. Petitioner ISAIAS CERVANTES therefore asks this Court  
28 for a writ of mandate to command the Los Angeles County Sheriff’s Department’s to

1 comply with the CPRA, together with relief for the causes of action of declaratory relief  
2 and injunctive relief.

3 **PARTIES**

4 4. Petitioner ISAIAS CERVANTES is a 25-year-old special needs,  
5 intellectually disabled adult, with the relative maturity of a 6-year-old. ISAIAS  
6 CERVANTES weighed 130 to 140 pounds at the time of the shooting. Petitioner is also  
7 deaf, has OCD, and is autistic. ISAIAS CERVANTES was at all relevant times a resident  
8 of Los Angeles County, California. ISAIAS CERVANTES, pursuant to California Code of  
9 Civil Procedure Section 372m, brings this petition by and through his court appointed  
10 conservator and mother, ROSA PADILLA.

11 5. Respondent County of Los Angeles is a local public agency within the  
12 meaning of Government Code § 6252(d). The Los Angeles County Sheriff's Department is  
13 a department of the County. The two deputies who were involved in shooting Petitioner are  
14 employees of the County of Los Angeles. At all times relevant the deputies who used force  
15 on petitioner were acting under color of law as sheriff deputies for the County of Los  
16 Angeles.

17 6. Respondents Does 1-10 are sued under fictitious names. Their true names and  
18 capacities are unknown to Petitioner. When their true names and capacities are ascertained,  
19 Petitioner will amend this petition to assert them. Petitioner is informed and believes that  
20 each of the fictitiously named respondents is responsible in some manner for the  
21 occurrences herein alleged, and that the damages as herein alleged were proximately caused  
22 by their conduct.

23 **JURISDICTION & VENUE**

24 7. This court has jurisdiction under Government Code §§ 6258, 6259, Code of  
25 Civil Procedure §§ 525, 1060, and 1085, and Article VI, section I of the California  
26 Constitution.

27 8. Venue is proper in this Court. The records in question, or some portion of  
28 them, are situated in the County of Los Angeles. Gov't Code § 6259; Code Civ. Pro. § 40 I

1 (I). Also, Respondents reside in, and the acts and omissions complained of herein occurred  
2 in, Los Angeles County. See Code Civ. Pro. §§ 393, 394(a).

3 9. Petitioner has performed all conditions precedent to filing the instant action  
4 and has exhausted all available administrative remedies to the extent required by law.

5 10. Petitioner has no plain, speedy and adequate remedy in the ordinary course of  
6 the law unless this Court grants the requested Writ of Mandate declaring COUNTY has  
7 violated the law through its failure to comply with the CPRA and enjoining COUNTY from  
8 further refusing to perform its legal, ministerial duty to provide public records to Petitioner.

9 **FACTS**

10 11. On March 31, 2021, in response to a call for assistance made by his sister,  
11 two (2) Los Angeles County Sheriff’s deputies arrived to Petitioner ISAIAS CERVANTES’  
12 home. After being told by both dispatch and Petitioner’s mother, ROSA PADILLA, that  
13 Petitioner was and is intellectually disabled, has OCD and is fearful of the deputies, the two  
14 (2) deputies entered the home where Petitioner was sitting quietly alone on the living room  
15 couch. Petitioner was not committing a crime or otherwise engaged in unlawful conduct.  
16 Both deputies abruptly initiated physical force on Petitioner’s person and violently threw  
17 Petitioner down to the floor. One (1) of the deputies began choking Petitioner ISAIAS  
18 CERVANTES, while the other deputy drew his semi-automatic firearm and used lethal,  
19 deadly force on Petitioner – shooting Petitioner in the back while he was on the ground  
20 facing away from the deputies. As a consequence of the deputies’ unlawful use of deadly  
21 force, Petitioner ISAIAS CERVANTES suffered catastrophic injuries to his spine and  
22 lungs. The high-caliber bullet paralyzed Petitioner ISAIAS CERVANTES from the mid-  
23 chest and below.

24 12. As a result of the shooting on March 31, 2021, on April 4, 2021, Petitioner  
25 ISAIAS CERVANTES submitted a Public Records Act Request under California  
26 Government Code § 6250 et seq. to Respondent LASD (the “PRAR”). A copy of the PRAR  
27 is attached to this petition as Exhibit 1. The relevant records sought are as follows:

28 A. “[C]opies of any non-privileged investigation or incident reports that were

1 generated as a result of the above referenced individuals, Rosa Padilla,  
2 individually, and as legal conservator to Isaias Cervantes, and Yajaira  
3 Cervantes.”;

4 B. “[T]he names of any and all County of Los Angeles personnel that were  
5 directly involved in the shooting of Isaias Cervantes. This request is being  
6 made pursuant to Section 6250, et. seq., of the California Government Code  
7 and California leading case precedent. Please see *Long Beach Police Officers*  
8 *Association v. City of Long Beach*. 203 (2012) Cal.App.4th 292 (2012), 136  
9 Cal. Rptr. 3d 868;

10 C. “[C]opies of the following documents identified below:

11 i. The footage of the body worn video cameras the involved deputies  
12 were using at the time of the shooting.

13 ii. All witness Statements.

14 iii. Audio Tapes of Radio Communications Related to the Above-  
15 described Incident.

16 iv. Audio Tapes of Witness Interviews.

17 v. Any other video recordings capturing the incident in any manner,  
18 including, but not limited to, cell phone videos and surveillance videos.

19 D. “. . . the following peace officer or custodial officer personnel records and  
20 records maintained by any state or local agency shall not be confidential and  
21 shall be made available for public inspection pursuant to the California Public  
22 Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
23 Title 1 of the Government Code):

24 i. (A) A record relating to the report, investigation, or findings of any of  
25 the following:

26 1. (i) An incident involving the discharge of a firearm at a person  
27 by a peace officer or custodial officer.

28 2. (ii) An incident in which the use of force by a peace officer or

1                   custodial officer against a person resulted in death, or in great  
2                   bodily injury.

3                   ii. (B) (i) Any record relating to an incident in which a sustained finding  
4                   was made by any law enforcement agency or oversight agency that a  
5                   peace officer or custodial officer engaged in sexual assault involving a  
6                   member of the public.”

7                   13.     On April 6, 2021, Respondent COUNTY issued a boilerplate extension letter  
8                   to Petitioner’s April 4, 2021, PRAR.

9                   14.     On April 13, 2021, again, Respondent COUNTY issued a second boilerplate  
10                  extension letter which mirrored the April 6, 2021 letter, alleging in pertinent part that  
11                  “”[a]lthough the Sheriff’s Department is obligated to respond within 10 days of receipt of  
12                  the request, this time limit is subject to an extension of up to fourteen (14) days under the  
13                  following circumstances as defined in Government Code§ 6253(c)( 1 ). The need to search  
14                  for, and collect, the requested records from field facilities or other establishments that are  
15                  separate from the office processing the request, and the need to appropriately examine  
16                  potentially voluminous amounts of records.” The April 13, 2021 extension letter is attached  
17                  to this petition as Exhibit 2.

18                  15.     On April 13, 2021, counsel for Petitioner responded to the April 6, 2021 and  
19                  April 13, 2021 “extension letters” stating that “the letter[s] makes zero mention of the  
20                  request made to “identify the names of any and all County of Los Angeles personnel that  
21                  were directly involved in the shooting of Isaias Cervantes. This request is being made  
22                  pursuant to Section 6250, et. seq., of the California Government Code and California  
23                  leading case precedent. Please see *Long Beach Police Officers Association v. City of Long*  
24                  *Beach*. 203 Cal. App. 4th 292 (2012), 136 Cal. Rptr. 3d 868, in the April 4, 2021, Public  
25                  Records Act Request.” Government Code section 6253(c) is clearly inapplicable to the  
26                  identity of the names of any and all County of Los Angeles personnel who were directly  
27                  involved in shooting Isaias Cervantes. Accordingly, we anticipate a response to such request  
28                  on or before April 15, 2021.” Petitioner’s letter further stated that “[t]his letter is made

1 without waiver of any known and unknown rights. This letter does not respond to Los  
2 Angeles County Sheriff's Department use of Government Code section 6253(c) for all  
3 records, only to the identity of the involved deputies" in order to reserve any rights relative  
4 to the information requested in addition to the names of the involved deputies. Counsel's  
5 April 13, 2021 letter for Petitioner is attached hereto as Exhibit 4.

6 16. On April 21, 2021, LASD released a critical incident report video which  
7 provided the public with information for the first time relative to the March 31, 2021  
8 shooting. The April 21, 2021 critical incident report video included only portions of the  
9 body worn videos capturing the March 31, 2021 shooting.

10 **THE CALIFORNIA PUBLIC RECORDS ACT REQUEST**

11 17. Under the California Public Records Act, Government Code § 6250 et seq.,  
12 all records that are prepared, owned, used, or retained by any public agency, and that are  
13 not subject to the CPRA's statutory exemptions to disclosure must be made publicly  
14 available for inspection and copying upon request. Gov. Code § 6253.

15 18. The CPRA mandates COUNTY

- 16 A. Search for all responsive public records within 10 days of receipt of a CPRA  
17 request and determine whether a CPRA request "seeks copies of disclosable  
18 records in the possession of the agency and... promptly notify the person  
19 making the request of the determination and the reasons therefor" pursuant to  
20 Government Code § 6253(c);
- 21 B. "[S]tate the estimated date and time when the records will be made available"  
22 pursuant to Government Code § 6253(c);
- 23 C. "Make the records promptly available" pursuant to Government Code §  
24 6253(b);
- 25 D. Neither "delay or obstruct the inspection or copying of public records";
- 26 E. "[J]ustify withholding any record by demonstrating that the record in question  
27 is exempt under express provisions of [the CPRA] or that on the facts of the  
28 particular case the public interest served by not disclosing the record clearly

1           outweighs the public interest served by disclosure of the record,” though no  
2           justification exists for obstructing or delaying the release of such records  
3           pursuant to Government Code section 6255(a).

4           19.    In enacting the CPRA, the legislature recognized that a requester, having no  
5           access to agency files, may be unable to precisely identify the documents sought. Thus,  
6           writings may be described by their content. The agency must then determine whether it has  
7           such writings under its control and the applicability of any exemption. An agency is thus  
8           obliged to search for records based on criteria set forth in the search request. *California*  
9           *First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); see  
10          Gov't Code § 6253(b).

11          20.    The CPRA also requires the government to "assist the member of the public  
12          make a focused and effective request that reasonably describes an identifiable record or  
13          records" by taking steps to "[a]ssist the member of the public to identify records and  
14          information that are responsive to the request or to the purpose of the request, if stated. *Id.*  
15          § 6253. 1 (a). An agency that receives a request must also "[p]rovide suggestions for  
16          overcoming any practical basis for denying access to the records or information sought."  
17          *Id.*

18          21.    Whenever it is made to appear by verified petition to the superior court of the  
19          county where the records or some part thereof are situated that certain public records are  
20          being improperly withheld from a member of the public, the court shall order the officer or  
21          person charged with withholding the records to disclose the public record or show cause  
22          why he or she should not do so. The court shall decide the case after examining the record  
23          *in camera* (if permitted by the Evidence Code), papers filed by the parties and any oral  
24          argument and additional evidence as the court may allow. *Id.* § 6259(a). However, in-  
25          camera hearing is not always necessary to resolve the weighing process required by section  
26          6255. *California First Amend. Coal. v. Superior Ct.*, 67 Cal. App. 4th 159, 174 (1998).

27          22.    To ensure that access to the public's information is not delayed or obstructed,  
28          the CPRA requires that "[t]he times for responsive pleadings and for hearings in these



1 proceedings shall be set by the judge of the court with the object of securing a decision as  
2 to these matters at the earliest possible time." Gov't Code § 6258. If the Court finds that the  
3 failure to disclose is not justified, it shall order the Public official to make the record public.  
4 *Id.* § 6259(b).

5 23. The California Constitution provides an additional, independent right of  
6 access to government records: "The people have the right of access to information  
7 concerning the conduct of the people's business, and, therefore, the meetings of public  
8 bodies and the writings of public officials and agencies shall be open to public scrutiny."  
9 Cal. Const., Art. 1 § 3(b)(1). This provision was adopted by the voters in 2004 because, as  
10 the ballot argument supporting the measure put it, when Californians asked questions of  
11 their government they increasingly found out "that answers are hard to get." The  
12 constitutional provision is intended to reverse that trend.

13 24. Indeed, effective January 1, 2019, a new California law dramatically altered  
14 the ability of the public (and the press) to obtain previously highly confidential police  
15 personnel records. Senate Bill 1421 amended Penal Code section 832.7 to broadly allow  
16 the release of records relating to officer use-of-force incidents, sexual assault and acts of  
17 dishonesty. Previously, such records were only available through a *Pitchess* motion and  
18 private review by a judge or arbitrator.

19 25. SB 1421 amended Government Code section 832.7 to generally require the  
20 disclosure of records and information under the California Public Records Act (Government  
21 Code section 6250, et seq.) concerning the following types of incidents and investigations:

- 22 A. Records relating to the report, investigation or findings of an incident  
23 involving the discharge of a firearm at a person by a peace officer or a  
24 custodial officer;
- 25 B. Records relating to the report, investigation or findings of an incident in which  
26 the use of force by a peace officer or a custodial officer against a person  
27 results in death or great bodily injury.
- 28 C. Records relating to an incident in which a sustained finding was made by any

1 law enforcement agency or oversight agency that a peace officer or custodial  
2 officer engaged in sexual assault involving a member of the public. “Sexual  
3 assault” under Section 832.7 includes the commission or attempted initiation  
4 of a sexual act with a member of the public by means of force, threat,  
5 coercion, extortion, offer of leniency or any other official favor, or under the  
6 color of authority. For purposes of this definition, the propositioning for or  
7 commission of any sexual act while on duty is considered a sexual assault.

8 D. Records relating to an incident in which a sustained finding was made by any  
9 law enforcement agency or oversight agency of dishonesty by a peace officer  
10 or custodial officer directly relating to the reporting, investigation, or  
11 prosecution of a crime, or directly relating to the reporting of, or investigation  
12 of misconduct by, another peace officer or custodial officer, including but not  
13 limited to, any sustained finding of perjury, false statements, filing false  
14 reports, destruction of evidence or falsifying or concealing of evidence.<sup>1</sup>

15 26. In addition, another bill, Assembly Bill 748, went into effect on July 1, 2019.  
16 As with SB 1421, AB 748 contains new disclosure provisions broadly allowing audio and  
17 video recordings of “critical incidents” to be released to the public. Most of the documents  
18 under these categories would have previously fallen within the definition of peace officer  
19 personnel records under Penal Code section 832.8, and therefore, been protected from a  
20 Public Records Act disclosure by the Pitchess statutory scheme. However, the amended  
21 Penal Code section 832.7 provides that, where applicable, records to be released shall  
22 include: all investigative reports, photographic, audio, and video evidence; transcripts or  
23 recordings of interviews; autopsy reports; all materials compiled and presented for review  
24 to the district attorney or to any person or body charged with determining whether to file  
25 criminal charges against an officer in connection with an incident, or whether the officer’s  
26 action was consistent with law and agency policy for purposes of discipline or

27 \_\_\_\_\_  
28 <sup>1</sup> (Penal Code 832.7(b).)

1 administrative action, or what discipline to impose or corrective action to take; documents  
2 setting forth findings or recommended findings; and copies of disciplinary records relating  
3 to the incident, including any letters of intent to impose discipline, any documents reflecting  
4 modifications of discipline due to the *Skelly* or grievance process, and letters indicating final  
5 imposition of discipline or other documentation reflecting implementation of corrective  
6 action.”<sup>2</sup>

7 **THE LOS ANGELES COUNTY SHERIFF’S DEPARTMENT’S PATTERN OF**  
8 **WILLFULLY VIOLATING THE CALIFORNIA PUBLIC RECORDS ACT REQUEST**

9 27. The Sheriff’s Department routinely rejects requests from family members of  
10 individuals that have been shot and killed by Sheriff deputies or are otherwise involved in  
11 misconduct. Conversely, journalists and other members of the public are also prevented  
12 from learning the names of said deputies. The practice, which Sheriff Alex Villanueva has  
13 fiercely upheld since he took office in late 2018, runs afoul of a California State Supreme  
14 Court ruling requiring such disclosures be made. This crisis demands immediate attention.

15 28. The following cases are selected glaring examples of the COUNTY’s  
16 violation of the CPRA.

17 **Vanessa Bryant's Lawsuit Against The County Over Photos From Helicopter Crash:**

18 29. The widow of National Basketball League legend Kobe Bryant sued the Los  
19 Angeles County Sheriff Department in 2020 after gruesome photos of her deceased husband  
20 emerged from the site of the helicopter crash that killed Kobe Bryant, their daughter Gianna,  
21 and seven (7) others. The gruesome photos were illegally obtained by Los Angeles County  
22 Sheriff deputies. Upon information and belief, prior to filing her lawsuit Vanessa Bryant  
23 requested the names of the deputies to be disclosed to her. Upon information and belief, he  
24 COUNTY and Sheriff Villanueva refused to produce the names of the deputies involved in  
25 this egregious misconduct.

26 30. Max Huntsman, the Inspector General for the County for the County of Los  
27

28 <sup>2</sup> Penal Code. § 832.7(b)(2.)

1 Angeles, also requested Sheriff Villanueva and the County of Los Angeles to release the  
2 names of the deputies that illegally took the gruesome photos. As Los Angeles County’s  
3 inspector general, Huntsman possesses oversight authority over the Sheriff department’s  
4 disciplinary process. Pursuant to an L.A. County ordinance, Huntsman's job is to “promote  
5 constitutional policing and the fair and impartial administration of justice.” Huntsman  
6 reported Villanueva’s refusal to turn over relevant records, including those related to the  
7 cellphones used to take or store photos and the names of deputies who took the photos,  
8 texted or displayed them. Huntsman, a former prosecutor, demanded documents that “are  
9 relevant to a pending inquiry into allegations that the Sheriff directed the destruction of  
10 evidence and suppressed an administrative investigation to avoid negative publicity.” Those  
11 documents appear to be germane to Bryant’s litigation; however, despotic Sheriff  
12 Villanueva did not care and instead defied Huntsman’s request.<sup>3</sup>

13 **Shooting death of Anthony Vargas 08/12/2018:**

14 31. On August 12, 2018 Anthony Vargas was shot and killed by Sheriff deputies  
15 from the East Los Angeles Station. On August 16, 2018, pursuant to the Public Information  
16 Act, representatives of the estate requested information regarding the shooting of Anthony  
17 Vargas and the names of the deputies that shot and killed Anthony Vargas from former  
18 Sheriff Jim McDonald. Unlike the current Sheriff Alex Villanueva, on October 18, 2018  
19 Sheriff McDonald provided representatives of the estate with the names of the deputies who  
20 shot Anthony Vargas.

21 **Shooting Death of Paul Rea 06/27/19:**

22 32. On June 27, 2019, Paul Rea was shot and Killed by Sheriff deputies from the  
23 East Los Angeles Station. On June 28, 2019 pursuant to the Public Information Act,  
24 representatives of the estate requested information pertaining to the shooting, including the  
25 name(s) of the deputies involved in the shooting of Paul Rea. LASD never responded to the  
26

27 <sup>3</sup>Please see link to news report that the Sheriff’s Department refused to comply with the  
28 request to release the manes of the deputies involved in this gross misconduct.  
<https://www.si.com/nba/2020/05/16/kobe-bryant-death-aftermath-photos-subpoena>.

1 Rea's estate's request.

2 **Shooting Death of Jorge Enrique Serrano Robles 12/16/2019:**

3 33. On December 16, 2019, Jorge Enrique Serrano Robles was shot and killed by  
4 L.A. County Sheriff deputies from the East Los Angeles Station. On April 24, 2020,  
5 representatives of the estate issued a Public Records Act Request addressed specifically to  
6 Sheriff Alex Villanueva. On May 20, 2020, Villanueva responded by falsely asserting the  
7 information sought is exempted from disclosure.

8 **Shooting Death of Omar Garcia 11/13/2019:**

9 34. On November 13, 2019 Omar Garcia was shot and killed by Sheriff deputies  
10 from the East Los Angeles Station. On January 22, 2020, pursuant to the Public Information  
11 Act, representatives of the estate requested information pertaining to the shooting, including  
12 the name(s) of the deputies involved in the shooting of Omar Garcia. On March 3, 2020,  
13 Villanueva responded, but failed to provide the estate with any information, including the  
14 name(s) of the deputies that shot and killed Omar Garcia. The L.A. Sheriff's Department  
15 has not provided the names of the deputies involved in the shooting or any materials  
16 regarding the shooting. The Garcia case is currently in litigation and representatives of his  
17 estate are still being obstructed from obtaining the records.

18 **Shooting Death of Fred Williams 10/16/2020:**

19 **35. On October 16, 2020, Fred Williams was shot and killed by LASD deputies.**  
20 Upon information and belief, to date, the names of the involved deputies have not been  
21 disclosed.

22 36. Below is a chart that demonstrates only a small percentage of glaring  
23 examples of CPRA violations by the COUNTY:

24 **TABLE OF COUNTY'S NON-COMPLIANCE**

25

Name	Date of Request	Response	Disclosure
Vanessa Bryant	February 1, 2021, Approximate	No response	No Disclosure
Paul Rea	June 28, 2019	No response	No Disclosure

26  
27  
28

1	Jorge Serrano	April 24, 2020	May 20, 2020, Villanueva refused to produce names	No Disclosure
2				
3	Omar Garcia	January 22, 2020	March 3, 2020 Villanueva refused to produce names	No Disclosure
4				
5	Fred Williams	After October 2020	No response	No Disclosure
6	Isaias Cervantes	April 4, 2021	Alleging exemption on April 6, 2021 and April 13, 2021	No Disclosure
7				

8

9 **FIRST CAUSE OF ACTION**

10 **For Violation of the California Public Records Act &**

11 **Article I, § 3 of the California Constitution**

12 **(Petitioner ISAIAS CERVANTES against Respondent**

13 **COUNTY OF LOS ANGELES)**

14 37. Petitioner incorporates herein by reference the allegations of paragraphs 1  
15 through 36 above, as if set forth in full.

16 38. Respondent's refusal to release records and inadequate search for records, as  
17 evidenced by the inconsistent record productions, violates the CPRA and Article I, § 3 of  
18 the California Constitution.

19 39. ISAIAS CERVANTES is informed and believes, and on that basis alleges  
20 that the records responsive to his Request are, or were, prepared, owned, used, or retained  
21 by COUNTY and are therefore, deemed to be public records pursuant to Government Code  
22 §§ 6204 and 6252(e).

23 40. ISAIAS CERVANTES is informed and believes, and on that basis alleges  
24 that COUNTY now withholds public records responsive to the Request.

25 41. ISAIAS CERVANTES has exhausted its administrative remedies and has no  
26 plain, speedy, and adequate remedy left but to seek relief from this Court pursuant to  
27 Government Code §§ 6258 and 6259 and Code of Civil Procedure § 1060.

28 42. COUNTY has a clear, present ministerial duty to observe and uphold the

1 requirements of the CPRA.

2 43. As an inferior agency, COUNTY has no authority to suspend or otherwise  
3 override State law prohibiting the obstruction and/or delaying of the release of public  
4 records.

5 44. The County's failure to perform its duties under the CPRA is an abuse of  
6 discretion correctable by issuance of writ of mandate by the court.

7 45. ISAIAS CERVANTES has an interest in having California records laws  
8 executed and public duties enforced, and therefore has a beneficial interest in the outcome  
9 of the proceedings.

10 46. ISAIAS CERVANTES has a clear, present, and legal right to COUNTY's  
11 performance of its ministerial duties as required under the CPRA.

12 47. COUNTY has violated, and will continue to violate, the CPRA unless this  
13 Court orders it not to do so.

14 48. ISAIAS CERVANTES, and the public, suffer, and will continue to suffer,  
15 irreparable harm if COUNTY is permitted to continue to withhold and/or delay the release  
16 of public records as required by law.

17 49. This Court should find that the specific records sought by ISAIAS  
18 CERVANTES in response to the Request must be immediately released by COUNTY.

19 **SECOND CAUSE OF ACTION**

20 **For Declaratory Relief as to The California Public Records Act**

21 **(Petitioner ISAIAS CERVANTES against Respondent**

22 **COUNTY OF LOS ANGELES)**

23 50. Petitioner incorporates herein by reference the allegations of paragraphs 1  
24 through 49 above, as if set forth in full.

25 51. ISAIAS CERVANTES is informed and believes, and on that basis alleges,  
26 that COUNTY wrongfully withholds or delays the disclosure of public records in violation  
27 of the law.

28 52. Based on the allegations herein alleged, ISAIAS CERVANTES seeks, and is

1 entitled to, a declaration from this Court that:

- 2 A. The records and information sought in response to the Request are public  
3 records.
- 4 B. COUNTY's failure to provide an estimated date and time for the release of  
5 public records responsive to the Request is violative of the CPRA.
- 6 C. COUNTY's actions and/or inactions to obstruct the release of public records  
7 responsive to the Request are unlawful under the CPRA.
- 8 D. COUNTY's actions and/or inactions to delay the release of public records are  
9 unlawful under the CPRA.
- 10 E. COUNTY's actions and/or inactions do not meet the CPRA's requirement for  
11 the prompt production of public records.
- 12 F. COUNTY's refusal and/or failure to provide public records without proper  
13 claim to exemption under the CPRA is violative of the law.
- 14 G. COUNTY has no right to pre-empt, suspend, or otherwise ignore the  
15 requirements of the CPRA.

16 53. An actual controversy exists between the parties regarding COUNTY's  
17 responsibility to search, review and disclose records responsive to the Request pursuant to  
18 the CPRA. Because an actual controversy exists between ISAIAS CERVANTES and  
19 COUNTY concerning their respective rights and duties, ISAIAS CERVANTES seeks a  
20 judicial determination regarding said rights and duties.

21 54. A judicial determination is appropriate at this time and under these  
22 circumstances so that ISAIAS CERVANTES may ascertain and preserve his rights.

23 **THIRD CAUSE OF ACTION**

24 **For Injunctive Relief As To The California Public Records Act**

25 **(Petitioner ISAIAS CERVANTES against Respondent**

26 **COUNTY OF LOS ANGELES)**

27 55. Petitioner incorporate herein by reference the allegations of paragraphs 1  
28 through 54 above, as if set forth in full.



1           56. COUNTY's refusal to perform its ministerial duties under the CPRA has and  
2 continues to cause Petitioner ISAIAS CERVANTES irreparable harm in withholding public  
3 information vital to ISAIAS CERVANTES, and the public at large.

4           57. A temporary restraining order, preliminary injunction and permanent  
5 injunction should issue directing COUNTY to immediately release the responsive records  
6 sought by ISAIAS CERVANTES as required by law.

7           58. ISAIAS CERVANTES is likely to prevail on the merits and establish that  
8 COUNTY, by its actions, violated Government Code § 6250 et seq.

9           59. ISAIAS CERVANTES has no plain, speedy and adequate remedy at law, in  
10 that unless COUNTY is enjoined by this Court, as set forth herein, ISAIAS CERVANTES  
11 will be unable to otherwise secure the public records it seeks in a prompt manner as required  
12 under the CPRA.

13   **PRAYER FOR RELIEF**

14       **WHEREFORE**, Petitioner prays as follows:

- 15       A. That this Court set "times for responsive pleadings and for hearings in these  
16 proceedings... with the object of securing a decision as to these matters at the earliest  
17 possible time," as provided in Government Code § 6258;
- 18       B. That the Court issue a peremptory writ of mandate directing COUNTY to provide  
19 Petitioner with all requested records except those records that the Court determines  
20 may lawfully be withheld within 10 days;
- 21       C. That this Court find that the records Petitioner seeks in its Request are public records;
- 22       D. That this Court find that COUNTY has violated the California Public Records Act;
- 23       E. That this Court set an Order to Show Cause Re: Preliminary Injunction Mandating  
24 the COUNTY comply with California Public Records Act;
- 25       F. That this Court order COUNTY immediately disclose all responsive public records  
26 sought through the Request;
- 27       G. That this Court order COUNTY to pay ISAIAS CERVANTES' reasonable  
28 attorneys' fees and costs of suit pursuant to Gov. Code § 6259, Code of Civ. Proc. §


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1021.5 and any other applicable provisions of law; and

H. For such other and further relief as the Court deems proper and just.


Dated: May 11, 2021

**THE LAW OFFICES OF AUSTIN DOVE**

By:   
Austin Dove, Esq.  
Christian Contreras, Esq.  
Attorneys for Petitioner

Dated: May 11, 2021

**THE LAW OFFICES OF HUMBERTO GUIZAR**

By:   
Humberto Guizar, Esq.  
Attorneys for Petitioner


**VERIFICATION**

I, HUMBERTO GUIZAR, have read this **VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE AND WRIT OF MANDATE** in the matter of **ISAIAS CERVANTES v. COUNTY OF LOS ANGELES, et al.** The facts alleged therein are within my own knowledge and I know these facts to be true.

As to the remainder of the Petition, I am informed and do believe that the matters herein are true. On that ground I allege that the matters stated herein are true.

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

Executed on May 11, 2021 at Los Angeles, California.

  
Humberto Guizar, Esq.