

RESPONDING TO REQUESTS  
DOCUMENT TYPES & EXEMPTIONS  
JUDICIAL REVIEW & REMEDIES  
RECORDS MANAGEMENT



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Meg is a member of Meyers Nave's First Amendment Practice Group and Trial and Litigation Practice Group. Her practice focuses on both litigation and advisory work with an emphasis on complex constitutional law issues, as well as matters involving the California Public Records Act and Brown Act.

Meg has extensive experience providing guidance with PRA requests and developing strategies for and defending against PRA lawsuits. Meg's experience also includes providing advice on updating and drafting regulations in the First Amendment arena in a manner that well positions clients against possible future litigation challenges to those regulations, such as sign ordinances, solicitation and panhandling restrictions, newsrack regulations, park and parade regulations and billboard ordinances.

**LAW FIRM OF CHOICE:** With more than 30 years of experience serving public entities, Meyers Nave is the "go-to" firm for helping public agencies understand the California Public Records Act's requirements, exemptions and penalties; establish protocols for efficient and cost-effective compliance; and develop strong defenses in the event of a courtroom challenge. We offer proactive advice, counseling and training; provide updates on the law; and help develop and implement best practices.

**COMPREHENSIVE EXPERIENCE**

Meyers Nave attorneys have advised on and handled thousands of Public Records Act requests on behalf of cities, counties, municipal corporations, successor agencies, joint powers authorities, commissions, boards, committees, schools and universities, and special districts of all types. In appropriate circumstances, we have also helped public entities obtain public documents through the Public Records Act.

Our attorneys have expertise with public records requests that reflect the extensive scope of public agency interests and operations, including matters relating to:

- SB 1421/peace officer records
- Public officials' emails, text messages and voicemails on private devices and accounts
- Employee performance
- Commercial lease negotiations
- Construction projects
- Student records
- Juvenile police records
- Resolution of litigation
- Retention and destruction of electronic copies of communications

**CLIENT TRAINING**

Meyers Nave attorneys help clients create the best public records strategies for balancing openness with the efficient and effective functioning of government. Our client training programs cover critical issues such as the duty to respond, timing of the response, types of responses, assisting the requester and redacting records. Our goal is to help

clients become self-sufficient with protocols and procedures for evaluating, handling and responding to records requests. We also provide Client Alerts and webinars on legislative and case law developments to help keep clients apprised of emerging trends and nuanced issues relating to public records.

**TECHNOLOGY-ENHANCED RESPONSE**

Technology can be tremendously beneficial in swiftly responding to Public Records Act requests, which is imperative given the statutory requirement of responding no later than 10 calendar days from receipt of the request. We help clients develop and update their systems to be more efficient and streamlined in handling records requests. Our insight includes advising clients on electronic records policies, e-discovery procedures, and special issues relating to metadata and geographic information system programs and databases.

**LITIGATION**

From trial through appeal, our litigators have successfully defended against lawsuits alleging Public Records Act violations, including the issue of attorney's fees, and obtained published decisions in the process. Our litigation experience places us in a strong position to help clients obtain favorable settlements that avoid lawsuits. In addition to suits solely about records requests, we are experienced in handling litigation in which plaintiffs' counsel use Public Records Act claims as a secondary tool to advance their position in other cases. Our litigators also have well-proven expertise managing e-discovery in Public Records Act litigation, including responsive records not identified during the pre-petition collection process.

## REPRESENTATIVE MATTERS

### *City of Walnut Creek - SB 1421*

Meyers Nave represented the City of Walnut Creek in one of the first cases involving the front-page news question of whether SB 1421, which became effective Jan. 1, 2019, applies to peace officer personnel records created prior to that date or only to such records created after that date. The City of Walnut Creek received PRA requests from the ACLU and a media coalition that included a request for records created prior to Jan. 1, 2019.

The City determined that it should produce the records but the Police Officers Association filed suit to prevent the release of pre-Jan. 1, 2019 records. The trial court's ruling and the appellate court's ruling on a writ of supersedeas found that records created prior to Jan. 1, 2019 are subject to disclosure under the PRA.

Meyers Nave positioned the City to avoid potential attorneys' fees relating to the underlying PRA action through a litigation strategy in which the City's legal position was that it had decided to produce the records but was stayed from doing so by the courts. Once the trial court and appellate court stays were lifted, the City began producing records.

### *Los Angeles World Airport (LAWA)*

Meyers Nave represented LAWA in the California Supreme Court in a Public Records Act case to compel LAWA to disclose proposals received in response to an RFP for a property lease at the Van Nuys Airport. The California Supreme Court overturned a lower court decision requiring disclosure of the proposals.

### *City of Burbank*

Meyers Nave successfully defended the City of Burbank in a Public Records Act challenge relating to a local newspaper columnist's request for cellular telephone bills of various councilmembers. The case resulted in a published decision.

### *City of Bell*

In the City of Bell corruption scandal, Meyers Nave oversaw and coordinated litigation that encompassed a variety of defense cases and cross-complaints. The matter included advising on more than 1,000 Public Records Act requests and coordinating electronic data sought by investigative agencies, including the IRS, SEC, District Attorney and State Controller.

### *Chico Unified School District and Chico State University*

Meyers Nave served as Special Master to review 9,580 pages of emails to determine which documents were public records. All parties agreed to follow our finding, which was that a total of 9,152 pages were public records. The novel matter involved a state university producing the public records of school district officials who also worked at the university and sent or received school district-related messages on their university email accounts.

### *City of San Bruno*

Meyers Nave filed an action on behalf of the City of San Bruno against the California Public Utilities Commission seeking public documents from four public records requests relating to our seven-year role as Special Counsel representing the City of San Bruno against PG&E in the natural gas pipeline explosion that killed eight people, injured 58 others and destroyed or damaged 90 homes and businesses.

The ultimately disclosed records revealed corruption and improper communications between Pacific Gas and Electric Company executives and CPUC senior personnel and administrative law judges. Our work led to multiple state and federal criminal investigations and convictions, along with numerous terminations, resignations and recusals at CPUC and PG&E.

### *City of Moreno Valley*

Meyers Nave's litigation team assisted the City of Moreno Valley regarding a government corruption investigation of the Mayor, every member of the City Council and a warehouse developer. The investigation was conducted by a joint federal and state task force involving the FBI and the Riverside District Attorney's office.

Our assistance included managing e-discovery, which included more than 500,000 pages of documents from City departments, councilmembers' email accounts and various City operations. We collected, evaluated and produced the non-privileged items to the Assistant U.S. Attorney. The massive amount of electronically stored information also had to be reviewed from the Public Records Act perspective and, in select instances, uploaded to a City website that provided the public with updates and information about the investigations.

### *University of California*

Meyers Nave represented the University of California with regard to a verified petition for writ of mandate and complaint for declaratory and injunctive relief pursuant to the Public Records Act, and recently advised in the defense and settlement of two other Public Records Act petitions.

### *City of Livingston*

Meyers Nave advised the City of Livingston in the settlement of a writ petition filed by the Animal Legal Defense Fund under the Public Records Act regarding the city's non-disclosure of water use records relating to the location of a poultry processing plant.