



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CPF-13-513221

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ORDER

ALLEN GROSSMAN VS. JOHN ST. CROIX et al

001C04255969

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San Francisco County Superior Court
OCT 29 2013
CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
LAW AND MOTION DEPARTMENT 302

ALLEN GROSSMAN,
Petitioner,
vs.
JOHN ST.CROIX, EXECUTIVE
DIRECTOR SAN FRANCISCO EHTICS
COMMISSION, ET AL.
Respondents.

No. CGC-13-513221
**ORDER GRANTING PETITIONER'S
WRIT OF MANDATE**
Date: October 25, 2013
Time: 9:30 a.m.
Dept: 302
Trial Date: None Set

Petitioner Allen Grossman's Petition for Writ of Mandate came on for hearing at 9:30 a.m. on October 25, 2013 in Department 302 of the San Francisco County Superior Court, located at 400 McAllister Street, San Francisco, California. The Court, having considered all the papers filed in support of and in opposition to the petition, as well as oral argument submitted at the hearing, hereby orders that:

Petitioner's verified petition for peremptory writ of mandate is granted.
Respondents' request for judicial notice is granted.

1
2 The record shows that Respondents have not met their burden that the withheld
3 documents are exempt under the California Public Records Act and the San Francisco
4 Sunshine Ordinances. (See Gov. Code §6255; SF Admin. Code §67.21(g).) Under the San
5 Francisco Sunshine Ordinance, public records regarding advice on compliance with, analysis
6 of, and opinion concerning liability under, or any communication otherwise concerning the
7 CPRA or the Sunshine Ordinance are subject to disclosure. (San Francisco Admin. Code
8 §67.24(b)(1)(iii).) Respondents concede that the 24 responsive documents withheld from
9 Petitioner consist of requests from the Ethics Commission's staff to Respondents for legal
10 advice concerning the Commission's proposed regulations for Sunshine complaints, and
11 Respondents' memorandums in response that analyze the legal issues. (See Declaration of
12 Shen in Support of Respondents' Opposition, ¶7.) Respondents are ordered to deliver to
13 Petitioner copies of the 24 remaining responsive documents as requested by Petitioner in his
14 October 3, 2012 request.
15
16

17 Respondents' request to strike SF Admin. Code §67.24(b)(1)(iii) is denied without
18 prejudice, as the issue is not properly before this Court for the present motion.

19 Petitioner's request for costs and attorney fees under Gov. Code § 6259(d) is denied
20 without prejudice. Petitioner has not submitted a supporting declaration of costs and fees.
21

22
23 Dated: October 25, 2013


Ernest Goldsmith
Judge of the Superior Court

Superior Court of California
County of San Francisco
Dept. 302

ALLEN GROSSMAN,

Plaintiff(s)

vs.

JOHN ST. CROIX, ET. AL.,

Defendant(s)

Case Number: 513221

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Michael Yuen, Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 29, 2013, I served the attached ORDER GRANTING PETITIONER'S WRIT OF MANDATE by placing a copy thereof in a sealed envelope, addressed as follows:

MICHAEL NG
KERR & WAGESTAFFE LLP
100 SPEAR ST., STE. 1800
SAN FRANCISCO, CA 94105

ANDREW SHEN
CITY ATTORNEY'S OFFICE
1390 MARKET ST., 6TH FLOOR
SAN FRANCISCO, CA 94102

and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: October 29, 2013

Michael Yuen, Clerk

By: 

Cynthia Herbert
Deputy Clerk