

1 KATHRYN BLANKENBERG (SBN 335563)  
JUDICIAL WATCH, INC.  
2 425 Third Street SW, Suite 800  
Washington, DC 20024  
3 Telephone: (202) 646-5172  
Facsimile: (202) 646-5199  
4 kblankenberg@judicialwatch.org

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**12/04/2023**  
Clerk of the Court  
BY: ERNALYN BURA  
Deputy Clerk

5 Attorneys for Petitioner/Plaintiff Daily Caller News Foundation

**CPF-23-518397**

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
7 **FOR THE COUNTY OF SAN FRANCISCO**

8  
9 DAILY CALLER NEWS FOUNDATION, ) Case No.:  
 )  
10 Petitioner/Plaintiff, )  
 )  
11 v. )  
12 THE REGENTS OF THE UNIVERSITY OF ) **PETITION FOR WRIT OF MANDATE,**  
CALIFORNIA, ) **OR, IN THE ALTERNATIVE,**  
 ) **COMPLAINT FOR DECLARATORY**  
13 Defendant. ) **AND INJUNCTIVE RELIEF**  
 )  
 )

14  
15 **INTRODUCTION**

16 1. Petitioner/Plaintiff Daily Caller News Foundation, pursuant to section 10 of Article  
17 VI of the California Constitution, sections 1085 and 1060 of the Code of Civil Procedure, and  
18 sections 7923.000 and 7923.100 of the Government Code, petitions this Court for a writ of mandate  
19 or other order directed to Respondent/Defendant The Regents of the University of California, or, in  
20 the alternative, declaratory judgment and injunctive relief, commanding OUSD to perform its  
21 ministerial duties as required by the California Public Records Act ("CPRA").

22 **JURISDICTION AND VENUE**

23 2. This Court has jurisdiction under Cal. Gov't Code § 7923.000 and Cal. Civ. Pro.  
24 Code §§ 1060, 1085.

25 3. Venue is proper in this Court as Respondent/Defendant and the public records at  
26 issue are located within the City and County of San Francisco and events giving rise to the claims  
27 occurred in the City and County of San Francisco. Cal. Gov't Code §§ 7923.100, 7923.105,  
28 7923.110 and Cal. Civ. Proc. Code §§ 393, 394(a).

1 **PARTIES**

2 4. Petitioner/Plaintiff Daily Caller News Foundation has its principal place of business  
3 at 1775 Eye Street, N.W., Suite 1150-291, Washington, DC 20006. Founded in 2011 by Tucker  
4 Carlson, a 20-year veteran of print and broadcast media, and Neil Patel, former chief policy adviser  
5 to Vice President Dick Cheney, DCNF is a 501(c)(3) non-profit organization providing original  
6 investigative reporting from a team of professional reporters that operates for the public benefit.  
7 DCNF's website reaches approximately three million unique monthly visitors and its content, which  
8 is available without charge to any eligible news publisher, is published by The Daily Caller, Yahoo  
9 News, Business Insider and a growing host of other media outlets, reaching a combined audience  
10 estimated in excess of 30 million readers.

11 5. Respondent/Defendant The Regents of the University of California is a "state  
12 agency," as that term is defined in Gov't Code § 7920.540. Cal. Const. Art. IX, § 9. The  
13 University of California San Francisco ("UCSF") is a public university within the University of  
14 California system that is governed by Respondent/Defendant. UCSF has possession, custody, and  
15 control of records to which Plaintiff seeks access. The UCSF Office of Legal Affairs maintains its  
16 place of business at 745 Parnassus Ave, San Francisco, California, 94143, in the City and County of  
17 San Francisco.

18 **STATEMENT OF FACTS**

19 6. On July 28, 2023, Petitioner/Plaintiff submitted a CPRA request to UCSF seeking  
20 access to any/all email communication records including attachments, URL links and electronic  
21 database links) sent and/or received by Stephen Rosenthal, MD (stephen.rosenthal@ucsf.edu) from  
22 July 1, 2022, to January 1, 2023, on the ucsf.edu domain. The request specified that  
23 Petitioner/Plaintiff only sought those communications that contain the following keywords:  
24 "WPATH," "LGBTQ+," "World Professional Association for Transgender Health," "Gender-  
25 affirming hormone therapy," "puberty suppression," "Gender Diverse," "Levine," "Safer,"  
26 "@wpath.org" "Bowers" "Trans" "Transgender" "Gender Affirming" "Top Surgery" "Bottom  
27 Surgery," "puberty," "Chest masculinization," "Cross sex," "Standards of Care," "SOC8," and  
28 "Hormones."

7. By email dated August 14, 2023, UCSF acknowledged receipt of Petitioner/Plaintiff's CPRA request and advised Petitioner/Plaintiff that the request had been assigned reference number PRA 023-107.

8. On August 2, 2023, Petitioner/Plaintiff submitted another CPRA request to UCSF seeking access to the following:

A. Any/all email communication records (including attachments, URL links and electronic database links) sent and/or received by Madeline Deutsch (madeline.deutsch@ucsf.edu), from June 1, 2022, to October 15, 2022, on the ucsf.edu domain.

B. Any/all email communication records (including attachments, URL links and electronic database links) sent and/or received by Madeline Deutsch (madeline.deutsch@ucsf.edu), from April 15, 2023, to August 1, 2023, on the ucsf.edu domain.

The request specified that Petitioner/Plaintiff only sought those communications that contain the following keywords: “WPATH,” “LGBTQ+,” “World Professional Association for Transgender Health,” “Gender-affirming hormone therapy,” “puberty suppression,” “Gender Diverse,” “Levine,” “@wpath.org,” “Trans,” “Transgender,” “Gender Affirming,” “Gender-Affirming,” “Top Surgery,” “Bottom Surgery,” “puberty,” “Chest masculinization,” “Cross sex,” “Standards of Care,” “SOC8,” and “gender-diverse.”

9. By email dated August 14, 2023, UCSF acknowledged receipt Petitioner/Plaintiff's CPRA request and advised Petitioner/Plaintiff that the request had been assigned reference number PRA 023-101.

10. On November 17, 2023, by email, UCSF denied both Petitioner/Plaintiff's July 28th CPRA Request (PRA 023-107) and its August 2nd CPRA request (PRA 023-101).

### FIRST CAUSE OF ACTION

**(Writ of Mandate – Violations of Public Records Act, Gov’t Code §§ 7920 *et seq.* and California Constitution, Art. I, § 3)**

11. Petitioner/Plaintiff incorporates by reference and realleges all its prior allegations.

12. The CPRA imposed a clear, ministerial duty on Defendant to provide promptly and without delay disclosable public records in Respondent/Defendant's possession.

13. Respondent/Defendant has failed to perform its clear, ministerial duties as required by the CPRA. Specifically, Respondent/Defendant is violating the CPRA by failing to produce all records responsive to Plaintiff's requests or demonstrate that the requested records are lawfully exempt from production.

14. Petitioner/Plaintiff has an immediate, vital, and beneficial interest in, and right to, the performance of the aforementioned duties. Petitioner/Plaintiff has no other plain, speedy, and adequate remedy at law. There are no material issues of fact necessary to the resolution of this matter that are or can be disputed.

15. Section 10 of Article VI of the California Constitution provides that superior courts and their judges have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. Government Code section 7923 permits any person to institute proceedings for injunctive or declaratory relief or writ of mandate to enforce his or her right to inspect or to receive a copy of any public record under the CPRA. Code of Civil Procedure section 1085 authorizes the Court to issue a writ of mandate to Respondent/Defendant to compel the performance of the aforementioned mandatory, ministerial duties under the CPRA.

## SECOND CAUSE OF ACTION

**(Declaratory Judgment and Injunctive Relief – Violations of Public Records Act, Gov’t Code**

**§§ 7920 *et seq.* and California Constitution, Art. I, § 3)**

16. Petitioner/Plaintiff incorporates by reference and realleges all its prior allegations.

17. An actual controversy exists between Petitioner/Plaintiff and Respondent/Defendant regarding Respondent/Defendant's mandatory duties under the CPRA.

18. Respondent/Defendant's failure to perform its clear, ministerial duties under the CPRA violates the CPRA. Specifically, Respondent/Defendant is violating the CPRA by failing to produce all records responsive to Petitioner/Plaintiff's requests or demonstrate that the requested records are lawfully exempt from production.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

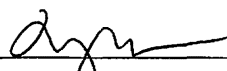
**VERIFICATION**

I am an officer of the petitioner/plaintiff in the above-entitled action.

I have read the foregoing PETITION FOR WRIT OF MANDATE, OR, IN THE  
ALTERNATIVE, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know  
its contents. The same is true of my own knowledge, except as to those matters which are therein  
stated upon information or belief, and as to those matters, I believe it to be true.

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

Executed on November 30, 2023 at Simpsonville, SC.

  
\_\_\_\_\_  
Megan Brock