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**FILED**  
Superior Court of California,  
County of Solano  
**10/09/2024 at 03:03:52 PM**  
By: N. Shaw, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SOLANO**

AMERICAN CIVIL LIBERTIES  
UNION OF NORTHERN  
CALIFORNIA,  
  
Petitioner/Plaintiff,  
  
v.  
  
VALLEJO POLICE DEPARTMENT,  
  
Respondent/Defendant.

CASE NO. FCS059257  
  
**PROPOSED FINAL JUDGMENT AND  
ORDER**  
  
Judge: Hon. Stephen Gizzi  
Department: 3  
Action filed: November 22, 2022

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As directed on October 2, 2024, Petitioner ACLU of Northern California submits the enclosed proposed final judgment and order. Respondent City of Vallejo has reviewed the proposed order and approves as to form.

Dated: October 7, 2024

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA

By: Emi Young

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1 ~~PROPOSED~~ **FINAL JUDGMENT & ORDER**

2 Pending before the Court are Petitioner ACLU of Northern California's Motion to Clarify  
3 the Scope of Discovery Protective Order and Motion for Judgment. On October 2, 2024, the  
4 Court provided a tentative ruling to the parties in a closed hearing. The tentative ruling was  
5 adopted and is attached hereto as Exhibit A and incorporated by reference.

6 The Court hereby grants Petitioner's Motion to Clarify the Scope of Discovery Protective  
7 Order. Respondent's admissions served on March 20, 2024 under a stipulation they be treated as  
8 material covered by the protective order and attached as Exhibit C1 to the Declaration of Emi  
9 Young in Support of Motion to Clarify the Scope of Discovery Protective Order are not protected  
10 and may be publicly disclosed.

11 The Court grants in part and denies in part Petitioner's Motion for Judgment. Petitioner's  
12 motion is granted insofar as all records previously disclosed to Petitioner under a protective order  
13 pursuant to the Court's December 20, 2023 Order on Petitioner's Motion to Compel Discovery  
14 Pursuant to Evidence Code § 1043 must now be disclosed as public record. The Court  
15 accordingly lifts the protective order issued on December 20, 2023. Petitioner's motion is denied  
16 to the extent that Petitioner seeks public disclosure of additional materials under Penal Code  
17 section 832.7(b).

18 The transcript of the proceedings held on October 2, 2024 is unsealed and may be  
19 publicly disclosed.

20 The Court's order making public records and admissions previously produced by the City  
21 of Vallejo under protective order and unsealing the transcript of the October 2, 2024 hearing is  
22 stayed until October 10, 2024 at 5:00 p.m. to allow for an appeal, if any.

23 This order and judgment resolves Petitioner's Complaint and Petition for Writ of Mandate  
24 under the Public Records Act, and this matter is now closed.

25 SO ORDERED.

26  
27 Dated: **10/09/2024**

28   
Hon. Judge Stephen Gizzi

# Exhibit A

## #2 – TENTATIVE RULING

Last December, pursuant to a stipulation of the parties regarding how to resolve this writ petition, the court heard and ruled on a Pitchess motion as to sets of discovery Petitioner propounded relating to the material sought in the underlying CPRA requests.

While the CITY had earlier voluntarily produced some documents, it had withheld others, and asserted various claims of privilege or other protection. Following an in camera review, the court made rulings as to which documents or parts of documents sought in the CPRA requests but not yet produced by the CITY were to be produced to Petitioner, subject to a protective order the parties submitted, precluding their release to the public or anyone, absent a subsequent court order lifting that restriction.

At the February 2024 status conference, the parties agreed that while most of the discovery issues had been resolved through the in-camera review process, Petitioner still needed to litigate public disclosure of the produced documents, and documents not yet produced as to whether discipline was taken on officers regarding the badge bending. Both counsel agreed with the court's suggestion that these issues be presented by briefs and hearing, rather than a "trial".

In March, Petitioner propounded a new set of admissions requests, specific to the issue of whether discipline had been taken against any of the officers found to have engaged in badge bending.

The CITY served responses to these admissions requests, but stamped them "confidential—subject to protective order".

**The CITY did not at that time, nor even to this day, file a motion for a protective order, pursuant to C.C.P. §2033.080, seeking confirmation that those responses were, and should remain, confidential.**

**Nevertheless, the court accepts the motion Petitioner filed to clarify the scope of discovery protective order to, in part, present that issue for court resolution at this time.**

Given the discussion at the February 2024 status conference, the court was surprised to see Petitioner's motion for judgment raising arguments attempting to relitigate the determinations the court made in its in-camera review of the documents for which the CITY was claiming some privilege or protection. Nevertheless, and having given due consideration to the arguments Petitioner included in that motion, on the issues presented by this "sui generis" case at hand, the court finds no good cause to change any of those determinations.

On the other hand, as to the issue of whether the documents or parts of documents determined by the court to be produced to Petitioner subject to the protective order should now be authorized for Petitioner's release to the public, the court finds that they should.

The court's prior determinations ensured protection against the production of any information identifying the officers involved, witnesses and/or their families, and the court continues to find that this information should not be made public, as it falls within the peace officer personnel records protection as it may affect potential advancement, appraisal, discipline, or references per [PC §832.8(a)(4)]. The Court also finds that the public interest in protecting that identifying information outweighs the benefit to the public from releasing it.

However, anonymized Findings of the investigation, and other documents **previously released by the CITY** or ordered released by the court subject to the protective order, that fall outside of the peace officer personnel records protection, may now be released to the public.

The court also grants Petitioner's motion to clarify the scope of the discovery protective order, so as to authorize Petitioner to release to the public the responses the CITY to the March 2024 requests for admissions. **Those responses are anonymized, and thus fall outside of the peace officer personnel records protection; and the public interest in protecting such information is also outweighed by the public interest in its disclosure.**

**With these rulings, and except for any post-judgment motions authorized by law, the court considers the entirety of this case closed.** Petitioner's counsel is to prepare a proposed order and final judgment, submitting to the CITY for approval as to form, and then to the court for issuance.