



GAO GOVERNMENT ACCOUNTABILITY & OVERSIGHT

REQUEST UNDER CALIFORNIA'S PUBLIC RECORDS ACT

November 14, 2019

Records Management & Information Practices
10920 Wilshire Boulevard
Suite 530
Los Angeles, CA 90024-6541

BY ELECTRONIC MAIL — records@ucla.edu

Pursuant to the California Government Code §§ 6250 *et. seq.*, I request that that the custodian of University records produce, within 10 business days, copies of **any electronic mail sent to or from Ann Carlson and/or Cara Horowitz from April 25, 2016 through November 14, 2019, inclusive, that also is to, from, includes or uses anywhere an email address ending with**

i) **@douglasemmett.com**, ii) **@nextenergytech.com**, iii) **@MassMail.State.MA.US** and/or
iv) **@state.ma.us**.

We request any attachments to any such email; we request entire email “threads” in which any record responsive to this request is located, regardless whether any part of that thread extends before or beyond the above-stated time parameter; **we request records on the University’s system**, e.g., its backend logs, not those which survive on a faculty member’s own machine or account.

We reserve the right to inspect or assign a representative to inspect any records if for any reason the Office cannot or will not provide copies.

If the records are not currently in your possession, please notify me in writing, and provide any and all information about where and with whom the records may be found,

requested, viewed or copied, and/or when they will become available to your office. Given the nature of the records responsive to this request, all should be in electronic format, and therefore there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately.

We understand we owe the office the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$50.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs. This information is not, however, being sought for commercial purposes. If for any reason, our request for information cannot be satisfied without cost, then prior to any copying, please notify us immediately with the reasons for the denial and the cost that will be involved. Please produce these records electronically if possible to avoid unnecessary fees and otherwise conserve resources.

The undersigned do not seek the information for a commercial purpose. Therefore, in accordance with generally accepted policy, if there are any costs associated with this request, we request a waiver or reduction of any fees connected with this request as disclosure of these requested records are for the public purpose. GAO is organized and recognized by the Internal Revenue Service as a 501(c)3 public interest law firm that has research, legal, investigative and publication functions, as well as a transparency initiative seeking public records relating to environmental and energy policy and how policymakers use public resources, all of which include broad dissemination of public information obtained under open records and freedom of information laws. As such, it has no commercial interest possible in these records and the Office is permitted to and does exercise discretion in waiving or reducing fees on that basis.

This request is being made in the public interest, and furnishing this information will benefit the public's understanding of recent events regarding climate litigation and municipalities

which have been filing lawsuits against energy companies and working closely with attorneys general also to pursue opponents of the “climate” policy/political agenda. This information is being requested for the purpose of understanding how state institutions are involved, if at all, in the larger effort feeding this litigation industry.

The requested information is of critical importance to the nonprofit policy advocacy groups engaged on the issue of how public institutions are used toward private ends and/or in conjunction with private interests, news media covering the issues, and any others concerned with government activities on this critical subject, or as the United States Supreme Court once noted in the context of the federal FOIA, what their government, which under open records laws includes publicly funded academic institutions, is up to.

As you know, the law requires that you respond to and fulfill this request within 10 business days. If these records will not be produced within this time, please notify me in writing immediately and explain the reasons why.

If you deny this request or withhold the document responsive to this request, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. Please cite each specific exemption to the California Government Code that you have determined justifies the refusal to produce the record. All segregable, non-exempt parts of the documents should be provided.

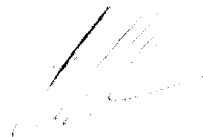
We request you make a timely determination on this request consistent with the statute.

If you have any questions, or require clarification of this request, please feel free contact me at any time using the contact information listed with this request. Thank you for your prompt attention, time and consideration to this matter.

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me at any time. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Horner", is positioned above the printed contact information.

Christopher C. Horner
chris@govoversight.org
1489 Kinross Lane
Keswick, VA 22947
202.262.4458



INFORMATION PRACTICES
10926 WILSHIRE BOULEVARD, SUITE 107
LOS ANGELES, CA 90024-6543

VIA EMAIL

August 31, 2020

Christopher C. Horner
Government Accountability & Oversight
Email: chris@govoversight.org

RE: Public Records Request - PRR # 19-7464

Dear Mr. Horner:

We have completed our review of your California Public Records Act ("CPRA") request. UCLA previously released records to you on January 10, 2020, February 14, 2020, and March 26, 2020. Additional documents subject to release may be downloaded at the following Box link:

<https://ucla.box.com/s/qf1xu3gc7cl2k34gaigqyg5chmxec7cn>

UCLA has redacted certain information and withheld certain documents that it has determined are exempt from release under the CPRA. Redaction and/or withholding of the exempt material is based upon the following:

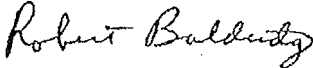
- Cal. Gov't Code § 6254(a), exempting drafts and notes held to inform final iterations of documents, the disclosure of which would impair the University's pre-decisional deliberative process;
- The attorney-client privilege, pursuant to California Evidence Code § 954 and California Code of Civil Procedure § 2018, respectively, as incorporated into the CPRA through Cal. Gov't Code § 6254(k);
- The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, as incorporated into the CPRA through Cal. Gov't Code § 6254(k);
- Cal. Gov't Code § 6254(e), exempting information the disclosure of which would constitute an unwarranted invasion of personal privacy (e.g., personal contact information including home addresses, information relating to family relationships, information relating to personal activities, personal financial circumstances and account information, and personal health information);
- Cal. Gov't Code § 6255(a), under which the public interest in nondisclosure clearly outweighs the public interest in disclosure. Records considered to be exempt from disclosure pursuant to the deliberative process privilege have not been produced, as the release of such records would inhibit the free and candid exchange of ideas necessary to the decision-making process; records reflecting development strategy are considered exempt and have not been produced because the public interest in securing private financial support to the University and maintaining donor relations, coupled with the public interest in shielding

donors' personal financial information from disclosure, clearly outweighs the interest in disclosure of the records; and, records relating to pre-publication academic research have not been produced, as the forced disclosure of unpublished work and related communications can damage academic freedom and inhibit robust intellectual exchange; and

- Documents determined not to fall within the definition of public records containing primarily information about personal matters and activities of University employees not substantively related to the conduct of University business.

This completes the response to your request. Should you have any questions, please email me at rbaldrige@ucla.edu with a copy to John Gherini at John.Gherini@ucop.edu and reference the PRR number found above.

Sincerely,



Robert Baldrige

Manager, Records Management & Information Practices
(310) 794-8741 | (310) 794-8961 (fax) | records@ucla.edu

From: Carlson, Ann
To: demmett@douglasemmett.com; Rae Emmett
Subject: I'm overwhelmed
Date: Sunday, October 7, 2018 8:09:07 AM

Dear Dan and Rae,

Jennifer let me know the incredible news that you are matching a gift from the Shapiros to the Carlson discretionary fund. Thank you so, so much. I continue to be humbled by the faith you have shown in the Emmett team and in me and am so, so grateful for all you do. We will continue to fight the good fight to protect our planet, inspired by you and your leadership.

All best,

Ann

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 1; (2) Email Thread with Attachment ; (3) Sean Hecht; Cara Horowitz; Edward Parson; Daniel Melling; (4) Ann Carlson; (5)	(6) Fw: Climate Ride 2017; (7) CR - 2019 - Hike Big Sur.pdf; (8)	3/8/2018 11:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 2; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) CR - 2019 - Hike Big Sur.pdf		3/8/2018	Attachment to email
(1) 3; (2) Email Thread with Attachment ; (3) Jennifer Mnookin; (4) Ann Carlson; (5)	(6) Fw: UCLA Draft; (7) 3589_001.pdf; (8)	1/30/2018 18:00		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 4; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 3589_001.pdf			Attachment to email

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 5; (2) Email Thread with Attachment ; (3) Lindsey Williams; (4) Ann Carlson; (5) Jennifer Mnookin; Donna Colin; Cara Horowitz	(6) redacted; (7) 0663ED34-6BAA-4B0A-8E06-31C4BA983CD9.png; 68128470-2293-4526-8A74-85522B16528D[57].png; (8)	9/5/2016 16:41		The record concerns pre-decisional internal discussions , which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Further, the emails in this chain are not responsive to the subject of the instant Public Records Request and were initially included, due to the impermissibly overbroad nature of the Public Records Act Request 1, because Daniel Emmett was involved in a personal capacity as a university supporter. The subject matter of these emails are nonresponsive to the subject matter of this action. Further, the right to privacy of the students at issue, as well as the need for staff and faculty of public institutions to be able to discuss and respond to harassment allegations clearly outweighs any public interest in the disclosure of these internal discussions.
(1) 6; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) redacted		8/31/2016	Attachment to email
(1) 7; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	9/5/2017 8:25		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 8; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/28/2017 15:29		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 9; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5) Sean Hecht	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/25/2017 15:00		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 10; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/25/2018 8:14		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 11; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/24/2017 15:44		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 12; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5) Sean Hecht	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/24/2017 13:02		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 13; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	9/6/2017 20:58		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).
(1) 14; (2) Email Thread ; (3) Cara Horowitz; Sean Hecht; (4) redacted; (5)	(6) Re: thanking your summer funding supporters; (7) ; (8)	8/24/2017 12:59		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA).

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 15; (2) Email Thread ; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5) Sean Hecht; Cara Horowitz; Edward Parson	(6) Emmett Institute anniversary hike?; (7) ; (8)	6/28/2017 10:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 16; (2) Email Thread ; (3) Sean Hecht; Cara Horowitz; (4) Ann Carlson; (5)	(6) Fw: Climate Ride 2017; (7) ; (8)	4/4/2018 21:32		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 17; (2) Email Thread ; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) Fw: Emmett Institute anniversary hike?; (7) ; (8)	7/28/2017 15:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 18; (2) Email Thread ; (3) Ann Carlson; Edward Parson; Cara Horowitz; (4) Daniel Melling; (5) Sean Hecht	(6) RE: Climate Ride 2017; (7) ; (8)	3/16/2018 12:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 19; (2) Email Thread ; (3) Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht	(6) Re: Climate Ride 2017; (7) ; (8)	4/5/2018 7:45		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 20; (2) Email Thread ; (3) Edward Parson; Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht; Daniel Melling	(6) Re: Climate Ride 2017; (7) ; (8)	3/9/2018 15:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 21; (2) Email Thread ; (3) Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht; Edward Parson; Daniel Melling	(6) Re: Climate Ride 2017; (7) ; (8)	3/8/2018 13:43		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 22; (2) Email Thread ; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: Climate Ride 2017; (7) ; (8)	11/1/2017 19:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 23; (2) Email Thread ; (3) Daniel Melling; Ann Carlson; Edward Parson; Cara Horowitz; (4) Sean Hecht; (5)	(6) RE: Climate Ride 2017; (7) ; (8)	3/16/2018 14:14		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 24; (2) Email Thread ; (3) Ann Carlson; (4) Sean Hecht; (5) Cara Horowitz	(6) Re: Climate Ride 2017; (7) ; (8)	4/5/2018 19:51		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 25; (2) Email Thread ; (3) Jennifer Mnookin; (4) Ann Carlson; (5)	(6) Fw: UCLA Draft; (7) ; (8)	1/30/2018 20:47		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 26; (2) Email Thread; (3) Dan Emmett; Jennifer Mnookin; (4) Ann Carlson; (5) Bill Kisliuk; Cara Horowitz	(6) Re: Announcing your gift; (7) image001.png; (8)	5/21/2018 16:02		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 27; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Ann Carlson; (5) Jennifer Mnookin; Amy White; Nicholette Fuhrman	(6) Re: Attached Image; (7) ; (8)	4/3/2018 23:06		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 28; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Ann Carlson; (5) Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/30/2018 18:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 29; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5)	(6) RE: UCLA Draft; (7) ; (8)	2/1/2018 18:21		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 30; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5) Cara Horowitz; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 11:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 31; (2) Email Thread with Attachment ; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5) Ann Carlson; Edward Parson; Sean Hecht; Jennifer Mnookin	(6) Emmett Proposal - 03-19-18 (Final); (7) Emmett Proposal 03-19-18 (Final).docx.pdf; (8)	3/19/2018 15:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 32; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Emmett Proposal 03-19-18 (Final).docx.pdf		3/19/2018	Attachment to email
(1) 33; (2) Email Thread with Attachment ; (3) Anthony Escobar; (4) Cara Horowitz; (5) Ann Carlson; Jennifer Mnookin; Sean Hecht; Edward Parson	(6) FW: Attached Image; (7) 4695_001.pdf; (8)	4/3/2018 17:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 34; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 4695_001.pdf			Attachment to email

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(1) 35; (2) Email Thread; (3) Ann Carlson; (4) Cara Horowitz; (5)	(6) FW: UCLA Draft; (7) ; (8)	2/1/2018 16:45		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 36; (2) Email Thread; (3) Sean Hecht; (4) Cara Horowitz; (5)	(6) FW: UCLA Draft; (7) ; (8)	3/16/2018 9:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 37; (2) Email Thread with Attachment ; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Jennifer Mnookin; Amy White; Nicholette Fuhrman	(6) Fwd: Attached Image; (7) 4695_001.pdf; (8)	4/3/2018 17:20		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 38; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 4695_001.pdf			Attachment to email
(1) 39; (2) Email Thread; (3) Sean Hecht; Edward Parson; Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Jennifer Mnookin; (5)	(6) Fwd: Attached Image; (7) ; (8)	4/3/2018 18:00		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 40; (2) Email Thread with Attachment ; (3) Cara Horowitz; Ann Carlson; (4) Dan Emmett; (5) Nicholette Fuhrman; Amy White	(6) Fwd: UCLA Draft; (7) 3589_001.pdf; (8)	1/30/2018 16:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 41; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 3589_001.pdf			Attachment to email
(1) 42; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5)	(6) RE: Attached Image; (7) ; (8)	4/5/2018 14:37		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number: (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 43; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5) Ann Carlson; Jennifer Mnookin; Amy White; Nicholette Fuhrman; Anthony Escobar	(6) RE: Attached Image; (7) ; (8)	4/3/2018 17:55		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 44; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5) Ann Carlson; Jennifer Mnookin; Sean Hecht; Edward Parson	(6) RE: Attached Image; (7) ; (8)	4/9/2018 9:29		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 45; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Edward Parson; Sean Hecht; Jennifer Mnookin	(6) Re: Emmett Proposal - 03-19-18 (Final); (7); (8)	3/19/2018 21:03		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 45; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Jennifer Mnookin; (5)	(6) Re: Emmett Proposal - 03-19-18 (Final); (7) image001.png; (8)	3/22/2018 8:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 47; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Re: thank you and got your voicemail; (7) ; (8)	3/26/2018 21:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 48; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5) Ann Carlson; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:22		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 49; (2) Email Thread; (3) Ann Carlson; (4) Dan Emmett; (5) Cara Horowitz; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 50; (2) Email Thread; (3) Ann Carlson; (4) Dan Emmett; (5) Cara Horowitz; Nicholette Fuhrman; Amy White; Dan A. Emmett	(6) Re: UCLA Draft; (7) ; (8)	1/30/2018 20:22		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 51; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5)	(6) RE: UCLA Draft; (7) ; (8)	2/1/2018 18:21		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 52; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:37		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 53; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5)	(6) thank you and got your voicemail; (7) ; (8)	3/26/2018 17:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 54; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5)	(6) UCLA gift proposal; (7) ; (8)	3/28/2018 16:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to discuss internally potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, these emails implicate the Constitutional right to privacy. The negotiations include personal financial details of a particular donor, whose right to privacy clearly outweighs the public's interest in these internal discussions. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 55; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	5/7/2018 15:40		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 56; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	5/7/2018 15:23		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 57; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Dan Emmett; Anthony Escobar; Sean Hecht	(6) redacted; (7) ; (8)	5/7/2018 16:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 58; (2) Email Thread; (3) demmett@douglassmett.com; (4) Cara Horowitz; (5) Anthony Escobar	(6) redacted; (7) ; (8)	5/11/2018 13:28		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 59; (2) Email Thread; (3) Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Paul Witt Solicitation Draft; (7) ; (8)	5/4/2018 18:25		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 60; (2) Email Thread; (3) Anthony Escobar; (4) Cara Horowitz; (5) Sean Hecht; Ann Carlson; Jennifer Mnookin	(6) Fwd: Scholarship Matching Funds; (7) ; (8)	5/3/2018 8:35		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 61; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) redacted; (7) ; (8)	5/1/2018 18:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 62; (2) Email Thread with Attachment ; (3) Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Scholarship Matching Funds; (7) ATT00001.htm; Paul Witt Scholarship Announcement (PWitt Friends and Family & Others).docx; (8)	5/23/2018 16:27		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 63; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Paul Witt Scholarship Announcement (PWitt Fri.docx		5/22/2018	Attachment to Email 20201028_0000140_00057

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(1) 64; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Anthony Escobar	(6) RE: Paul Witt Scholarship Fund; (7) ; (8)	5/12/2018 22:14		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 65; (2) Email Thread; (3) Anthony Escobar; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	6/11/2018 14:38		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 65; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5) Ann Carlson	(6) redacted; (7) ; (8)	5/4/2018 12:43		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 67; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) redacted; (7) ; (8)	5/5/2018 8:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 68; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	5/6/2018 11:48		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 69; (2) Email Thread; (3) Ann Carlson; Anthony Escobar; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	5/7/2018 10:18		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 70; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Anthony Escobar; Ann Carlson	(6) redacted; (7) ; (8)	5/23/2018 19:59		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the conceptualization and establishment of a scholarship. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 71; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: The match; (7) ; (8)	5/1/2018 15:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 72; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5)	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 8:46		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 73; (2) Email Thread; (3) Sean Hecht; (4) Ann Carlson; (5) Cara Horowitz; Edward Parson	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 22:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 74; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: the Shapiros; (7) ; (8)	5/1/2018 9:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 75; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5)	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 8:46		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 76; (2) Email Thread; (3) Sean Hecht; (4) ; (5) Cara Horowitz; Edward Parson	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 22:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the negotiation of a specific donation by one individual and do not involve an actual formal agreement for the expenditure of public funds. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the public funding it needs to operate. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 77; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) The match; (7) ; (8)	5/1/2018 15:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 78; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) the Shapiros; (7) ; (8)	5/1/2018 8:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 79; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Edward Parson; Sean Hecht	(6) Re: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 80; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Edward Parson; Sean Hecht; Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 11:16		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 81; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5) Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 10:57		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 82; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Sean Hecht; Edward Parson	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 13:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 83; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Emmett Institute; (7) ; (8)	5/31/2019 22:40		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

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(1) 84; (2) Email Thread with Attachment ; (3) Sean Hecht; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Liz Vohwinkel	(6) FW: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; Funding wishlist - Nov 2016.docx; (8)	6/3/2019 10:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 85; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Funding wishlist - Nov 2016.docx		11/22/2016	Attachment to email
(1) 86; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to email
(1) 87; (2) Email Thread; (3) Cara Horowitz; (4) Liz Vohwinkel; (5)	(6) FW: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:25		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 88; (2) Email Thread with Attachment ; (3) Ann Carlson; Liz Vohwinkel; Sean Hecht; Edward Parson; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; (8)	6/3/2019 13:03		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 89; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to 20201028_0000140_00080
(1) 90; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Edward Parson; Sean Hecht	(6) Re: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 91; (2) Email Thread with Attachment; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; (8)	6/3/2019 13:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 92; (2) Document; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to 20201028_0000140_00082
(1) 93; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Edward Parson; Sean Hecht; Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 11:16		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 94; (2) Email Thread; (3) Cara Horowitz; (4) Sean Hecht; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 95; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Re: Emmett Institute; (7) ; (8)	6/1/2019 8:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 96; (2) Email Thread; (3) Cara Horowitz; Edward Parson; Ann Carlson; (4) Liz Vohwinkel; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 97; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) Re: Emmett Institute; (7) ; (8)	6/1/2019 7:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 98; (2) Email Thread; (3) Liz Vohwinkel; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 99; (2) Email Thread; (3) Liz Vohwinkel; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:35		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 100; (2) Email Thread; (3) Liz Vohwinkel; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:27		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 101; (2) Email Thread; (3) Edward Parson; Ann Carlson; Cara Horowitz; (4) Liz Vohwinkel; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 102; (2) Email Thread; (3) Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht; Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 103; (2) Email Thread; (3) Ann Carlson; Cara Horowitz; (4) Edward Parson; (5) Sean Hecht; Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:17		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 104; (2) Email Thread; (3) Edward Parson; Ann Carlson; Sean Hecht; (4) Cara Horowitz; (5) Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 105; (2) Email Thread; (3) Ann Carlson; Cara Horowitz; Sean Hecht; (4) Edward Parson; (5) Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 106; (2) Email Thread; (3) Cara Horowitz; (4) Liz Vohwinkel; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 13:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 107; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Sean Hecht; Edward Parson	(6) Re: Emmett Institute; (7) redacted; (8)	6/3/2019 13:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns internal fundraising discussions relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise funds that are essential to its public education, scientific, medical and other academic pursuits. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, <i>see, e.g., California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here these emails are internal discussions among UCLA employees relating to the formulation and presentation of fundraising priorities. While the public records sought in <i>Fresno</i> related to the university's use of public funds, here the public records at issue relate only to the receipt of funds, not the use. The public's interest in transparency surrounding the raising of funds is much lower than its interest in the use of funds. Moreover, there is a strong public interest in allowing employees to strategize and discuss fundraising ideas without fear of public disclosure of every idea that is ultimately discarded. Therefore the public's interest in universities being able to effectively raise funds clearly outweighs the public's interest in the disclosure of fundraising strategies. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice."
(1) 108; (2) Email Thread with Attachment; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Chapter 1; (7) redacted; (8)	10/9/2019 12:07		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. <i>See, e.g., Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 109; (2) Document - pre-published academic work; (3); (4); (5)	(6); (7); (8) redacted		10/9/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 110; (2) Email Thread with Attachment; (3) Dan Emmett Dan Emmett Dan Emmett; (4) Ann Carlson; (5)	(6) Chapter 2; (7) redacted; (8)	10/15/2019 14:53		
(1) 111; (2) Document - pre-published academic work; (3); (4); (5)	(6); (7); (8) redacted		10/7/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 112; (2) Email Thread with Attachment; (3) Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Attached Image; (7) 1720_001.pdf; (8)	10/9/2019 14:17		
(1) 113; (2) Document - pre-published academic work; (3); (4); (5)	(6); (7); (8) 1720_001.pdf			Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 114; (2) Email Thread with Attachment; (3) Ann Carlson; (4) Dan Emmett; (5)	(6) redacted; (7) redacted; (8)	9/3/2019 14:38		
(1) 115; (2) Document - pre-published academic work; (3); (4); (5)	(6); (7); (8) redacted		9/3/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 116; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: Chapter 1; (7); (8)	10/9/2019 13:14		
(1) 117; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7); (8)	7/18/2019 9:09		
(1) 118; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7); (8)	7/18/2019 9:42		

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 119; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	9/3/2019 15:40		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. <i>See, e.g., Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 120; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	7/18/2019 8:37		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. <i>See, e.g., Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).

Document Number	Nature	Explanation
1	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
2	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
3	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
4	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
5	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
6	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
7	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
8	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
9	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act

10	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
11	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
12	Email Thread	This email was sent or received by Ann Carlson in her capacity as a board member of a private entity unaffiliated with UCLA. This writing does not relate to the conduct of the public's business, and is therefore not a public record subject to disclosure under the Public Records Act
13	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. <i>See City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131
14	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. <i>See City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131
15	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. <i>See City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131
16	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
17	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.

18	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
19	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
20	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
21	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
22	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
23	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
24	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
25	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
26	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
27	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
28	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
29	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
30	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
31	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
32	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
33	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
34	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
35	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
36	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.

37	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
38	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
39	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
40	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
41	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
42	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
43	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
44	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
45	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
46	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
47	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
48	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
50	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. See <i>City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131
51	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. See <i>City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131

52	Email Thread	This email contains purely personal conversation, and does not relate to the conduct of the public's business. Therefore, this is not a public record subject to disclosure under the Public Records Act. See <i>City of San Jose v. Superior Court</i> , 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business."). Further, this correspondence was not relied upon by the public entity in carrying out its business. <i>Media Research Center v. U.S. Dept. of Justice</i> , D.D.C.2011, 818 F.Supp.2d 131
53	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
54	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
55	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
56	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
57	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
58	Attachment to Email Thread	This document is a non-responsive attachment to an email that is not a public record.
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Number	Name	Message Date Sent	Message To	Message From	Message CC	Message Subject	Message Attachment Names	File Name	File Date Modified	Exemption Disposition
1	Final Thread with Attachment	3/6/2013 1:50 PM	Dean Meyer, Cara Hogue, Edward Farnon, Derek	Art Carlson		Re: COWB Bldg 303	C3-2013-HUG-MS-561.pdf	C3-2013-HUG-MS-561.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
2	Document									
3	Final Thread with Attachment	1/2/2013 12:03 PM	Art Carlson	Art Carlson		Re: UCLA Draft	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
4	Document									
5	Final Thread with Attachment	9/6/2013 3:45 PM	Art Carlson	Art Carlson						
6	Document									
7	Final Thread	9/6/2013 3:55 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
8	Final Thread	9/29/2013 3:29 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
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13	Final Thread	9/29/2013 3:42 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
14	Final Thread	9/29/2013 3:43 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
15	Final Thread	9/29/2013 3:44 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
16	Final Thread	9/29/2013 3:45 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
17	Final Thread	9/29/2013 3:46 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
18	Final Thread	9/29/2013 3:47 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
19	Final Thread	9/29/2013 3:48 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
20	Final Thread	9/29/2013 3:49 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
21	Final Thread	9/29/2013 3:50 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
22	Final Thread	9/29/2013 3:51 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
23	Final Thread	9/29/2013 3:52 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
24	Final Thread	9/29/2013 3:53 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
25	Final Thread	9/29/2013 3:54 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
26	Final Thread	9/29/2013 3:55 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
27	Final Thread	9/29/2013 3:56 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
28	Final Thread	9/29/2013 3:57 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
29	Final Thread	9/29/2013 3:58 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
30	Final Thread	9/29/2013 3:59 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
31	Final Thread	9/29/2013 4:00 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
32	Final Thread	9/29/2013 4:01 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
33	Final Thread	9/29/2013 4:02 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
34	Final Thread	9/29/2013 4:03 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
35	Final Thread	9/29/2013 4:04 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
36	Final Thread	9/29/2013 4:05 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
37	Final Thread	9/29/2013 4:06 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
38	Final Thread	9/29/2013 4:07 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
39	Final Thread	9/29/2013 4:08 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
40	Final Thread	9/29/2013 4:09 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
41	Final Thread	9/29/2013 4:10 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
42	Final Thread	9/29/2013 4:11 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
43	Final Thread	9/29/2013 4:12 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
44	Final Thread	9/29/2013 4:13 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
45	Final Thread	9/29/2013 4:14 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business.
46	Final Thread	9/29/2013 4:15 PM	Art Carlson	Art Carlson		Re: COWB Bldg 303	350-001.pdf	350-001.pdf	3/6/2013	The record contains pre-decisional internal discussions, which are deliberative in nature, in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to a public request for information. The public interest in disclosure is outweighed by the public interest in non-disclosure. As a result, disclosure would harm the University's ability to conduct its business. The public interest in non-disclosure is particularly strong because the record contains internal deliberative discussions relating to, among other things, the University's response to

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 1; (2) Email Thread with Attachment ; (3) Sean Hecht; Cara Horowitz; Edward Parson; Daniel Melling; (4) Ann Carlson; (5)	(6) Fw: Climate Ride 2017; (7) CR - 2019 - Hike Big Sur.pdf; (8)	3/8/2018 11:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 2; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) CR - 2019 - Hike Big Sur.pdf		3/8/2018	Attachment to email

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 3; (2) Email Thread with Attachment ; (3) Jennifer Mnookin; (4) Ann Carlson; (5)	(6) Fw: UCLA Draft; (7) 3589_001.pdf; (8)	1/30/2018 18:00		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 4; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 3589_001.pdf			Attachment to email
(1) 5; (2) Email Thread with Attachment ; (3) Lindsey Williams; (4) Ann Carlson; (5) Jennifer Mnookin; Donna Colin; Cara Horowitz	(6) redacted; (7) 0663ED34-6BAA-480A-8E06-31C4BA983CD9.png; 6812B470-2293-4526-8A74-85522B16528D[57].png; (8)	9/5/2016 16:41		The record concerns pre-decisional internal discussions , which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Further, the emails in this chain are not responsive to the subject of the instant Public Records Request and were initially included, due to the impermissibly overbroad nature of the Public Records Act Request 1, because Daniel Emmett was involved in a personal capacity as a university supporter. The subject matter of these emails are nonresponsive to the subject matter of this action. Further, the right to privacy of the students at issue, as well as the need for staff and faculty of public institutions to be able to discuss and respond to harassment allegations clearly outweighs any public interest in the disclosure of these internal discussions. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 6; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) redacted		8/31/2016	Attachment to email
(1) 7; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	9/5/2017 8:25		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 8; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/28/2017 15:29		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 9; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5) Sean Hecht	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/25/2017 15:00		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 10; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/25/2018 8:14		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 11; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/24/2017 15:44		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 12; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5) Sean Hecht	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	8/24/2017 13:02		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 13; (2) Email Thread ; (3) Cara Horowitz; (4) redacted; (5)	(6) Re: thanking you summer fellowship supporters; (7) ; (8)	9/6/2017 20:58		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.
(1) 14; (2) Email Thread ; (3) Cara Horowitz; Sean Hecht; (4) redacted; (5)	(6) Re: thanking your summer funding supporters; (7) ; (8)	8/24/2017 12:59		This record contains personally identifiable information protected from disclosure by the Family Education Rights and Privacy Act (FERPA). Further, the public interest in protecting student information and promoting academic freedom by allowing candid discussions between students and professors outweighs the public interest in disclosure of such documents. In addition, the California Constitution codifies an individual's right to privacy, which is incorporated in the PRA pursuant to Government Code section 6254(k). This record implicates a student's right to privacy and is thus exempt from disclosure.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 15; (2) Email Thread ; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5) Sean Hecht; Cara Horowitz; Edward Parson	(6) Emmett Institute anniversary hike?; (7) ; (8)	6/28/2017 10:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 16; (2) Email Thread ; (3) Sean Hecht; Cara Horowitz; (4) Ann Carlson; (5)	(6) Fw: Climate Ride 2017; (7) ; (8)	4/4/2018 21:32		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 17; (2) Email Thread ; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) Fw: Emmett Institute anniversary hike?; (7) ; (8)	7/28/2017 15:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 18; (2) Email Thread ; (3) Ann Carlson; Edward Parson; Cara Horowitz; (4) Daniel Melling; (5) Sean Hecht	(6) RE: Climate Ride 2017; (7) ; (8)	3/16/2018 12:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 19; (2) Email Thread ; (3) Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht	(6) Re: Climate Ride 2017; (7) ; (8)	4/5/2018 7:45		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 20; (2) Email Thread ; (3) Edward Parson; Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht; Daniel Melling	(6) Re: Climate Ride 2017; (7) ; (8)	3/9/2018 15:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 21; (2) Email Thread ; (3) Cara Horowitz; (4) Ann Carlson; (5) Sean Hecht; Edward Parson; Daniel Melling	(6) Re: Climate Ride 2017; (7) ; (8)	3/8/2018 13:43		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 22; (2) Email Thread ; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: Climate Ride 2017; (7) ; (8)	11/1/2017 19:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 23; (2) Email Thread ; (3) Daniel Melling; Ann Carlson; Edward Parson; Cara Horowitz; (4) Sean Hecht; (5)	(6) RE: Climate Ride 2017; (7) ; (8)	3/16/2018 14:14		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 24; (2) Email Thread ; (3) Ann Carlson; (4) Sean Hecht; (5) Cara Horowitz	(6) Re: Climate Ride 2017; (7) ; (8)	4/5/2018 19:51		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 25; (2) Email Thread ; (3) Jennifer Mnookin; (4) Ann Carlson; (5)	(6) Fw: UCLA Draft; (7) ; (8)	1/30/2018 20:47		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 26; (2) Email Thread; (3) Dan Emmett; Jennifer Mnookin; (4) Ann Carlson; (5) Bill Kisliuk; Cara Horowitz	(6) Re: Announcing your gift; (7) image001.png; (8)	5/21/2018 16:02		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 27; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Ann Carlson; (5) Jennifer Mnookin; Amy White; Nicholette Fuhrman	(6) Re: Attached Image; (7) ; (8)	4/3/2018 23:06		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 28; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Ann Carlson; (5) Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/30/2018 18:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 29; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5)	(6) RE: UCLA Draft; (7) ; (8)	2/1/2018 18:21		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 30; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5) Cara Horowitz; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 11:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 31; (2) Email Thread with Attachment ; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5) Ann Carlson; Edward Parson; Sean Hecht; Jennifer Mnookin	(6) Emmett Proposal - 03-19-18 (Final); (7) Emmett Proposal 03-19-18 (Final).docx.pdf; (8)	3/19/2018 15:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 32; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Emmett Proposal 03-19-18 (Final).docx.pdf		3/19/2018	Attachment to email

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 33; (2) Email Thread with Attachment ; (3) Anthony Escobar; (4) Cara Horowitz; (5) Ann Carlson; Jennifer Mnookin; Sean Hecht; Edward Parson	(6) FW: Attached Image; (7) 4695_001.pdf; (8)	4/3/2018 17:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 34; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 4695_001.pdf			Attachment to email

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 35; (2) Email Thread; (3) Ann Carlson; (4) Cara Horowitz; (5)	(6) FW: UCLA Draft; (7) ; (8)	2/1/2018 16:45		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 36; (2) Email Thread; (3) Sean Hecht; (4) Cara Horowitz; (5)	(6) FW: UCLA Draft; (7) ; (8)	3/16/2018 9:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 37; (2) Email Thread with Attachment ; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Jennifer Mnookin; Amy White; Nicholette Fuhrman	(6) Fwd: Attached Image; (7) 4695_001.pdf; (8)	4/3/2018 17:20		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 38; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 4695_001.pdf			Attachment to email

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 39; (2) Email Thread; (3) Sean Hecht; Edward Parson; Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Jennifer Mnookin; (5)	(6) Fwd: Attached Image; (7) ; (8)	4/3/2018 18:00		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 40; (2) Email Thread with Attachment ; (3) Cara Horowitz; Ann Carlson; (4) Dan Emmett; (5) Nicholette Fuhrman; Amy White	(6) Fwd: UCLA Draft; (7) 3589_001.pdf; (8)	1/30/2018 16:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 41; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) 3589_001.pdf			Attachment to email
(1) 42; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5)	(6) RE: Attached Image; (7) ; (8)	4/5/2018 14:37		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 43; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5) Ann Carlson; Jennifer Mnookin; Amy White; Nicholette Fuhrman; Anthony Escobar	(6) RE: Attached Image; (7) ; (8)	4/3/2018 17:55		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 44; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5) Ann Carlson; Jennifer Mnookin; Sean Hecht; Edward Parson	(6) RE: Attached Image; (7) ; (8)	4/9/2018 9:29		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 45; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Edward Parson; Sean Hecht; Jennifer Mnookin	(6) Re: Emmett Proposal - 03-19-18 (Final); (7); (8)	3/19/2018 21:03		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 46; (2) Email Thread; (3) Dan Emmett; Cara Horowitz; (4) Jennifer Mnookin; (5)	(6) Re: Emmett Proposal - 03-19-18 (Final); (7) image001.png; (8)	3/22/2018 8:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 47; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Re: thank you and got your voicemail; (7) ; (8)	3/26/2018 21:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 48; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5) Ann Carlson; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:22		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 49; (2) Email Thread; (3) Ann Carlson; (4) Dan Emmett; (5) Cara Horowitz; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:08		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 50; (2) Email Thread; (3) Ann Carlson; (4) Dan Emmett; (5) Cara Horowitz; Nicholette Fuhrman; Amy White; Dan A. Emmett	(6) Re: UCLA Draft; (7) ; (8)	1/30/2018 20:22		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 51; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5)	(6) RE: UCLA Draft; (7) ; (8)	2/1/2018 18:21		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 52; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Ann Carlson; Nicholette Fuhrman; Amy White	(6) Re: UCLA Draft; (7) ; (8)	1/31/2018 17:37		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 53; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5)	(6) thank you and got your voicemail; (7) ; (8)	3/26/2018 17:58		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 54; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5)	(6) UCLA gift proposal; (7) ; (8)	3/28/2018 16:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 55; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	5/7/2018 15:40		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 56; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	5/7/2018 15:23		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 57; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Dan Emmett; Anthony Escobar; Sean Hecht	(6) redacted; (7) ; (8)	5/7/2018 16:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 58; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Cara Horowitz; (5) Anthony Escobar	(6) redacted; (7) ; (8)	5/11/2018 13:28		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 59; (2) Email Thread; (3) Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Paul Witt Solicitation Draft; (7) ; (8)	5/4/2018 18:25		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 60; (2) Email Thread; (3) Anthony Escobar; (4) Cara Horowitz; (5) Sean Hecht; Ann Carlson; Jennifer Mnookin	(6) Fwd: Scholarship Matching Funds; (7) ; (8)	5/3/2018 8:35		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

AR 00173

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 61; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) redacted; (7) ; (8)	5/1/2018 18:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 62; (2) Email Thread with Attachment ; (3) Cara Horowitz; Anthony Escobar; Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Scholarship Matching Funds; (7) ATT00001.htm; Paul Witt Scholarship Announcement (PWitt Friends and Family & Others).docx; (8)	5/23/2018 16:27		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 63; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Paul Witt Scholarship Announcement (PWitt Fri.docx		5/22/2018	Attachment to Email 20201028_0000140_00057
(1) 64; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Anthony Escobar	(6) redacted; (7) ; (8)	5/12/2018 22:14		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 65; (2) Email Thread; (3) Anthony Escobar; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	6/11/2018 14:38		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 66; (2) Email Thread; (3) Cara Horowitz; (4) Anthony Escobar; (5) Ann Carlson	(6) redacted; (7) ; (8)	5/4/2018 12:43		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 67; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) redacted; (7) ; (8)	5/5/2018 8:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 68; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	5/6/2018 11:48		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 69; (2) Email Thread; (3) Ann Carlson; Anthony Escobar; (4) Cara Horowitz; (5)	(6) redacted; (7) ; (8)	5/7/2018 10:18		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 70; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5) Anthony Escobar; Ann Carlson	(6) redacted; (7) ; (8)	5/23/2018 19:59		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

AR 00178

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(1) 71; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: The match; (7) ; (8)	5/1/2018 15:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 72; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5)	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 8:46		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 73; (2) Email Thread; (3) Sean Hecht; (4) Ann Carlson; (5) Cara Horowitz; Edward Parson	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 22:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 74; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: the Shapiros; (7) ; (8)	5/1/2018 9:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 75; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5)	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 8:46		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 76; (2) Email Thread; (3) Sean Hecht; (4) ; (5) Cara Horowitz; Edward Parson	(6) Re: reminder lunch tomorrow 12:30 with Dan Emmett; (7) ; (8)	10/5/2016 22:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

AR 00181

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 77; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) The match; (7) ; (8)	5/1/2018 15:44		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 78; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) the Shapiros; (7) ; (8)	5/1/2018 8:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 79; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Edward Parson; Sean Hecht	(6) Re: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 80; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Edward Parson; Sean Hecht; Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 11:16		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 81; (2) Email Thread; (3) Cara Horowitz; Sean Hecht; Edward Parson; (4) Ann Carlson; (5) Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 10:57		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 82; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Sean Hecht; Edward Parson	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 13:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 83; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Emmett Institute; (7) ; (8)	5/31/2019 22:40		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 84; (2) Email Thread with Attachment ; (3) Sean Hecht; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Liz Vohwinkel	(6) FW: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; Funding wishlist - Nov 2016.docx; (8)	6/3/2019 10:50		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 85; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) Funding wishlist - Nov 2016.docx		11/22/2016	Attachment to email
(1) 86; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to email
(1) 87; (2) Email Thread; (3) Cara Horowitz; (4) Liz Vohwinkel; (5)	(6) FW: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:25		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 88; (2) Email Thread with Attachment ; (3) Ann Carlson; Liz Vohwinkel; Sean Hecht; Edward Parson; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; (8)	6/3/2019 13:03		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 89; (2) Document ; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to 20201028_0000140_00080

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 90; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Edward Parson; Sean Hecht	(6) Re: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:36		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 91; (2) Email Thread with Attachment; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) UCLA Emmett Institute - June 2019 priorities.docx; (8)	6/3/2019 13:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 92; (2) Document; (3) ; (4) ; (5)	(6) ; (7) ; (8) UCLA Emmett Institute - June 2019 priorities.docx		6/3/2019	Attachment to 20201028_0000140_00082
(1) 93; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Edward Parson; Sean Hecht; Liz Vohwinkel	(6) Re: Emmett Institute; (7) ; (8)	6/3/2019 11:16		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 94; (2) Email Thread; (3) Cara Horowitz; (4) Sean Hecht; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 95; (2) Email Thread; (3) Cara Horowitz; (4) Dan Emmett; (5)	(6) Re: Emmett Institute; (7) ; (8)	6/1/2019 8:41		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 96; (2) Email Thread; (3) Cara Horowitz; Edward Parson; Ann Carlson; (4) Liz Vohwinkel; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 97; (2) Email Thread; (3) Dan Emmett; (4) Cara Horowitz; (5)	(6) Re: Emmett Institute; (7) ; (8)	6/1/2019 7:09		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 98; (2) Email Thread; (3) Liz Vohwinkel; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 12:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 99; (2) Email Thread; (3) Liz Vohwinkel; Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:35		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

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(1) 100; (2) Email Thread; (3) Liz Vohwinkel; (4) Cara Horowitz; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:27		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 101; (2) Email Thread; (3) Edward Parson; Ann Carlson; Cara Horowitz; (4) Liz Vohwinkel; (5) Sean Hecht	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 11:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 102; (2) Email Thread; (3) Edward Parson; Ann Carlson; (4) Cara Horowitz; (5) Sean Hecht; Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:24		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 103; (2) Email Thread; (3) Ann Carlson; Cara Horowitz; (4) Edward Parson; (5) Sean Hecht; Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:17		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 104; (2) Email Thread; (3) Edward Parson; Ann Carlson; Sean Hecht; (4) Cara Horowitz; (5) Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:04		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 105; (2) Email Thread; (3) Ann Carlson; Cara Horowitz; Sean Hecht; (4) Edward Parson; (5) Liz Vohwinkel	(6) RE: Emmett Institute; (7) ; (8)	6/3/2019 11:01		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 106; (2) Email Thread; (3) Cara Horowitz; (4) Liz Vohwinkel; (5)	(6) RE: Emmett Institute; (7) image001.png; (8)	6/3/2019 13:49		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.
(1) 107; (2) Email Thread; (3) Cara Horowitz; (4) Ann Carlson; (5) Liz Vohwinkel; Sean Hecht; Edward Parson	(6) Re: Emmett Institute; (7) redacted; (8)	6/3/2019 13:05		The record concerns pre-decisional internal discussions, which are deliberative processes in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. Case law recognizes that the public interest in non-disclosure generally so outweighs for pre-decisional deliberations in a wide variety of factual contexts. That principle particularly applies in this context because this record concerns internal discussions regarding how to raise private funds relating to, among other things, strategies and particular donor interactions which, if subject to public disclosure, would chill the candor of such discussions or preclude them entirely. As a result, disclosure would hamper the University's ability to raise private funds that are essential to funding education, scientific, medical and other academic pursuits that the University would be unable to fully fund with public funding alone. Comparable internal pre-decisional deliberative discussions are not only exempt in other public entity contexts, but are also not subject to disclosure at comparable private universities. As a result, the University would be at a disadvantage in raising private funds when compared to its counterparts at private universities if the University's internal discussions regarding private donors were subject to disclosure. While not all donor information may be protected in all circumstances where the records relate to formal agreements reached for expenditures of public funds, see, e.g., <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal. App. 4th 810, 833-835 (requiring disclosure of names of donors to Foundation who in return received agreements to lease luxury suites to new arena, as more in the nature of a "commercial transaction"), here, these emails are internal discussions among UCLA employees about potential fundraising strategies. If such information were disclosed, public university employees will not feel free to candidly discuss potential fundraising strategies and targets, which will severely limit the university's ability to secure the private funding it needs to supplement other sources of funding for its operations. This is similar to express exemptions for drafts and constitutes deliberative process such that this information is exempt from disclosure. Further, in some instances, the information contained in internal fundraising discussions constitutes a trade secret under Evidence Code 1060, which provides that "the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice." Pursuant to the Court's rulings, the University may offer lay witness opinion declarations or percipient fact declarations consistent with and supporting the above explanation.

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 108; (2) Email Thread with Attachment; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Chapter 1; (7) redacted; (8)	10/9/2019 12:07		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 109; (2) Document - pre-published academic work; (3) ; (4) ; (5)	(6) ; (7) ; (8) redacted		10/9/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 110; (2) Email Thread with Attachment; (3) Dan Emmett Dan Emmett Dan Emmett; (4) Ann Carlson; (5)	(6) Chapter 2; (7) redacted(8)	10/15/2019 14:53		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 111; (2) Document - pre-published academic work; (3) ; (4) ; (5)	(6) Chapter 2; (7) redacted (8)		10/7/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 112; (2) Email Thread with Attachment; (3) Ann Carlson; (4) Dan Emmett; (5)	(6) Fwd: Attached Image; (7) 1720_001.pdf; (8)	10/9/2019 14:17		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 113; (2) Document - pre-published academic work; (3) ; (4) ; (5)	(6) ; (7) ; (8) 1720_001.pdf			Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 114; (2) Email Thread with Attachment; (3) Ann Carlson; (4) Dan Emmett; (5)	(6) redacted; (7) redacted; (8)	9/3/2019 14:38		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 115; (2) Document - pre-published academic work; (3) ; (4) ; (5)	(6) ; (7) ; (8) redacted		9/3/2019	Attachment to email The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 116; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) Re: Chapter 1; (7) ; (8)	10/9/2019 13:14		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 117; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	7/18/2019 9:09		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 118; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	7/18/2019 9:42		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).

(1) Number (2) Nature (3) Message To (4) Message From (5) Message CC	(6) Message Subject (7) Message Attachment Names (8) File Name	Message Date Sent	File Date Modified	Exemption Explanation
(1) 119; (2) Email Thread; (3) Dan Emmett; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	9/3/2019 15:40		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).
(1) 120; (2) Email Thread; (3) demmett@douglasemmett.com; (4) Ann Carlson; (5)	(6) redacted; (7) ; (8)	7/18/2019 8:37		The record concerns pre-publication academic research in which the public interest in non-disclosure clearly outweighs the public interest in disclosure. The public interest in non-disclosure particularly applies because this record concerns drafts of academic texts whose disclosure would chill academic freedom, particularly research into sensitive or controversial topics. See, e.g., <i>Humane Society of the United States v. Superior Court (Regents of the Univ. of Calif.)</i> , (2013) 214 Cal. App. 4th 1233 (upholding Regents' decision to withhold UC Davis researchers' pre-publication research data from public records request).

From: Carlson, Ann
To: dennett@douglasennett.com
Subject: smog and flying
Date: Thursday, July 18, 2019 8:37:30 AM

Hi Dan,

Thanks again for meeting with the CCI/Rockefeller folks on Monday. I'm glad I got to see their presentation and am thinking about ways the Emmett Institute might collaborate with them.

[REDACTED]

Thanks!

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

From: Carlson, Ann
To: Dan Emmett
Subject: Re: Center for Climate Integrity
Date: Monday, June 24, 2019 3:59:01 PM

Great!

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

From: Dan Emmett <demmett@douglasemmett.com>
Sent: Monday, June 24, 2019 3:53:02 PM
To: Carlson, Ann
Subject: Re: Center for Climate Integrity

Sure. Link in my assistant, Nicholette, who largely runs my calendar.

Dan A. Emmett
c/o Douglas Emmett Management, LLC
1299 Ocean Avenue, Suite 1000
Santa Monica, CA 90401
(T) 310.255.7725
demmett@douglasemmett.com
www.douglasemmett.com

On Mon, Jun 24, 2019 at 3:51 PM Carlson, Ann <carlson@law.ucla.edu> wrote:

I think he's planning to be here and can meet and I'm sure would come your way. I've been working with them a bit -- we participated in a conference in Hawaii to try to encourage Hawaii to consider a nuisance lawsuit. I've also discussed them with Vic Sher and he thinks they're an important part of the broader effort on the lawsuits to engage the public. I think our involvement will continue. And as you may remember the clinic has been working on the nuisance cases.

Do you want me to communicate with them to try to set up a meeting?

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

From: Dan Emmett <demmett@douglasemmett.com>
Sent: Monday, June 24, 2019 3:45:35 PM

To: Carlson, Ann

Subject: Re: Center for Climate Integrity

If he is otherwise out here and available to meet at or near our office I would be happy to hear about his organization, with you. Do you think you may work together with them?
Dan

Dan A. Emmett

c/o Douglas Emmett Management, LLC

1299 Ocean Avenue, Suite 1000

Santa Monica, CA 90401

(T) 310.255.7725

demmett@douglasemmett.com

www.douglasemmett.com

On Mon, Jun 24, 2019 at 3:35 PM Carlson, Ann <carlson@law.ucla.edu> wrote:

I think it would be interesting to meet with them if you are game. I'm impressed with what they're trying to accomplish, which is to improve climate communication. Not a particularly easy thing to do but they seem sophisticated, though I admit that I've only seen a little bit of their work product. They have put together a very interesting cachet of documents from the oil companies about what they knew about climate change, when they knew it, and how they've engaged in their denialist campaign.

I'm happy to come to a meeting if you would like to go forward with meeting them, though I obviously leave that up to you. Let me know what you think.

On Jun 24, 2019, at 3:27 PM, Dan Emmett <demmett@douglasemmett.com> wrote:

Welcome home.

I am aware of the group and Reed. I have not been an active supporter. If you think their work is great and that we can or should be working with them let me know. I am glad to meet with them and you when they are out here if you think appropriate.

Dan

Dan A. Emmett

c/o Douglas Emmett Management, LLC

1299 Ocean Avenue, Suite 1000

Santa Monica, CA 90401

(T) 310.255.7725

demmett@douglasemmett.com

www.douglasemmett.com

On Sun, Jun 23, 2019 at 7:19 AM Carlson, Ann <carlson@law.ucla.edu> wrote:

Hi Dan,

Hope all is well. I'm just back from a crazy couple of weeks traveling for work and finally settling into the summer.

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Give my best to Rael

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

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From: Dan Emmett
To: Carlson, Ann
Subject: Re: Center for Climate Integrity
Date: Monday, June 24, 2019 3:53:17 PM

Sure. Link in my assistant, Nicholette, who largely runs my calendar.

Dan A. Emmett
c/o Douglas Emmett Management, LLC
1299 Ocean Avenue, Suite 1000
Santa Monica, CA 90401
(T) 310.255.7725
demmett@douglasemmett.com
www.douglasemmett.com

On Mon, Jun 24, 2019 at 3:51 PM Carlson, Ann <carlson@law.ucla.edu> wrote:

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From: Dan Emmett <demmett@douglasemmett.com>
Sent: Monday, June 24, 2019 3:45:35 PM
To: Carlson, Ann
Subject: Re: Center for Climate Integrity

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From: Carlson, Ann
To: Dan Emmett
Subject: Re: Center for Climate Integrity
Date: Monday, June 24, 2019 3:51:50 PM

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From: Carlson, Ann
To: Dan Emmett
Subject: Re: Center for Climate Integrity
Date: Monday, June 24, 2019 3:35:02 PM

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Subject: Re: Center for Climate Integrity
Date: Monday, June 24, 2019 3:27:53 PM

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From: Carlson, Ann
To: demmett@douglasemmett.com
Subject: Center for Climate Integrity
Date: Sunday, June 23, 2019 7:19:03 AM

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INFORMATION PRACTICES
10920 WILSHIRE BOULEVARD, SUITE 107
LOS ANGELES, CA 90024-6543

VIA EMAIL

January 15, 2021

Mr. Christopher Horner
Government Accountability & Oversight
Email: chris@govoversight.org

RE: Public Records Request - PRR # 19-7464

Dear Mr. Christopher Horner:

In course of responding to another California Public Records Act ("CPRA") request, UCLA discovered additional responsive records and, pursuant to Cal. Gov. Code §6253(b), is making a supplemental production of records. Such records are being made available to you as part of Public Records Request - PRR # 19-7464.

Some of the records we are providing today are also responsive to PRR# 20-8371. Please refer to the response letter for PRR# 20-8371 for an explanation of exemptions for any redactions contained within those pages of records.

Although the CPRA authorizes UCLA to charge for reproduction costs and/or programming services,¹¹ as a courtesy these fees have been waived. Any subsequent requests may be subject to copying and/or programming fees.

Should you have any questions, please contact me at (310) 794-8741 or via email at rbaldrige@ucla.edu and reference the PRR number found above in the subject line.

Sincerely,

A handwritten signature in cursive script that reads "Robert Baldrige".

Robert Baldrige
Manager, Records Management & Information Practices
(310) 794-8741 | (310) 794-8961 (fax) | records@ucla.edu

Enclosures

¹¹ Cal. Gov. Code §6253(b)



INFORMATION PRACTICES
10920 WILSHIRE BOULEVARD, SUITE 107
LOS ANGELES, CA 90024-6543

VIA EMAIL

July 23, 2021

Mr. Christopher Horner
Government Accountability & Oversight
Email: chris@govoversight.org

RE: Public Records Request - PRR # 21-8912

Dear Mr. Christopher Horner:

We have reviewed your California Public Records Act ("CPRA") request dated April 7, 2021, herein enclosed. UCLA departments completed the search for the responsive records and, pursuant to Cal. Gov. Code §6253(b), will produce the documents, subject to the segregation of exempt material within the documents.

A "public record" is a writing that relates "to the conduct of the public's business." Cal. Gov. Code § 6252(e). Documents were determined not to fall within the definition of public records if they contained primarily information about personal matters and activities of University employees not substantively related to the conduct of University business. "Unless the writing is related 'to the conduct of the public's business' and is 'prepared, owned, used or retained by' a public entity, it is not a public record under the CPRA and its disclosure would not be governed by the Act." *The Regents of the University of California v. Superior Court* (2013) 222 Cal. App. 4th 383, 399 (emphasis in original).

One of the records that UCLA will produce is a cover letter from a non-UCLA third party enclosing a donation to a third-party entity; the cover letter was cc'd to a UCLA professor who is personally supportive of the third party's beneficial non-profit work. Although this cover letter between two third parties is not a "public record" pursuant to the CPRA, UCLA will produce this document because GAO appears to be committed to a campaign of vexations and harassing abuse of Public Records Act litigation. We are hoping to avoid further waste of public funds by simply producing this record, notwithstanding the lack of any obligation to do so. The production of this record does not constitute a waiver of any other exemption, and UCLA expressly reserves its right to claim all applicable exemptions.

UCLA's most recent search discovered this non-public record for the first time. Had this record been a public record, it might have been considered responsive to the documents requested in PRR# 19-7464.

Again, to avoid the further waste of public funds, UCLA is simply producing the record even though its disclosure was not required for any of GAO's requests.

In instances where the acronym "CCI" referred to an organization other than Center for Climate Integrity, such records were considered non-responsive to this request and will not be produced. Duplicative emails contained in non-responsive email strings will also not be produced. As mentioned above, UCLA has redacted certain information and withheld certain documents that it has determined are exempt from release under the CPRA.

Some of the segregation of exempt material is based upon Cal. Gov. Code § 6254(c), on the grounds that release of such material would constitute an unwarranted invasion of personal privacy. In addition, some documents requested seek attorney-client privileged records and are exempt from disclosure under Cal. Evid. Code § 954 and Cal. Code of Civ. Pro. § 2018, respectively, as incorporated into the CPRA through Cal. Gov. Code § 6254(k).

Other records were redacted or withheld under the deliberative process exemption in that the balance of public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Cal. Gov. Code § 6255(a). As set forth in the seminal case recognizing the deliberative process privilege in the CPRA context, the California Supreme Court stated in *Times Mirror Co. v. Superior Ct.* (1991) 53 Cal. 3d 1325 that "[t]he key question in every case is 'whether the disclosure of materials would expose an agency's decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions.'" *Id.* at 1342 (citations omitted). Pre-decisional communications remains privileged even after the decision is made. *See id.* at 1344 n. 13. Here, the public disclosure of certain documents would discourage candid assessments and undermine the University's ability to make informed decisions. Thus, the balance of interests weigh decidedly against disclosure.

Finally, the University withheld and/or redacted records related to research projects that have not yet been published, pursuant to Cal. Gov. Code § 6255. Premature disclosure of data may negatively impact a faculty member's ability to publish or patent the results of their work, including letting someone else "scoop" the results by publishing first, which can in turn negatively affect their careers. Disclosure of researchers' pre-publication data and related records of their work risks confusing the public with premature exposure to thoughts that had not been fully settled and data that had not been subjected to the scrutiny imposed before data and associated analysis appear in peer-reviewed publications or published books. It could also lead to publication of preliminary and unverified data, which may be contrary to the public interest in the dissemination of good information. Non-disclosure protects the fruits of the faculty member's labor until they are ready to see the light of day, on terms set by the faculty member's themselves, thereby safeguarding the integrity of their work and their reputations, and providing the needed incentive to continue to pursue their chosen career for the benefit of the State.

Letter to Mr. Christopher Horner
PRR # 21-8912
July 23, 2021
Page Two

Please find enclosed all non-exempt responsive records. Although the CPRA authorizes UCLA to charge for reproduction costs and/or programming services,^[1] as a courtesy these fees have been waived. Any subsequent requests may be subject to copying and/or programming fees.

This completes the response to your request. Should you have any questions, please contact me at (310) 794-8741 or via email at rbaldrige@ucla.edu and reference the PRR number found above in the subject line.

Sincerely,



Robert Baldrige

Manager, Records Management & Information Practices
(310) 794-8741 | (310) 794-8961 (fax) | records@ucla.edu

Enclosures

^[1] Cal. Gov. Code §6253(b)

From: [Nicholette Fuhrman](#)
To: [Carlson, Ann](#); [Rick Reed](#)
Subject: Donation from Dan Emmett
Date: Monday, September 9, 2019 2:09:03 PM
Attachments: [1082_001.pdf](#)

Please see the attached letter from Dan Emmett regarding the Center for Climate Integrity.

Thank you,

Nicholette Fuhrman
Executive Assistant to the Chairman
Douglas Emmett Management, LLC
1299 Ocean Avenue, Suite 1000
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(T) 310.255.7725
nfuhrman@douglasemmett.com
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----- Forwarded message -----

From: <sharescan@douglasemmett.com>
Date: Mon, Sep 9, 2019 at 1:22 PM
Subject: Attached Image
To: Nicholette Fuhrman <nfuhrman@douglasemmett.com>

Important Notice: This message is intended only for the person or entity to which it is addressed. The information provided is confidential. Accordingly, any review, retransmission, dissemination or other use of this information by, or disclosure of it to, anyone other than the intended recipient could have significant adverse effects and is prohibited. This message does not constitute an offer to purchase or sell any securities or other interests.

EMMETT FOUNDATION

c/o Dan A. Emmett
1299 Ocean Ave Suite 1000
Santa Monica, CA 90401
310.255.7725

September 9, 2019

IGSD

ATTN: Melinda Soffer
2300 Wisconsin Ave, NW, Suite 300B
Washington DC 20007

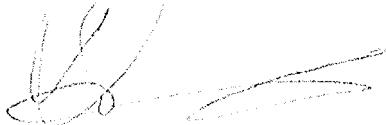
RE: Donation for Center for Climate Integrity

Dear Melinda:

Please find enclosed a contribution in the amount of \$25,000 from our family foundation to help support the Center for Climate Integrity

Keep up the great work.

Regards,

A handwritten signature in dark ink, appearing to be 'Dan A. Emmett', with a long horizontal flourish extending to the right.

Dan A. Emmett
For the Emmett Foundation

CC: Ann Carlson
Rick Reed

Enclosure

DAE/nf

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

**GOVERNMENT ACCOUNTABILITY &
OVERSIGHT, P.C.,**

PETITIONER,

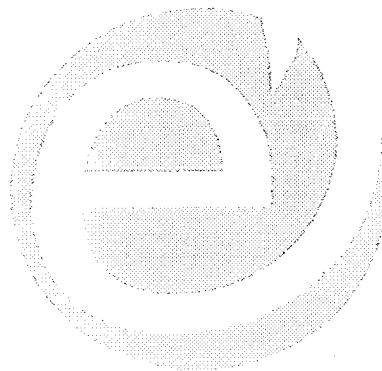
VS.

THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,

RESPONDENT.

CASE NO. 20STCP01226

VIDEOTAPED DEPOSITION OF ANN CARLSON, ESQ.
TAKEN ON JUNE 9, 2021



1 THE WITNESS: Yes.

2 MR. HUNTER: Q. Would you agree that the
3 relationship that you had with Ralph and Shirley
4 Shapiro has been a factor in their having gifted
5 \$500,000 to UCLA Law to establish the Ann Carlson
6 Discretionary Fund?

7 MS. MOK: Objection. Beyond the scope of
8 relevance here with respect to this particular
9 witness and what's appropriate for a deposition of a
10 witness, improper opinion, argumentative, but if she
11 has an ability to answer that question, she may.

12 THE WITNESS: Yes.

13 MR. HUNTER: I would like to stamp and submit
14 as Exhibit 13, document Y, which is pages 7 and 8 of
15 the 169 pages produced by Regents in response to PRA
16 20-8371 on January 15th, 2021.

17 (Plaintiff's Exhibit No. 13 was
18 marked for identification.)

19 MR. HUNTER: Once Ms. Mok indicates that she
20 has that before her, I would ask the witness if she
21 recognizes Exhibit 13.

22 MS. MOK: Hold on one second. Okay. I have
23 the document in front of me. Again, I would note for
24 the record, you indicated this document was not
25 produced in response to any of the PRA requests at

1 a document P as Exhibit 16, which is pages 66 through
2 70 of the 169 pages produced by Regents in response
3 to 20-8371 on January 15th, 2021.

4 MS. MOK: I'm sorry, Mr. Hunter. Did you say
5 P as in pen?

6 MR. HUNTER: No, I'm sorry. P as in Paul.

7 MS. MOK: P as in Paul. Okay.

8 (Plaintiff's Exhibit No. 16 was
9 marked for identification.)

10 MR. HUNTER: Q. Do you recognize Exhibit 16?

11 A. Yes.

12 MS. MOK: I apologize, Mr. Hunter. What
13 response did you say this was produced -- what
14 request was this produced in response to? Which CPRA
15 request?

16 MR. HUNTER: 20-8371.

17 MS. MOK: So again, a request that is not at
18 issue in this current action?

19 MR. HUNTER: Correct. Other than -- it was
20 not produced in response to it, I believe that the
21 e-mails are directly relevant to the issues raised in
22 this litigation.

23 Q. Now, the subject of all of the e-mails that
24 are set forth in Exhibit 16 is stated to be "Shapiro
25 gift announcement." Do you see that?

From: Carlson, Ann
To: Hecht, Sean
Cc: Kisliuk, Bill; Melling, Daniel; Horowitz, Cara
Subject: Re: Shapiro gift announcement?
Date: Sunday, October 7, 2018 8:56:59 PM

Yes, Sean is right. The new half million is from Shirley and Ralph and they asked Dan to match it with new money, which he agreed to do.

And Shirley is definitely the mover here.

On Oct 7, 2018, at 6:31 PM, Hecht, Sean <hecht@law.ucla.edu> wrote:

Thanks for everything. Very excited about the gift and also the opportunity to tell everyone about it!

On Oct 7, 2018, at 6:27 PM, Kisliuk, Bill <kisliuk@law.ucla.edu> wrote:

Sean,
Understood. No problem, and Shirley, of course.
Best,
bk

From: Hecht, Sean
Sent: Sunday, October 7, 2018 6:24 PM
To: Kisliuk, Bill
Cc: Carlson, Ann; Melling, Daniel; Horowitz, Cara
Subject: Re: Shapiro gift announcement?

Thanks, Bill. Unfortunately for the clarity of the announcement (but fortunately for our program), your summary statement that "Ralph gave \$1 million, half for the program and half dedicated to Ann's research, and in each case qualified for Dan's match" might not work. The second one was specifically designed to be separate, and Dan agreed to match it additionally, by design. My impression is that it's important to the Shapiros that the second 500k isn't characterized as "qualifying for Dan's match." Ann, is that right? I may be wrong.

Also, we definitely shouldn't characterize these as Ralph's gifts. Shirley is the mover behind them in their family!

But yes, let's move ahead and do this, then. We'll help in any way we

can.

On Oct 7, 2018, at 5:50 PM, Kisliuk, Bill <kisliuk@law.ucla.edu> wrote:

To answer Sean's question, the school has not announced the first Shapiro match at all, partly because \$1 million is normally the threshold, but mostly because my team didn't get around to it.

As for getting it done in time for this newsletter, I think we can. I will work with Daniel and perhaps loop in my colleague Josh.

The wrinkle that is new to me is this: Not only did Ralph give \$500,000 to match Emmett's big gift, but now Emmett is matching the \$500,000 Ralph gave to Ann's projects.

Seems to me the simple way to explain this is that Ralph gave \$1 million, half for the program and half dedicated to Ann's research, and in each case qualified for Dan's match.

Gift press releases only tend to get choppy if we have to quote a bunch of people. If we can steer clear of quoting Ralph or Dan, and maybe even y'all, we can land this plane safely with all the luggage still in the compartments.

Best,
bk

From: Carlson, Ann
Sent: Sunday, October 7, 2018 5:42 PM
To: Hecht, Sean
Cc: Melling, Daniel; Kisliuk, Bill; Horowitz, Cara
Subject: Re: Shapiro gift announcement?

I asked Jennifer about it and she said we should include it in the newsletter. Bill, curious if you agree.

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496

From: Hecht, Sean
Sent: Sunday, October 7, 2018 5:40:45 PM
To: Carlson, Ann
Cc: Melling, Daniel; Kisliuk, Bill; Horowitz, Cara
Subject: Re: Shapiro gift announcement?

This is excellent news of course, and we should promote it widely.

Here's the question: usually the law school has its own messaging about major gifts. And I'm not sure the law school ever announced the prior \$500k Shapiro gift this summer. Did we? I couldn't find it but maybe it's in the announcements of the Emmett gift?

And our annual newsletter has to drop in the next 4-5 days at the most, if possible.

So how do we proceed? Since we also do monthly newsletters now, and the Emmett gift from earlier this year is the big event, we could just aim to put the Shapiro gifts in the next monthly. But if you think we should try to get it into the annual, we need to figure out what to do.

The timeline for getting it in in a matter of days is far quicker than usual for putting together a major gift announcement, and I know Bill K is focusing heavily on getting the Magazine out.

On Oct 7, 2018, at 5:31 PM, Carlson, Ann
<carlson@law.ucla.edu> wrote:

so we have a new gift to announce too. In addition to the \$500k match the Shapiros made when Dan announced his gift, the Shapiros just made an additional \$500k gift and Dan agreed to match it with new money beyond his initial \$4.3 million. The new million dollars goes into the Ann Carlson Discretionary Fund.

We should definitely announce.

Thanks!

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate
Change and the Environment
UCLA School of Law
(310) 206-9496

From: Melling, Daniel
Sent: Friday, October 5, 2018 10:32 AM
To: Carlson, Ann; Kisliuk, Bill
Subject: Shapiro gift announcement?

Hi both – I don't believe we've made any public announcement about the Shapiro gift. Should we include this in the Emmett annual blast?

Here's what we have now on the Emmett gift:

**In May 2018, UCLA Law
announced a \$4.3 million gift
and major matching
opportunity from the Emmett**

Foundation to expand the Emmett Institute's cutting-edge policy, research, and advocacy work, as well as its support for students and graduates.

"The Emmett Institute is addressing our unprecedented environmental challenges at a time when the federal government is retreating from its role as a responsible steward," **Dan Emmett** said. "Our goal is to see the institute continue to develop innovative solutions and produce advocates dedicated to advancing responsible environmental policy."

Daniel Melling
Communications and Events Manager
Emmett Institute on Climate Change and the
Environment

<image003.jpg>

UCLA School of Law
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O: (310) 206-7974

<http://law.ucla.edu/emmett>

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14 Attorneys for Respondent
15 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

18	GOVERNMENT ACCOUNTABILITY &	) Case No. 20STCP01226
19	OVERSIGHT, P.C.,	)
20	Petitioner,	) THE REGENTS OF THE UNIVERSITY OF
21	v.	) CALIFORNIA'S SUPPLEMENTAL
22	THE REGENTS OF THE UNIVERSITY OF	) RESPONSES TO CERTAIN SPECIAL
23	CALIFORNIA,	) INTERROGATORIES
24	Respondent.	)

25 PROPOUNDING PARTY: PETITIONER GOVERNMENT ACCOUNTABILITY &
OVERSIGHT, P.C.

26 RESPONDING PARTY: RESPONDENT THE REGENTS OF THE UNIVERSITY OF
27 CALIFORNIA

28 SET: AS NOTED

1 exemption(s) it is asserting apply with separate entries for: (1) email chains and any attachments;
2 (2) single emails and any attachments; and (3) any other separate documents. The explanations will
3 be provided without disclosing information subject to the attorney-client privilege, attorney work
4 product doctrine, or some other privilege or CPRA exemption from disclosure that Respondent is
5 choosing to assert here. Nothing in this response or the log should be interpreted as affecting or
6 waiving Respondent's right to amend or supplement this response as appropriate, and should in no
7 way be deemed a waiver of or to bar any further explanation of or defense of Respondent's conduct
8 in this writ proceeding or any other context.

9 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 35 (SET FOUR):**

10 Subject to and without waiving the foregoing objections, Respondent responds as follows:
11 Respondent will provide an amended Exemption Log setting forth additional explanation as to why
12 certain CPRA exemption(s) apply to certain categories of documents. Nothing in this supplemental
13 response or the amended log should be interpreted as affecting or waiving Respondent's right to
14 further amend or supplement this response as appropriate, and should in no way be deemed a waiver
15 of or to bar any further explanation of or defense of Respondent's conduct in this writ proceeding or
16 any other context.

17 **SPECIAL INTERROGATORY NO. 4 (SET FOUR):**

18 Separately state as to each of the EXEMPTION CLAIM WITHHELD DOCUMENTS to which you
19 contend EXEMPTION CLAIM NOT PUBLIC RECORD applies sufficient facts to show the
20 information which YOU contend is protected by such exemption claim is not a "public record" under
21 the PRA. If YOU are willing to provide the requested information as part of an index or log which
22 also incorporates the responses to some or all of the other interrogatories included in this Fourth Set
23 of Interrogatories, GAO is agreeable to that incorporation and believes it would facilitate both the
24 preparation and utilization of that information.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 4 (SET FOUR):**

26 Respondent incorporates its general objections as though set forth in full, including its
27 objections to the terms "EXEMPTION CLAIM WITHHELD DOCUMENTS" and "DOCUMENT."
28 Respondent further objects to the request on the grounds it is overbroad, unduly burdensome and
20STCP01226

1 oppressive to the extent that it requests Respondent to “separately state” as to each EXEMPTION
2 CLAIM WITHHELD DOCUMENT “sufficient facts” to show why Respondent contends the
3 documents are not public records. First, a responding public entity should not be subject to such
4 burdens regarding documents that are not subject to the CPRA, and imposing such a burden could be
5 a slippery slope – leading to Petitioners and other CPRA requestors seeking extensive logs about
6 non-public documents for no legitimate purpose but rather to harass and impose undue expense. To
7 the extent the documents are withheld as “not a public record,” the provisions of CRPA necessarily
8 do not apply and therefore the requested actions are unduly burdensome and expensive to impose
9 upon a public University with limited resources, especially in the midst of the COVID-19 crisis. The
10 request is beyond the scope of what is required under the CPRA, as there are no provisions or
11 authority requiring Respondent to prove that certain documents are *not* public records. The term
12 “sufficient facts” is also vague and ambiguous and subject to multiple interpretations. Respondent
13 further objects that the request is impermissibly compound in that it violates Code of Civil Procedure
14 § 2030.060(f). Respondent further objects to this interrogatory on the grounds that it seeks
15 information that is not relevant to the subject matter of this action or reasonably calculated to lead to
16 the discovery of admissible evidence, and seeks information beyond the scope of what is reasonable
17 and appropriate discovery in a writ proceeding under Government Code § 6252 in these
18 circumstances. Respondent also objects to the extent the request seeks information protected from
19 disclosure by the attorney client privilege, the attorney work product doctrine, any other privilege or
20 protection from disclosure, or any other basis for withholding information set forth in Government
21 Code §§ 6254-6255.

22 Subject to and without waiving the foregoing general and specific objections, Respondent
23 responds as follows: Respondent will provide a log setting forth an explanation as to why each
24 document is not a “public record” as defined by the CPRA with separate entries for: (1) email
25 chains and any attachments; (2) single emails and any attachments; and (3) any other separate
26 documents. The explanations will be provided without disclosing information subject to the
27 attorney-client privilege, attorney work product doctrine, or some other privilege or CPRA
28 exemption from disclosure that Respondent is choosing to assert here. Nothing in this response or

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– 15 –

1 the log should be interpreted as affecting or waiving Respondent's right to amend or supplement this
2 response as appropriate, and should in no way be deemed a waiver of or to bar any further
3 explanation of or defense of Respondent's conduct in this writ proceeding or any other context.
4 Moreover, neither these objections and responses nor the forthcoming log should in any way be
5 deemed a concession or agreement by Respondent that providing the requested information is an
6 appropriate burden to impose on Respondent in this or any other context.

7 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 37 (SET FOUR):**

8 Subject to and without waiving the foregoing objections, Respondent responds as follows:
9 In addition to the explanations set forth in the NPR Log, the following facts support Respondent's
10 claim that certain documents are not public records subject to the PRA: (1) Faculty engage in limited
11 personal communication separate from official duties over the University email system, as is
12 permitted by UCLA policy; (2) Any facts set forth in the deposition testimony of Ann Carlson.
13 Petitioner GAO is an out of state non-profit not registered in California that appears to have a
14 particular climate-related agenda supportive of fossil fuel industry as shown by public information
15 available about the organization. GAO has submitted numerous public records act requests that
16 appear aimed at uncovering details of faculty activities or activities of those it interacts with that
17 GAO may perceive as contrary to its interests and those of its supporters. For instance, Horner,
18 through GAO, has submitted at least sixteen (16) requests from November 2019 to present. The
19 University spends great time and expense to respond to requests, without commensurate
20 compensation for salaries of those who review, manage and respond to the requests, time away from
21 other duties, and without commensurate interest to California public in responding to requests.

22 Further, on information and belief, the Emmett Institute relies heavily on private donations to
23 operate. Private donations fund certain salaries, operating costs, fellowships, and more.. Private
24 universities with whom UCLA and other public universities compete are not subject to these
25 disclosure requirements.

26 **SPECIAL INTERROGATORY NO. 44 (SET FIVE):**

27 Separately state as to each of the NPR LOG — CARLSON BOARD MEMBER
28 UNAFFILIATED ENTITY DOCUMENTS all facts which support, or upon which YOU base,
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Attorney for Petitioner,
Government Accountability & Oversight, P.C.

1 Laboratory. In 1980, I went to Princeton University, where I was the Class of 1909 Professor of
2 Physics from 1988 to 1991.

3 3. In 1990, I joined the United States Department of Energy ("DOE") as Director of
4 the Office of Energy Research. In that position, I supervised a research budget of some \$3.5
5 billion, a sizable part of which was directed toward environmental and climate science.

6 4. After leaving DOE in 1993, I returned to Princeton University, where I have
7 remained a Professor of Physics, named as the Cyrus Fogg Brackett Professor of Physics in 2003
8 and designated Emeritus in 2014. In the course of my academic and non-academic career, I have
9 published over 200 peer-reviewed scientific paper, many of them on the interaction of radiation
10 with matter, the basic physics that determines how greenhouse gases influence Earth's climate. I
11 am the inventor of the sodium guide star, that is used in most new ground-based telescopes to
12 measure and correct for the degradation of astronomical images by atmospheric turbulence.

13 5. Since 1976, I have been a member of JASON, which is accurately described in
14 Wikipedia at [en.wikipedia.org/wiki/JASON_\(advisory_group\)](http://en.wikipedia.org/wiki/JASON_(advisory_group)) as follows: "JASON is an
15 independent group of elite scientists which advises the United States government on matters of
16 science and technology, mostly of a sensitive nature. The group was created in the aftermath of
17 the Sputnik launch as a way to reinvigorate the idea of having the nation's preeminent scientists
18 help the government with defense problems, similar to the way that scientists helped in WWII
19 but with a new and younger generation. It was established in 1960 and has somewhere between
20 30 and 60 members. Its work first gained public notoriety as the source of the Vietnam
21 War's McNamara Line electronic barrier. Although most of its research is military-focused,
22 JASON also produced early work on the science of global warming and acid rain. ... JASON
23 members, known informally as 'Jasons,' include physicists, biologists, chemists,
24 oceanographers, mathematicians, and computer scientists, predominated by theoretical
25 physicists. They are selected by current members, and, over the years, have included
26 eleven Nobel Prize laureates and several dozen members of the United States National Academy
27 of Sciences. All members have a wide range of security clearances that allow them to do their
28 work." From 1987 to 1990, I was chairman of the steering committee for JASON.

1 6. From 2018 to 2019, I served as the Deputy Assistant to the President and Senior
2 Director for Emerging Technologies at the National Security Council in the White House.

3 7. I am a fellow of the American Physical Society and was elected as a member of
4 the American Academy of Arts and Sciences in 1995 and a member of the National Academy of
5 Sciences in 1996. I received a Sloan Research Fellowship in 1967, the Herbert P. Broida Prize in
6 1997, the Davisson-Germer Prize and the Thomas Alva Edison Patent Award in 2000.

7 8. I have been involved in leadership positions in several nonprofit organizations,
8 including the Richard Lounsbery Foundation, the Marshall Institute and the CO₂ Coalition
9 (carbon dioxide (CO₂) is one of several greenhouse gases). I am a co-founder and board member
10 of the CO₂ Coalition, which was founded in 2015 with a mission to educate the public to these
11 facts: levels of atmospheric CO₂ have been much higher than today's through most of geological
12 history, and increased atmospheric levels of CO₂, closer to the optimum values for
13 photosynthesis in plants, will benefit the world.

14 9. As part of my involvement with the CO₂ Coalition, I have been involved in the
15 fundraising efforts of the CO₂ Coalition to obtain donations from individuals and charitable
16 foundations who are sympathetic to the mission of the CO₂ Coalition. I am sensitive to the danger
17 that the interrelationships between the donors to a nonprofit entity and the principals and
18 employees of such entity may be asserted to influence or bias the positions taken or work done
19 by such entity. Indeed, in December 2015, I was targeted in a sting operation by the
20 environmental activist group Greenpeace. Posing as consultants for a Middle Eastern oil and gas
21 company, they asked me to write a report touting the benefits of rising carbon emissions. I
22 declined a fee for my work, calling it a "labor of love". As I stated in a 2016 interview regarding
23 the sting operation: "I was only interested in helping the 'client' to publicize my long-held views,
24 not to peddle whatever message the 'client' had in mind ... I have never taken a dime for any of
25 my activities to educate the public that more CO₂ will benefit the world."

26 10. I have long been intensely interested in the issue of climate change and the
27 purported scientific consensus that there has been a strong anthropogenic influence on rising
28 global temperatures. Some small fraction of the 1 °C warming during the past two centuries must

1 have been due to increasing CO₂, which is indeed a greenhouse gas. But most of the warming has
2 probably been due to natural causes. Increasing levels of the main anthropogenic greenhouse gas,
3 carbon dioxide (CO₂), will cause a small, beneficial warming of Earth's climate. More CO₂ will
4 be very good for agriculture, forestry, and all photosynthetic life. Atmospheric CO₂
5 concentrations have been dangerously low in our contemporary geological period, with evidence
6 of CO₂ starvation during glacial maxima. Plants are already responding very positively to the CO₂
7 increases of the past century.

8 11. The modest increases of atmospheric CO₂ since 1850 have already substantially
9 increased the productivity of agriculture and forestry. More CO₂ will bring still more benefits.
10 Increases in CO₂ will have a very minor influence on Earth's climate. This can be seen clearly
11 from the records of geological history. A major ice age occurred in the Ordovician, when
12 atmospheric CO₂ levels were more than ten times larger than those today. CO₂ levels in Antarctic
13 ice cores rise or fall after temperature proxies rise or fall. For the past million years spanned by
14 the ice cores, temperature changes cause CO₂ changes. CO₂ changes do not cause temperature
15 changes. Other things being equal, an increase in atmospheric CO₂ should cause some relatively
16 small warming. Observations strongly suggest that the warming will be small. The rise in
17 Earth's temperature from 1950 to 2000, about 0.4 C, was approximately the same as that from
18 1900 to 1950, also about 0.4 C, when the increase in atmospheric CO₂ concentration was some
19 six times less. So most of the temperature rise of the past century was probably a recovery from
20 the Little Ice Age, and not due to increasing CO₂ concentrations.

21 12. CO₂ is not a control knob of Earth's temperature or climate. Historically, Earth's
22 temperatures have been higher when atmospheric CO₂ concentrations were lower than present
23 levels, and lower when CO₂ concentrations were substantially higher.

24 13. My primary interest and concern regarding this issue, however, is how the issue
25 of anthropogenic contributions to atmospheric CO₂, which are a fair proxy for economic activity
26 and lifestyle, have like so many aspects of our culture become intentionally politicized. It is
27 being utilized by ideologues as a basis for attempting not only a fundamental restructuring of our
28 economy, and that of the rest of the world's, and for allocating trillions of dollars to solve a non-

1 existent problem, but also to interfere with our basic freedoms. Based on my own research as to
2 the basic physics that determines how greenhouse gases influence Earth's climate, my review
3 and supervision of the environmental and climate science done at the DOE while I served as
4 Director of the Office of Energy Research and my involvement in work being done at JASON
5 that related to the science of global warming, I strongly disagree with the persons and institutions
6 which promote the narrative that the "settled science" and the purported "scientific consensus"
7 justify, if not mandate as a matter of global survival, that there should be a fundamental
8 restructuring of our economy and that of the rest of the world in order to slow the anthropogenic
9 influence on rising global temperatures. That is why I co-founded the CO₂ Coalition and, in
10 furtherance of its mission, have diligently reviewed the scientific and political developments
11 relating to global warming, including the identification of all the major players (i.e., scientists,
12 academics, politicians, institutions and individual donors) on both sides of the global warming
13 issue.

14 14. The Emmett Center at UCLA Law School ("Emmett Center"), its namesake and
15 principal founder, Dan Emmett, Professor Ann Carlson and Professor Cara Horowitz have in
16 recent years been deeply and increasingly involved in consistently propagandizing the complete
17 opposite of the above-noted scientific facts, in support of ruinous public policies to combat a
18 "climate emergency" that does not exist ("Climate Emergency Alarmists"). A major mission of
19 the Emmett Center has been to assist legal advocacy urging the imposition of financial and
20 policy obligations on private parties on the basis of that CO₂ is a "pollutant" rather than a
21 beneficial, natural part of life, and indeed building block for richer, freer, safer, healthier and
22 more resilient societies.

23 15. I have reviewed the First Amended Petition for Writ filed by GAO in the above-
24 captioned proceeding, including the attached PRA request ("PRR 19-7464") on Respondent The
25 Regents of the University of California ("Regents") seeking any emails sent to or from two
26 UCLA law professors, Ann Carlson ("Carlson") and Cara Horowitz ("Horowitz"), during the
27 period April 25, 2016 through November 14, 2019 that were to, from or included four specified
28

1 email addresses (the "Requested Public Records"). In PRR 19-7464, GAO expressly stated its
2 reason for making the request (the "Climate Litigation/State Institution Interface") as follows:

3 "This request is being made in the public interest, and furnishing this information will
4 benefit the public's understanding of recent events regarding climate litigation and
5 municipalities which have been filing lawsuits against energy companies and working
6 closely with attorneys general also to pursue opponents of the 'climate' policy/political
7 agenda. This information is being requested for the purpose of understanding how state
8 institutions are involved, if at all, in the larger effort feeding this litigation industry."

9 16. I have also reviewed the Exemption Log provided by Regents to GAO as part of
10 its response to PRR 19-7464 listing 120 separate documents (the "Exemption Claim
11 Documents"), which I have been asked to assume sets forth the complete factual bases upon
12 which Regents relies in support of its claims of exemption as to all 120 Exemption Claim
13 Documents. In particular, eighty -six (86) of the Exemption Claim Documents are supported in
14 the Exemption Log by one of four variations of the following Explanation:

15 The Fundraising Exemption Explanation:

16 "The record concerns pre-decisional internal discussions, which are deliberative
17 processes in which the public interest in non-disclosure clearly outweighs the public
18 interest in disclosure. The public interest in non-disclosure particularly applies because
19 this record concerns internal fundraising discussions relating to, among other things,
20 strategies and particular donor interactions which, if subject to public disclosure, would
21 chill the candor of such discussions or preclude them entirely. As a result, disclosure
22 would hamper the University's ability to raise funds that are essential to its public
23 education, scientific, medical and other academic pursuits. While not all donor
24 information may be protected in all circumstances where the records relate to formal
25 agreements reached for expenditures of public funds, see, e.g., California State
26 University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal. App. 4th 810, 833-835
27 (requiring disclosure of names of donors to Foundation who in return received
28 agreements to lease luxury suites to new arena, as more in the nature of a 'commercial
transaction'), here, these emails are internal discussions among UCLA employees [one of
the four variants specified in the footnote below]¹. If such information were disclosed,
public university employees will not feel free to candidly discuss potential fundraising
strategies and targets, which will severely limit the university's ability to secure the
public funding it needs to operate. This is similar to express exemptions for drafts and
constitutes deliberative process such that this information is exempt from disclosure.
Further, in some instances, the information contained in internal fundraising discussions

¹ Variation 1: "about potential fundraising strategies" (Exemption Log Documents Nos. 1, 16 and 18 through 24).

Variation 2: "relating to the negotiations of a specific donation by one individual and do not involve the an actual formal agreement for the expenditure of public funds" (Exemption Log Documents Nos. 3, 25 through 31, 33, 35 through 37, 39, 40, 42 through 55, 72, 73, 75 and 76).

Variation 3: "relating to the formulation and presentation of fundraising priorities" (Exemption Log Documents Nos. 15, 17, 71, 74 through 84, 87, 88, 90, 91 and 93 through 107).

Variation 4: "relating to the conceptualization and establishment of a scholarship" (Exemption Log Documents Nos. 56 through 62 and 64 through 70).

1 constitutes a trade secret under Evidence Code 1060, which provides that ‘the owner of a
2 trade secret has a privilege to refuse to disclose the secret, and to prevent another from
disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise
work injustice.’”

3 17. An additional nine (9) of the Exemption Claim Documents² are supported in the
4 Exemption Log by the following Explanation:

5 The Pre-Publication Exemption Explanation:

6 “The record concerns pre-publication academic research in which the public
7 interest in non-disclosure clearly outweighs the public interest in disclosure. The public
8 interest in non-disclosure particularly applies because this record concerns drafts of
9 academic texts whose disclosure would chill academic freedom, particularly research into
10 sensitive or controversial topics. See, e.g., Humane Society of the United States v.
Superior Court (Regents of the Univ. of Calif.), (2013) 214 Cal. App. 4th 1233
(upholding Regents’ decision to withhold UC Davis researchers’ prepublication research
data from public records request).”

11 18. I have been asked for my opinion as to the importance of transparency as to
12 communications between two faculty members at the Emmett Center who are Climate
13 Emergency Alarmists that are also (1) to or from Dan Emmett and/or (2) which relate to Dan
14 Emmett, climate change, global warming or fundraising strategies, priorities or uses of or for the
15 Emmett Center. I have also been asked to compare the importance of that transparency to the
16 asserted potential harms to Regents’ ability to raise funds and the academic freedom of its
17 faculty.

18 19. With respect to the importance of transparency as to communications between
19 two faculty members at the Emmett Center who are Climate Emergency Alarmists (1) to or from
20 Dan Emmett and/or (2) which relate to Dan Emmett, climate change, global warming or
21 fundraising strategies, priorities or uses of or for the Emmett Center (the “Emmett/Regents
22 Communications”), given the inescapable economic and social implications of the demanded
23 policies and particularly given the involvement of public institutions in this enterprise, it is hard
24 to imagine a subject in which the public has a more significant interest. Regardless of which side
25 of the climate change debate is correct, or closer to being correct, the public should know all it
26 can about any influence, direct and obvious or indirect and covert, that is being utilized by
27 donors such as Dan Emmett who have a clear political agenda as Climate Emergency Alarmists,

28 ² Exemption Log Documents Nos. 108, 110, 112, 114 and 116 through 120.

1 including any fundraising strategies, priorities or uses of the Emmett Center. The political
2 agenda being promoted by Dan Emmett and the Emmett Center (the "Climate Emergency
3 Alarmists' Agenda") is inherently one of imposed scarcities. To the extent this agenda is
4 realized, it will affect virtually every aspect of the lives of Californians. All Californians,
5 whether they agree or disagree with the Climate Emergency Alarmists, have an interest in
6 determining whether, and to what extent, the Regents, which is primarily supported by the taxes
7 of its citizens, the UCLA Law School and/or any of its faculty, have been influenced, or subject
8 to bias or an appearance of bias, in the research conducted, the papers published, the opinions
9 expressed, the subjects taught, the scholarships awarded and other influences including a need or
10 a desire to adhere to, or avoid impeding, the Climate Emergency Alarmists' Agenda.

11 20. As for the asserted potential harms to Regents' ability to raise funds and the
12 academic freedom of its faculty, the real risk of either harm arising from the disclosure of any
13 public records requested by PRR 19-7464 is entirely speculative, highly unlikely to occur and
14 certainly of greatly less importance than is transparency as to the Emmett/Regents
15 Communications. With regard to the risk that the disclosure of any records relating to internal
16 fundraising discussions relating to fundraising strategies or priorities, particular donor
17 interactions or scholarships would chill the candor of such discussions or preclude them entirely,
18 a two-step analysis is required: (1) what is the actual risk that the disclosure of the records
19 requested by PRR 19-7464 relating to internal fundraising discussions relating to fundraising
20 strategies or priorities, particular donor interactions or scholarships would chill the candor of
21 such discussions or preclude them entirely; and (2) even assuming that that disclosure would
22 chill the candor of such discussions or preclude them entirely, how "severely [would the chilling
23 or preclusion] limit the university's ability to secure the public funding it needs to operate"?

24 21. As noted previously, I have personally been involved in fundraising activities on
25 behalf of several nonprofit entities. While serving as the President of the Richard Lounsbery
26 Foundation, I also became quite familiar with the funding requests from non-profit entities. I
27 have frequently participated in internal email communications about various aspects of that
28 fundraising, both as a supplicant and a provider. The nonprofit entities I am involved with are not

1 directly subject to any public records act, except to the extent we correspond with public
2 institutions. I was, however, subject to the Federal Freedom of Information Act while disbursing
3 billions of taxpayer dollars from the Department of Energy. I would likely also accept, as do
4 University of California employees, being subject to the PRA in return for the billions of dollars
5 that Regents receives annually from public funds.

6 22. If all internal email communications related to fundraising matters (1) were
7 potentially subject to disclosure to the public and (2) one or more internal communications
8 concerned matters which I would not want disclosed to the public, the prospect of the potential
9 disclosure of such communications if set forth in an email would neither chill the candor of such
10 discussions or preclude them entirely. It would simply mean that instead of using email for any
11 internal communications relating to matters that I did not feel should be at risk of public
12 disclosure, I would do what I previously did, which is arrange an in-person meeting, or a
13 telephonic or Zoom/Teams conference call, for the discussion of such matters. Presumably
14 Regents' expenditure of taxpayer dollars on such technologies is in contemplation of just that.

15 23. Even assuming that for some reason there were no possible alternative means for
16 conducting person-to-person discussions relating to fundraising matters, the implicit assumption
17 that there are numerous internal communications relating to fundraising matters (including 86
18 involving Professors Carlson and/or Horowitz) which, if made public, would "severely limit the
19 university's ability to secure the public funding it needs to operate" is at best speculative, and,
20 more realistically, fanciful. Unless the internal communications in question were insulting or
21 derogatory about existing or prospective donors or evidenced that Regents or Professors Carlson
22 or Horowitz were not true believers in the Climate Emergency Alarmists' Agenda, there are no
23 deep, dark secrets about how and from whom to raise funds in support of the Climate Emergency
24 Alarmists' Agenda. The major donors are all well known, as are the activities such as Climate
25 Rides, symposia and other events that cater to such donors. The success of Regents, the Emmett
26 Center and Professors Carlson and Horowitz in raising funds has not stemmed from some unique
27 fundraising tactic or trade secret, but from the high profile of the Emmett Center's and its faculty
28

1 members' advocacy in support of imposing financial and policy obligations on private parties for
2 supporting the narrative that CO₂ is a "pollutant" rather than a beneficial, natural part of life.

3 24. With regard to the risk that the disclosure of any or all of the nine emails
4 exchanged between Professor Carlson and Dan Emmett would constitute a threat to academic
5 freedom, particularly research into sensitive or controversial topics, real scientific research is not
6 threatened by the disclosure of drafts. Even assuming (implausibly) that Professor Carlson was
7 actually engaged in seeking to obtain information or comments from Dan Emmett as part of her
8 preparation of a research paper intended for future publication (as opposed to make a major
9 donor feel catered to and privy to advance information), scientists routinely circulate preliminary
10 results, and report on preliminary results at conferences. In fact, the more attention given to
11 honest scientific work, the better it is for the authors. I also note this on UCLA's website, that,
12 "'It's just gibberish to say these laws stifle research,' said David Cuillier, director of the
13 University of Arizona School of Journalism and a member of the Society of Professional
14 Journalists's [sic] freedom of information committee. 'These are government scientists funded
15 by taxpayers, and the public is entitled to see what they're working on.'" "Article Reminds:
16 Public University emails (and other documents) are not private," March 20, 2016,
17 <https://uclafacultyassociation.blogspot.com/2016/03/article-reminds-public-university.html>
18 (viewed June 21, 2021).

19 25. Sadly, the real threat to academic freedom today, as the Climategate e-mails
20 show, is that posed by the Climate Emergency Alarmists, of which the Emmett Center is a key
21 player. It is the Climate Emergency Alarmists who constitute a threat to academic freedom by
22 routinely ensuring rejection of any scientific papers that fail to support the narrative of
23 impending climate doom. Editors of journals that publish off-message papers are fired. One
24 example of such censorship is a paper submitted to the Proceedings of the National Academy of
25 Sciences by the distinguished atmospheric physicist, Richard Lindzen, then a Professor at MIT,
26 and his coauthor, Dr. Y. S. Choi. A useful discussion of this episode can be found at this site:
27 (<https://climateaudit.org/2011/06/10/lindzens-pnas-reviews/>).
28

26. Just last month, French geophysicist Dr. Pascale Richet was viciously attacked by Climate Emergency Alarmists for a paper he published in History of Geo- and Space Sciences. After threats to the editorial staff of the journal, and to its publisher, the paper, which had undergone through peer review, was flagged for cancellation. The paper, and the attacks on it by the very editors who had it refereed and published, can be reviewed at this link: (<https://hgss.copernicus.org/articles/12/97/2021/>). Richet's paper was absolutely correct. It provided a useful history of the fact that temperature changes precede changes in CO₂ concentrations in air bubbles of Antarctic ice. This has been common knowledge for nearly twenty years, but since it does not fit the narrative of the Climate Emergency Alarmists, bringing attention to the facts was a threat to them. Not since Lysenko's hijacking of biology in the Soviet Union has honest science been so thoroughly subject to political diktats as contemporary climate science. UCLA's Emmet Center is part of this serious problem.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this declaration was executed on June 26, 2021 at Princeton, New Jersey.

William Happer

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Respondent.

Case No. 20STCP01226

**DECLARATION OF RICHARD LINDZEN
IN SUPPORT OF PETITION FOR WRIT**

Trial Date: December 14, 2021 (*Reserved*)

Time: 9:30 a.m.

Place: Dept. 82

Petition filed: April 1, 2020

I, Richard Lindzen, declare:

1. I have spent almost my entire life in academia. I have an A.B. degree in physics and a Ph.D. in applied mathematics both from Harvard. My doctoral dissertation (completed in 1964) was actually in atmospheric sciences dealing with the interaction of photochemistry, radiation, and dynamics, and, it was in this field that I continued my career. In the course of this career, I have held professorships (including endowed chairs) at 3 of the world's premier universities (the University of Chicago, Harvard, and the Massachusetts Institute of Technology). During the late 1960's, I was also a visiting professor in UCLA's Department of Meteorology. I was elected to both the National Academy of Science, and the American Academy of Arts and Sciences. I am a fellow of the American Meteorological Society, the American Geophysical Union and the American Association for the Advancement of Science. In my long career, I have

DECLARATION OF RICHARD LINDZEN IN SUPPORT OF PETITION FOR WRIT

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1 never seen an issue as bizarre as the current obsession with allegedly catastrophic climate
2 change. I make this declaration in support of the Petition for Writ filed by Petitioner Government
3 Accountability & Oversight, P.C. ("GAO") in the above-captioned proceeding. Except as
4 qualified, I make this declaration based on my personal and firsthand knowledge of those facts
5 hereinafter set forth and could and would testify competently thereto under oath if called as a
6 witness.

7 2. Over 30 years ago, when this issue first appeared in the public arena, many senior
8 scientists throughout the world were appalled at the naïve approach to climate. Here was one of
9 the world's most complex systems, and we were asked to believe that it was totally characterized
10 by a single ill-defined and poorly measured metric, globally averaged temperature anomaly
11 (incorrectly referred to as the Earth's temperature), and controlled by a single relatively minor
12 factor, the concentration of carbon dioxide (CO₂) in the atmosphere. CO₂ was declared a
13 pollutant despite the fact that reducing its concentration by a bit more than half would end
14 advanced life forms on Earth. If one finds this surprising, I recommend finding any elementary
15 biology text and look up 'photosynthesis.' However, it was equally clear that the government
16 funding agencies were supportive of this picture. Support was ended for those questioning the
17 narrative. Publication became extremely difficult. When I managed to get papers accepted by
18 the Bulletin of the American Meteorological Society, the editors responsible for the review of
19 these papers were promptly dismissed.

20 3. The Climategate emails clearly illustrated how the enthusiasts for the narrative
21 orchestrated such outrageous behavior. Unlike virtually any serious scientific subject, debate
22 was largely forbidden. The science was formally designated as 'settled,' and the public was
23 assured (to quote from Newsweek in 1988) that all scientists agreed. It should be noted that in
24 1990, climate was still a small field with few departments involved. However, in the 1990's
25 funding for climate related 'science' was vastly increased leading to a comparable increase in the
26 number of individuals who self-designated as climate scientists and who understood that their
27 funding was predicated by the narrative of dangerous climate change. Those questioning the
28 narrative were commonly referred to as 'deniers' analogous to holocaust deniers. At the same

1 time, the narrative of global warming became, in the political sphere, a crisis and an 'existential'
2 threat.

3 4. The relation of the science and the political narrative is well illustrated by the
4 reception of the third report of the UN's Intergovernmental Panel on Climate Change (generally
5 referred to as the IPCC; it is a report that international organizations treat as the basic reference).
6 The IPCC has three working groups, but only one (WG1) deals with the science. I was a lead
7 author on the section dealing with atmospheric processes.

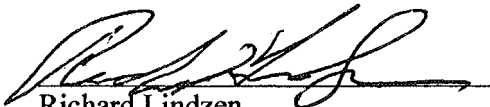
8 5. Although we were instructed to avoid being overly critical of models, we were, on
9 the whole, accurate and we avoided saying anything that was overtly untrue. The WG1 report,
10 however, was over 1000 pages long and had no index. I think it is fair to say that it was not
11 really meant to be read. So, in addition to this report, there is a summary for policymakers. This
12 is a much shorter report put together by government representatives and a few scientists. This
13 summary tends to emphasize danger more than the full report does, but, it too, is rarely read.
14 Finally, there is a one sentence press release that issues what ends up being the iconic statement
15 for the whole report. In the case of the third assessment, this statement claimed that there was
16 now high confidence that most of the increase in the global mean temperature anomaly (now
17 referred to as global temperature) since about 1950 was due to man's activities. Even this claim
18 was unjustified. It assumed that models accurately displayed natural internal variability.
19 However, the fact that the temperature index remained essentially flat between 1998 and 2015
20 clearly indicated that there was indeed something at least as important as man's activities.
21 Moreover, careful analyses (for example Larminat, 2016) showed that a more careful analysis
22 led to the conclusion that man's activities were a minor factor. That said, the iconic statement
23 itself was far from alarming. The increase in temperature was small (ca 0.5C), and 51% of this
24 was essentially negligible. The observed increase was most consistent with a low sensitivity to
25 increasing CO2 with the small warming probably beneficial. Indeed, the predictions of the IPCC
26 models for subsequent years all proved greatly excessive. One would never know this from the
27 political response. Instead, Senators McCain and Lieberman declared the IPCC statement to
28 constitute a 'smoking gun' that demanded immediate action to decarbonize (as advocates

1 commonly refer to eliminating CO2), thus confusing the harmless, odorless, biologically
2 essential gas with soot. This situation has only gotten worse since then. Professor Steven
3 Koonin, in a recent book ("Unsettled") has carefully documented the absence of apocalyptic
4 claims in the official documents. The evidence for an existential crisis is virtually nil.

5 6. So where does this leave us? Under the assumption that CO2 emissions are
6 responsible for an alleged climate crisis, we are proposing policies that call for a radical
7 revolution of the energy economy and indeed the economy as a whole. Left largely unsaid is that
8 the proposed policies will have virtually no impact on climate regardless of what one thinks
9 about climate. That is to say, we are pursuing a purely symbolic response to a wholly
10 improbable crisis. However, also unsaid is that the proposed policies represent a very real threat
11 to the economy, the reliability and affordability of energy, and, for the billions of people in the
12 developing world, we are foreclosing the opportunities for a better life.

13 7. Given the implications of proposed policies, the public clearly is entitled to a full
14 disclosure of what is at stake. It is important to understand why institutions like Emmett Center
15 appear to support what is a painful but purely symbolic policy, and what Prof. Carlson is offering
16 them. Given the vital public interest in such matters, and widespread activity on behalf of the
17 policies, it is hard to believe that academic freedom is at stake. Whether the interest of the
18 university in fund raising supersedes the public interest in why such policies are being imposed
19 on them seems doubtful. Indeed, depending on what is found, interference with university fund
20 raising might not always be a bad thing.

21 I declare under penalty of perjury under the laws of California that the foregoing is true and
22 correct, and that this declaration was executed on July 2, 2021 at Paris, France.

23
24 
Richard Lindzen

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DECLARATION OF RICHARD LINDZEN IN SUPPORT OF PETITION FOR WRIT

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Respondent.

) Case No. 20STCP01226

) **DECLARATION OF SCOTT WALTER IN
) SUPPORT OF PETITION FOR WRIT**

) Trial Date: December 14, 2021 (*Reserved*)

) Time: 9:30 a.m.

) Place: Dept. 82

) Petition filed: April 1, 2020

I, Scott Walter, declare:

1. I currently reside at 1513 Sixteenth Street, NW, Washington, DC 20036. I make this declaration in support of the Petition for Writ filed by Petitioner Government Accountability & Oversight, P.C. ("GAO") in the above-captioned proceeding. Except as qualified, this declaration is based on my personal and firsthand knowledge of those facts hereinafter set forth and I could and would testify competently thereto under oath if called as a witness.

2. I am President of the Capital Research Center in Washington, D.C., a think tank founded in 1984 that specializes in the study of persons and institutions, especially nonprofits, that influence public policy. We are known as a "watchdog" of the nonprofit world, and our research has been cited in countless publications, including the *New York Times*, the *Wall Street Journal*, the *Washington Post*, and the *Chronicle of Philanthropy*.

DECLARATION OF SCOTT WALTER IN SUPPORT OF PETITION FOR WRIT

1 3. All of the research conducted by the Capital Research Center is prepared as part
2 of our charitable mission to educate the public. Neither I nor the Capital Research Center have
3 received any compensation from Petitioners or Petitioners' Counsel, and we would not accept it
4 if offered.

5 4. I have personally studied, worked in, and raised funds in the nonprofit world for
6 decades, including five years as Vice President for Publications and Research at the Philanthropy
7 Roundtable, before serving in a previous presidential administration as Special Assistant to the
8 President for Domestic Policy. This followed my earning an A.B. at Georgetown University. I
9 have been published and quoted in leading publications in this sector, including the *Chronicle of*
10 *Philanthropy*, *Philanthropy Magazine*, and *Philanthropy Daily*, often on the topics of higher
11 education and donor privacy.¹ Other leading publications for which I have written or been quoted
12 in include the *Wall Street Journal* and the *New York Times*.² During my half-decade as Vice
13 President of the Philanthropy Roundtable—a membership group for hundreds of donors, both
14 individual and institutional—I edited the Roundtable's prestigious *Philanthropy Magazine* and
15 numerous books on charitable giving, such as guidebooks for donors who wish to support

19 ¹ For example, Scott Walter, "Mysterious Donors," *PhilanthropyDaily.com*, January 25, 2013
20 (discussing a longtime Stanford University board member and donor),
21 <https://www.philanthropydaily.com/mysterious-donors/> accessed September 26, 2021; Scott Walter,
22 "Secret Donor Man," *Philanthropy* (Winter 2008) (discussing billionaire donor Charles Feeney who
23 for years tried to keep secret his giving to universities and other grantees),
24 <https://www.philanthropyroundtable.org/philanthropy-magazine/article/secret-donor-man> accessed
25 September 26, 2021; quoted in Alex Daniels, "A Makeover for Capitalism: Some high-profile
26 foundations and donors want a check on corporate power and more equal distribution of wealth,"
27 *Chronicle of Philanthropy* (January 7, 2020), [https://www.philanthropy.com/article/a-makeover-for-](https://www.philanthropy.com/article/a-makeover-for-capitalism/)
28 [capitalism/](https://www.philanthropy.com/article/a-makeover-for-capitalism/) accessed September 26, 2021.

² For example, Scott Walter, "Inside the Left's Web of 'Dark Money,'" *Wall Street Journal*
(September 22, 2020), [https://www.wsj.com/articles/inside-the-lefts-web-of-dark-money-](https://www.wsj.com/articles/inside-the-lefts-web-of-dark-money-11603408114?page=1)
11603408114?page=1 accessed September 26, 2021; and Kenneth P. Vogel and Katie Robertson,
"Top Bidder for Tribune Newspapers is an Influential Liberal Donor," *New York Times* (April 14,
2021), p. B-1, [https://www.nytimes.com/2021/04/13/business/media/wyss-tribune-company-](https://www.nytimes.com/2021/04/13/business/media/wyss-tribune-company-buyer.html)
buyer.html accessed September 26, 2021; and William McGurn, "Solyndra and a Billionaire's Guilt
Trip," *Wall Street Journal* (October 3, 2011),
<https://www.wsj.com/articles/SB10001424052970204524604576609102333605120> accessed
September 26, 2021.

1 educational institutions, groups active in environmental giving, groups that help the poor, and
2 groups that conduct public policy research.³

3 5. Giving to educational institutions was a top focus of the Philanthropy
4 Roundtable's meetings and research, and I spent many hours talking to donors large and small
5 about their educational giving, in addition to commissioning, editing, and publishing lengthy
6 articles in this area; for example, a cover story in *Philanthropy Magazine* on a major project at
7 Princeton.⁴

8 6. For many years after leaving the employ of the Philanthropy Roundtable, I
9 remained a Contributing Editor to *Philanthropy Magazine*. In addition, I was a contributor to the
10 Roundtable's definitive *Almanac of American Philanthropy*.⁵

11 7. In my position as President of Capital Research Center, which I have held for the
12 past six years, I have raised \$20 million for this charitable nonprofit from donors of all types. I
13 habitually interact with wealthy individual donors and with leaders of various types of
14 institutional donors (e.g., private foundations and donor-advised fund-providers), and I oversee
15 this institution's entire fundraising effort. I am often sought out for advice on fundraising from
16 leaders of other charitable nonprofits and have for years conversed with numerous leading
17 fundraisers in the sector. In addition, my think tank's research regularly involves advising
18 charitable donors and groups of donors, and so my colleagues and I frequently counsel individual
19

20 ³ Examples of publications I commissioned, edited, and published include Thomas J. Bray, *Soaring*
21 *High: New Strategies for Environmental Giving* (Washington, DC: Philanthropy Roundtable, 2005);
22 Brian C. Anderson, *A Donor's Guide to School Choice* (Washington, DC: Philanthropy Roundtable,
23 2004); Paul Rhoads and Stephanie Denby, *Starting a Private Foundation* (Washington, DC:
24 Philanthropy Roundtable, 2002); John J. Miller, *Strategic Investments in Ideas: How Two*
25 *Foundations Reshaped America* (Washington, DC: Philanthropy Roundtable, 2003); Terry Ryan,
26 *Jump-starting the Charter School Movement: A Guide for Donors* (Washington, DC: Philanthropy
27 Roundtable, 2004); Michael E. Hartmann, *Helping People to Help Themselves: A Guide for Donors*
28 (Washington, DC: Philanthropy Roundtable, 2005).

⁴ Timothy Webster, "A New Birth of Civic Education on Campus: Giving wisely to colleges is hard,
but an innovative Princeton program shows it can be done," *Philanthropy* (Nov./Dec. 2002),
<https://web.archive.org/web/20060601231229/http://www.philanthropyroundtable.org/magazines/2002/november/index.html>,
accessed September 26, 2021. Another example would be John Walton and John F. Kirtley, "Salute to Effective Education Philanthropy," *Philanthropy* (Jan./Feb. 2003),
<https://web.archive.org/web/20060411084356/http://www.philanthropyroundtable.org/magazines/2003/january/salute.html>,
accessed September 26, 2021.

⁵ Karl Zinsmeister, *The Almanac of American Philanthropy* (Washington, DC: Philanthropy Roundtable, 2016).

1 and institutional donors on their giving. Further, publications produced by my think tank that
2 provide advice to donors range in length from brief blog posts to entire books.⁶

3 8. I have also testified to the Internal Revenue Service, the U.S. Senate Judiciary
4 Committee, and multiple state legislatures on issues involving the regulation of charitable
5 donations.⁷ While my think tank is a leader in advocating for donor privacy in private
6 institutions, my think tank and I have also strongly advocated for transparency, not privacy, in
7 the place where transparency properly belongs in a free republic, namely, governmental actions
8 and funding, foreign and domestic.⁸

9 9. The issues raised in this lawsuit are unusual, combining as they do donors and
10 government. They are not identical to cases that involve only private donors giving to private

11 ⁶ A book-length example would be Martin Morse Wooster, *How Great Philanthropists Failed and*
12 *You Can Succeed at Protecting Your Legacy* (Washington, DC: Capital Research Center 2018). Note
that this is the fourth edition we have published of this book.

13 ⁷ See “Testimony of Scott Walter before the Department of the Treasury, Internal Revenue Service,
14 Public Hearing on Proposed Regulations, ‘Guidance under Section 6033 Regarding the Reporting
Requirements of Exempt Organizations,’ IRS Auditorium, Washington, DC, February 7, 2020,”
15 <https://docs.google.com/viewer?url=https%3A%2F%2Fcapitalresearch.org%2Fapp%2Fuploads%2FWalter-S-Testimony-for-IRS-Hearing-on-Schedule-B-Disclosure.pdf> accessed September 26, 2021;
16 and “Testimony before the U.S. Senate Judiciary Committee Subcommittee on Federal Courts,
Oversight, Agency Action and Federal Rights Hearing on ‘What’s Wrong with the Supreme Court:
The Big-Money Assault on Our Judiciary,’ Scott Walter, President, Capital Research Center, March
17 10, 2021,”
18 <https://www.judiciary.senate.gov/imo/media/doc/Scott%20Walter%20Testimony%20before%20Subcommittee%20on%20Federal%20Courts.pdf> accessed September 26, 2021; and “Testimony before
19 the Pennsylvania House of Representatives State Government Committee, Chaired by Seth M.
Grove, Scott Walter, President, Capital Research Center, April 15, 2021,
20 <https://capitalresearch.org/app/uploads/Scott-Walter-Testimony-to-PA-House-April-15-2021.pdf>
accessed September 27, 2021; “Testimony before the Arizona Senate Committee on Government,
Chaired by Michelle Ugenti-Rita, Scott Walter, President, Capital Research Center, March 15,
21 2021,” <https://capitalresearch.org/article/scott-walter-testifies-before-the-arizona-senate/> accessed
September 27, 2021; Testimony before the Arizona House Committee on Government and
Elections, Chaired by John Kavanaugh, Scott Walter, President, Capital Research Center, February
22 17, 2021,” <https://capitalresearch.org/article/election-irregularities-involving-ctcl-scott-walter-testifies-before-arizona-house-committee/> accessed September 27, 2021; “Testimony before the
23 Georgia Senate Judiciary Subcommittee on State Elections Processes, Chaired by Sen. William
Ligon (R-Brunswick), Scott Walter, President, Capital Research Center, December 3, 2020,”
24 <https://capitalresearch.org/app/uploads/Testimony-to-GA-Senate-Judiciary-Subcommittee-on-State-Elections-Processes-12-3-20-Fn.pdf>, accessed September 27, 2021.

25 ⁸ For example, Sarah Lee and Robert Stilson, “Biden Transition Illustrates the Need for Foreign-
26 Funding Transparency,” *Washington Examiner* (December 15, 2020),
27 <https://www.washingtonexaminer.com/opinion/biden-transition-illustrates-need-foreign-funding-transparency> accessed September 26, 2021; and Robert Stilson, “Combating Foreign Government
28 Influence in American Institutions” (October 28, 2020),
<https://capitalresearch.org/article/combating-foreign-government-influence-in-american-institutions/>
accessed September 26, 2021.

1 charitable institutions. At issue are records created by governmental institutions, albeit records
2 containing information about private donors. The public interest in governmental transparency is
3 not in my judgment outweighed by the privacy interests of the donors involved, and proper
4 governmental transparency does not threaten to gravely hinder the government university's
5 desire to fundraise from private donors.

6 10. Nor should the governmental employees involved in this case have had an
7 expectation that all or most of their communications with donors would somehow be beyond
8 transparency requirements placed on government. Above all, the government's fundraisers
9 should have recognized two facts. First and most obviously, that as governmental employees
10 they could never imagine the records they were creating at a governmental institution would
11 remain private in the way records created at a private institution would. Second, it is grossly
12 unprofessional for any fundraiser, whether working for a governmental or a private institution, to
13 record intimate details about donors that would embarrass them if those records became public.

14 11. Experienced fundraisers recognize that written records are inherently susceptible
15 to public exposure no matter whether they are precisely covered by federal or state public
16 records laws. At my private institution, I realize that our records may become public through
17 litigation with private or public parties, or through investigation by governmental agencies, or
18 accidentally, or by willful employee actions. For example, state attorneys general have
19 subpoenaed a private charity's records in connection with a private company (my think tank
20 works with the charity that was subpoenaed).⁹ Similarly, when I served as Special Assistant to
21 the President for Domestic Policy at the White House, my emails were not covered by the federal
22 Freedom of Information Act (FOIA), but they were requested by the Senate Health, Education,
23 Labor, and Pensions Committee, and the White House acceded to the request, sending a large
24 number of my emails to that Committee. My disclosed emails all involved higher education
25 policy and the interplay of governmental and private dollars at colleges, and these emails fit the
26 Regents' description in their "Fundraising Exemption Explanation" of "pre-decisional internal

27 ⁹ See "First Amendment Fight: CEI's Climate Change Subpoena," (April 20, 2016),
28 <https://cei.org/publication/first-amendment-fight-ceis-climate-change-subpoena/> accessed September
26, 2021.

1 discussions, which are deliberative processes.” This phenomenon of government disclosure
2 explains why, even though we staff at the White House recognized that FOIA laws theoretically
3 did not apply to any record we created, we still knew that we were creating government records
4 and therefore should follow what was humorously known as “The *Washington Post* rule”: never
5 put in writing something you would not want published in the *Washington Post*.

6 12. The area of donor communications with universities is especially well known for
7 being fraught with the possibility of disclosure. I know, and any experienced fundraiser should
8 be expected to know, that litigation over disclosure of private donors’ communications has
9 occurred repeatedly in recent years. To name only a few examples: First, Princeton University, a
10 private institution, faced a multimillion-dollar lawsuit over its use of funds from the Robertson
11 family, in the course of which information the university had failed to disclose *even to those*
12 *donors* became public.¹⁰ Second, a multi-year battle occurred at George Mason University, a
13 public institution, over the details of contributions from billionaires Charles and David Koch—
14 details that became public as records exchanged between the donors and elements of the public
15 university were disclosed.¹¹ Third, the University of Illinois at Urbana–Champaign was ordered
16 by a judge to release donors’ emails regarding the school’s firing of a tenured professor.¹²
17 Fourth, a Texas newspaper this year used open records laws to obtain emails from donors to the
18 University of Texas at Austin.¹³ Fifth, perhaps the biggest news story this year involving donors’

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22 ¹⁰ See John Hechinger and Daniel Golden, “Poisoned Ivy Fight at Princeton Escalates Over Use of a
23 Family’s Gift,” *Wall Street Journal* (February 6, 2006), <https://www.sflaw.com/poisoned-ivy-fight-at-princeton-escalates-over-use-of-a-family-s-gift/> accessed September 26, 2021.

24 ¹¹ See Erica L. Green and Stephanie Saul, “What Charles Koch and Other Donors to George Mason
25 University Got for Their Money,” *New York Times* (May 5, 2018),
26 <https://www.nytimes.com/2018/05/05/us/koch-donors-george-mason.html> accessed September 26,
27 2021.

28 ¹² See “Judge Orders Release of University Donor Emails in Salaita Freedom of Information Act
Case,” Center for Constitutional Rights, <https://ccrjustice.org/home/press-center/press-releases/judge-orders-release-university-donor-emails-salaita-freedom> accessed September 26, 2021.

¹³ See Kate McGee, “‘UT needs rich donors’: Emails show wealthy alumni supporting ‘Eyes of
Texas’ threatened to pull donations,” *Texas Tribune* (March 1, 2021),
<https://www.texastribune.org/2021/03/01/ut-eyes-of-texas-donors-emails/> accessed September 26,
2021.

1 communications with a public university was the controversy at the University of North Carolina
2 over the question whether to grant tenure to Nikole Hannah-Jones, a *New York Times* author.¹⁴

3 13. These examples, which could easily be multiplied, date back 14 years and include
4 two stories from this year alone. No competent fundraiser could plausibly claim that he or she
5 assumes communications with donors are not liable to public disclosure, nor should any
6 experienced major donor be ignorant of the possibility of such disclosure, and this is the case
7 even when the institution of higher education is private, much less when it is public. As noted,
8 public records requests may come from journalists, and they certainly may come in the course of
9 litigation, when even more extensive disclosure is likely.

10 14. Admittedly, fundraisers including myself are not experts in the details of the
11 many cases I have cited, nor are we experts in the relevant state laws under which those cases
12 have been litigated. But no experienced fundraiser could claim to be ignorant of the fact that
13 numerous cases have arisen, year after year, in which communications between donors and
14 institutions of higher education have been made public, and therefore no donor or fundraiser
15 should expect to be able to shield such communications.

16 15. In the course of preparing this affidavit, I have consulted, among others, a veteran
17 attorney in the field of higher education, who has served in the general counsel's office of a
18 leading state university and also in the general counsel's office at the U.S. Department of
19 Education. I explained all of the points I am making in this affidavit, and the attorney concurred
20 in all of them, observing that she had given the same advice to members of the state university
21 where she served, namely, that no written records created at a public university should be
22 assumed to be protected from public disclosure.

23 16. The attorney and I observed that if information were deemed so sensitive that it
24 must be kept from public disclosure, multiple means of communication can achieve that goal:
25 First, all oral forms of communication, whether in-person or via electronic means such as
26 telephones and video calls, can obviate the need for written records; second, it is standard

27 ¹⁴ Associated Press, "Donor's Concerns Voice Before Hannah-Jones' Tenure Stalled" (June 1,
28 2021), <https://apnews.com/article/nc-state-wire-technology-race-and-ethnicity-education-b42f12df621afb205d3fb2c9cf4f96> accessed September 26, 2021.

1 practice at public universities to create independent foundations and supporting organizations
2 that are not subject to public records laws.

3 17. In addition, the lawyer and I note that, despite the extensive number of cases in
4 which communications between public universities and donors have become public, those
5 disclosures have not resulted in noticeable diminishment of fundraising, either at the public
6 universities involved or in the broader higher education sector. Indeed, voluntary giving to
7 higher education has done quite well for years, with fiscal year 2019 marking the tenth
8 consecutive year of growth as measured by the Council for Advancement and Support of
9 Education.¹⁵

10 18. The attorney and I also agree on another issue under dispute in the present
11 litigation, namely, the claim that development efforts are equivalent to a “trade secret.” If that
12 were true, the development efforts being hidden from the public would need to be something on
13 a par with business processes that are patentable, a risible claim. As a longtime fundraiser and
14 student of the charitable sector, I know that the kinds of matters spelled out in this litigation as
15 worthy of keeping from the public are not esoteric but straightforward and widely known.

16 19. I and my colleagues at Capital Research Center have reviewed all of the
17 documents we were provided in this litigation, and we observe that the “fundraising exemption
18 explanation” makes unreasonable claims. “Fundraising strategies and targets” are, in the business
19 of fundraising, not entirely secretive or hidden. “Targets,” that is, *donors*, are normally well
20 known to the broader fundraising community precisely because they are pre-existing donors to
21 other causes and, most often, to the fundraiser choosing the target as well. The “strategies”
22 employed are likewise not arcane. First, experienced fundraisers like myself typically attend
23 training sessions by companies that help fundraisers use the same type of strategies across a vast
24 array of grantees. Second, a particular grantee—and especially a grantee like a public university,
25 which seeks support from thousands of donors—will craft a general strategy that is used, with as

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27 ¹⁵ Ann E. Kaplan, *Voluntary Support of Education: Key findings from data collected for the 2018–*
28 *19 academic fiscal year for U.S. higher education institutions* (Washington, D.C.: Council for
Advancement and Support of Education, 2020), p. 4, <https://files.eric.ed.gov/fulltext/ED611086.pdf>
accessed September 30, 2021.

1 much publicity (not secrecy) as the fundraising department can achieve, with as many donors as
2 possible. True, major donors are often approached with a slightly personalized version of this
3 broader strategy, but that hardly constitutes anything remotely close to a “trade secret” or
4 information whose disclosure would endanger future fundraising. Such personalization typically
5 involves such “private” matters as, “Dear Mr. and Mrs. Smith, it was a pleasure to speak with
6 you at the homecoming football game last month.”

7 20. That raises yet another issue in the litigation: the claim that fundraisers could have
8 extensive communications with major donors that are purely personal. First, this is not true,
9 given that any competent fundraiser sees all interactions with donors as part of the cultivation of
10 those donors and thus part of the business of fundraising. In fact, experienced fundraisers know
11 that it is better for *most* of their interactions with major donors *not* to involve direct monetary
12 business. One of the most common ways to conduct this kind of cultivation is for fundraisers to
13 attend fundraising events held by *other* grantees. This provides a chance for interaction with
14 donors without the donors’ feeling that they are being pursued at the time for additional support.
15 But it is likely that these interactions will be put into the fundraising department’s records for the
16 donor involved.

17 21. Of the countless authorities in fundraising who could be cited on this point, let me
18 quote William Sturtevant, who with Jerold Panas co-founded the Institute for Charitable Giving
19 decades ago, during which time it has trained over 9,000 professional and volunteer fundraisers.
20 Sturtevant is Of Counsel to Jerold Panas, Linzy & Partners, one of the leading fundraising
21 consultancies in America. He previously spent years working for the University of Illinois
22 Foundation, where he served in multiple leadership roles and “was directly involved with over
23 \$600 million in major gifts, and during the University’s recently completed campaign, the
24 Principal Gifts Office [which] guided the effort to secure 65 gifts of \$5 million or more plus
25 numerous major gifts below that level.”¹⁶ Sturtevant could not be clearer about the role of donor
26 interactions that do not explicitly discuss fundraising, but are nonetheless a critical part of the
27 process of fundraising:

28 ¹⁶ <https://panaslinzy.com/staff/william-sturtevant/> accessed September 27, 2021.

1 “....In major gifts fundraising, cultivation calls, where you listen and nurture,
2 far outnumber solicitation calls. The ratio of one to the other depends upon the particular
3 prospect, his or her relationship with the organization, and the level of the solicitation.
But whatever the specifics, it is safe to say that time spent in cultivation outweighs that
expended on solicitation.”¹⁷

4 22. Another consultant for fundraisers makes the identical point on the website of a
5 leading charitable trade group, the National Council of Nonprofits, as follows:

6 “Donors like to feel connected. Many fundraising and marketing gurus, including
7 Kivi Miller Leroux, in her excellent article for Guidestar, “Nine Clever Ways to Thank
8 Donors,” point out that donors are eager for updates on progress. Donors want to feel a
personal connection with those helped by the nonprofits they supported....

9 “Whatever you do, keep connected with your existing donors. The 2012 AFP
10 Fundraising Effectiveness Survey recently startled many by pointing out that during the
11 period studied (2010 - February 2012), for every \$100 of new dollars raised, \$100 was
lost in downgraded or lapsed gifts. Additionally, the report documented that for every
12 new 100 donors recruited, nonprofits lost 107 donors through attrition. The authors of the
report observe that it “usually costs less to retain and motivate an existing donor than to
13 attract a new one.” Therefore, “taking positive steps to reduce gift and donor losses is
often the best strategy to increase net fundraising gains.” This report underscores that
14 charitable nonprofits must continuously nurture the very important relationships they
have with existing donors to maintain those donors as active supporters. Keep your
friends close!”¹⁸

15 23. So, with all these considerations in mind, let me consider directly the issues raised
16 in the present litigation with which I am qualified to render judgment as an expert in fundraising.
17 First, the “Fundraising Exemption Explanation” under which the Regents are keeping in the dark
18 86 emails with 11 attachments. I begin by noting the unreasonableness of the Regents’ claim
19 that, “While not all donor information may be protected in all circumstances where the records
20 relate to formal agreements reached for expenditures of public funds....” This extreme phrasing
21 actually presumes that the norm for public records requests to public university fundraisers
22 should be to withhold all records from the public, with perhaps a few exceptions only for formal
23 written agreements. No fundraiser or employee of government should expect such extraordinary
24 secrecy to prevail in his or her records produced on government systems and involving
25

26 ¹⁷ William Sturtevant, *The Artful Journey: Cultivating and Soliciting the Major Gift*, 2nd ed.
27 (Chicago: Institutions Press, 2004), p. 71.

28 ¹⁸ Jennifer Chandler, “Showing Respect for Donors,” National Council of Nonprofits (November 2,
2012), <https://www.councilofnonprofits.org/thought-leadership/showing-respect-donors>, accessed
September 27, 2021 (underlining added).

1 governmental business. Again, not even internal White House records receive such privileged
2 treatment in practice.

3 24. Second, I will assume (only hypothetically) that (a) disclosing of public records
4 withheld on the basis of the Fundraising Exemption Explanation would reveal "internal
5 fundraising discussions relating to, among other things, strategies and particular donor
6 interactions" and (b) the only means of conducting those internal fundraising discussions was by
7 email. Under such circumstances, let me consider how likely it is that public disclosure of those
8 records would "chill the candor of such discussions or preclude them entirely." In my expert
9 opinion, I would state there is no reason for the discussions to be chilled or prevented from
10 occurring. The discussions of whom and how much to ask for funds, as noted above, will focus
11 mostly on publicly available information, such as the names of donors who have previously
12 donated (either to the public university or other grantees), what amounts they have donated, what
13 they have said publicly about their gifts, etc. Similarly, the language and arguments that will be
14 used will be based, mostly or entirely, on the public university's existing public fundraising
15 campaigns that explain why the university is a worthy recipient of financial support. Further,
16 fundraisers know, and their university legal staff will tell them (as my former university-lawyer
17 friend told me and told her university colleagues) such records should never be presumed to be
18 above possible disclosure. As I've documented above, numerous public and private universities
19 have had their communications with donors made public through a variety of means, and I, a
20 careful student of donor privacy issues, have never seen even a single claim made, much less
21 proven, that the disclosure of those communications significantly harmed a university's ability to
22 raise funds.

23 25. Third, to frame another hypothetical question, I will assume (a) the disclosure of
24 those public records withheld on the basis of the Fundraising Exemption Explanation would
25 reveal "internal fundraising discussions relating to, among other things, strategies and particular
26 donor interactions" and (b) there *were* other available means for conducting sensitive internal
27 fundraising discussions. In those circumstances, how likely is it that the public disclosure would
28 "chill the candor of such discussions or preclude them entirely"? This hypothetical, of course, is

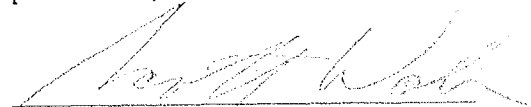
1 even easier to answer than the previous one: Such discussions can easily avoid written
2 documentation through the use of phone calls, conference calls, online video meetings, or the use
3 of independent private charities that support a public university. So they should not be chilled at
4 all, much less precluded, in this scenario where alternatives to written government documents are
5 used. There is absolutely no danger of chilling or preclusion because there need be no such
6 public documents at all. Even a private institution's fundraisers who deal with private donors and
7 do not face public records laws often resort to non-written communications to discuss genuinely
8 sensitive matters.

9 26. Fourth, let us consider the Not Public Record claims used to withhold from the
10 public 544 documents. I note that over half of those documents are supported in the Not Public
11 Record Log only by the claim that the email "contains purely personal conversation, and does
12 not relate to the conduct of the public's business" and is therefore not a truly public record. The
13 bulk of the remaining documents are asserted to be unrelated to the public's business because the
14 documents were sent or received by university personnel in their capacity as board members of
15 external, private institutions.

16 27. If I hypothetically assume that these records were to, from, or relate to Dan
17 Emmett—a major donor to UCLA's Law School and also a contributor of hundreds of thousands
18 of dollars through his foundation and living trust to a UCLA-administered personal discretionary
19 fund under the control of a UCLA Law School employee—the question arises if the allegedly
20 "not public" records would relate to the conduct of the public's business of fundraising? I insist
21 they would indeed relate to the public's business of fundraising, because as I've stated, and have
22 supported from major sources in the fundraising world, all interactions with donors are
23 considered by experienced fundraisers to be part of the cultivation process. In fact, professional
24 trainers of fundraisers insist that fundraisers understand that *most* of their interactions with
25 donors should not entail immediate requests for funding, much less the "formal agreements
26 reached for expenditures of public funds" that the Regents have had the daring to insist constitute
27 the outer limits of public records to which the public may possibly by law have a right to see.

1 28. In sum, as someone with extensive experience both in government service and in
2 fundraising, who numbers a wide variety of donors as longtime intimates, I cannot imagine that
3 experienced fundraisers can sincerely believe the claims that are being made on their behalf by
4 the Regents. On the other hand, I have read many documents that have already been produced in
5 this litigation which make clear that a number of ideologues are colluding to obtain monies from,
6 and weaken the position of, large public companies. The same documents reveal that the persons
7 who are communicating in the documents—businessmen who would benefit from new public
8 policies, activist groups who would benefit from claims of having changed public policy, state
9 officials whose political careers would benefit from being able to claim “trophies” in successful
10 litigation, ideologues on the faculty of UCLA Law School and other schools—appear to be
11 making efforts to hide their deliberations from public scrutiny, regardless of whether public
12 record laws actually allow these persons to keep from the public their strenuous efforts to affect
13 public policy on behalf of the special interests they represent.

14 I declare under penalty of perjury under the laws of California that the foregoing is true and
15 correct, and that this declaration was executed on September 30, 2021 at Washington, DC.

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17 Scott Walter
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17

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF LOS ANGELES — CENTRAL DISTRICT**
20

21 GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,

22 Petitioner,

23 v.

24 THE REGENTS OF THE UNIVERSITY OF
25 CALIFORNIA,

26 Respondent.
27
28

) Case No.: 20STCP01226
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)

) **THE REGENTS OF THE UNIVERSITY**
) **OF CALIFORNIA'S OBJECTIONS AND**
) **RESPONSES TO PETITIONER'S**
) **FIFTH SET OF SPECIAL**
) **INTERROGATORIES**

1 **SPECIAL INTERROGATORY NO. 75:**

2 Separately state as to each of the EXEMPTION LOG — PRE DECISIONAL/FUNDRAISING
3 STRATEGIES/TRADE SECRET DOCUMENTS which one or more of the PRA 1 REQUESTED
4 EMAIL ADDRESS ENDINGS was included in such DOCUMENT.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 75:**

6 Respondent incorporates its general objections as though set forth in full. Respondent further
7 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
8 that it requests Respondent to provide additional information relating to documents that are not subject
9 to disclosure under the CPRA. Respondent further objects to this interrogatory on the grounds that it
10 seeks information that is not relevant to the subject matter of this action or reasonably calculated to
11 lead to the discovery of admissible evidence, and seeks information beyond the scope of permissible
12 discovery in a writ proceeding under Government Code § 6252 in these circumstances. Respondent
13 also objects to the extent the request seeks information protected from disclosure by the attorney client
14 privilege, the attorney work product doctrine, any other privilege or protection from disclosure, or any
15 other basis for withholding information set forth in The California Public Records Act.

16 Subject to and without waiving the foregoing general and specific objections, Respondent
17 responds as follows: The only PRA 1 REQUESTED EMAIL ADDRESS ENDING included in the
18 applicable documents is @douglassmett.com.

19 **SPECIAL INTERROGATORY NO. 76:**

20 Separately state for each of the EXEMPTION LOG — PRE-DECISIONAL/FUNDRAISING
21 STRATEGIES/TRADE SECRET DOCUMENTS each and all of the CONTEXTS in which the PRA
22 1 REQUESTED EMAIL ADDRESS ENDINGS appear in such DOCUMENT.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 76:**

24 Respondent incorporates its general objections as though set forth in full. Respondent further
25 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
26 that it requests Respondent to provide additional information relating to documents that are not subject
27 to disclosure under the CPRA. Respondent is a public University with limited resources, and should
28 not be made to spend University time and resources to respond to overreaching and unwarranted

1 discovery. Respondent further objects to this interrogatory on the grounds that it seeks information
2 that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery
3 of admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
4 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
5 extent the request seeks information protected from disclosure by the attorney client privilege, the
6 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
7 for withholding information set forth in The California Public Records Act.

8 Subject to and without waiving the foregoing general and specific objections, Respondent
9 responds as follows: A search reasonably designed to produce documents responsive to the PRA
10 request was conducted, and that search returned these documents.

11 **SPECIAL INTERROGATORY NO. 77:**

12 Separately state as to each of the EXEMPTION LOG — PRE DECISIONAL/FUNDRAISING
13 STRATEGIES/TRADE SECRET DOCUMENTS all facts which support, or upon which YOU base,
14 YOUR contention that such DOCUMENT is subject to the exemption(s) contended by YOU to apply
15 to such DOCUMENT, with the exception of any facts which YOU have determined YOU will not
16 rely on in connection with the trial of this matter in support of, or as a basis for, that contention.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 77:**

18 Respondent incorporates its general objections as though set forth in full. Respondent further
19 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
20 that it requests Respondent to provide additional information relating to documents that are not subject
21 to disclosure under the CPRA. Respondent is a public University with limited resources, and should
22 not be made to spend University time and resources to respond to overreaching and unwarranted
23 discovery. Respondent further objects to this interrogatory on the grounds that it seeks information
24 that is not relevant to the subject matter of this action or reasonably calculated to lead to the discovery
25 of admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
26 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
27 extent the request seeks information protected from disclosure by the attorney client privilege, the
28

Attorneys for Petitioner,
Government Accountability & Oversight, P.C.

AR 00267

1 **NPR LOG and EXEMPTION LOG when printed out to appear in at least as large a font size**
2 **as the “Explanation” column in the NPR LOG, GAO is agreeable to that incorporation and**
3 **believes it would facilitate both the preparation and utilization of that information.**

4 **DEFINITIONS**

5 1. “AND” shall mean “and” and “or”, as necessary to bring within the scope of the
6 following Interrogatories all information that would be excluded absent this definition.

7 2. “CARLSON” refers to UCLA Law School professor Ann Carlson.

8 3. “CARLSON DISCRETIONARY FUND” means the Ann Carlson Discretionary Fund
9 at the UCLA School of Law.

10 4. “COMMUNICATIONS” is used herein in its customary broad sense and shall
11 include any form of communication, including but not limited to letters, phone calls, live
12 conversations, emails, text messages or instant messages, via any medium, whether encrypted (e.g.,
13 Signal, WhatsApp) or not, whether deleted or not.

14 5. The phrase “CONDUCT OF THE PUBLIC’S BUSINESS” shall have the same
15 meaning as when it is utilized in the “Explanation” column of the NPR LOG.

16 6. The term “CONTEXTS” when used in connection with a special interrogatory
17 requesting information regarding PRA 1 REQUESTED EMAIL ADDRESS ENDINGS means the
18 manner in which each and all of the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS appear in
19 the DOCUMENT in question (e.g., (i) as part of the email address of the sender of email, (ii) as part
20 of the email address of a recipient of email, (iii) if the email consists of an email thread, as part of
21 the email address of the sender of one or more of the emails that comprise the email thread, (iv) if
22 the email consists of an email thread, as part of the email address of a recipient of one or more of the
23 emails that comprise the email thread).

24 7. “DAN A. EMMETT” means the Chairman of the EMMETT INSTITUTE Advisory
25 Board.

26 8. “DAN A. EMMETT CHARITABLE DONORS” means DAN A. EMMETT,
27 individually or jointly with Rae Emmett, the Emmett Foundation, Dan and Rae Emmett’s Matching
28

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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

20
21 GOVERNMENT ACCOUNTABILITY &
22 OVERSIGHT, P.C.,

23 Petitioner,

24 v.

25 THE REGENTS OF THE UNIVERSITY OF
26 CALIFORNIA,

27 Respondent.

) Case No. 20STCP01226

)
) **THE REGENTS OF THE UNIVERSITY OF**
) **CALIFORNIA’S OBJECTIONS AND**
) **FURTHER RESPONSES TO**
) **PETITIONER’S SIXTH SET OF SPECIAL**
) **INTERROGATORIES**

1 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
2 for withholding information set forth in the California Public Records Act.

3 Subject to and without waiving the foregoing general and specific objections, Respondent
4 responds as follows: No documents within the BALDRIDGE 2/15/21 SUPPLEMENTAL
5 PRODUCTION are in the NPR LOG.

6 **SPECIAL INTERROGATORY NO. 167:**

7 Do YOU contend that any of the EXEMPTION LOG-FERPA DOCUMENTS are "institutional
8 records that are preserved in the ordinary course of business by a single, central custodian", as that
9 phrase is utilized in Moghadem v. Regents of University of California, 169 Cal. App. 4th 466, 480
10 (Cal. Ct. App. 2008)?

11 **RESPONSE TO INTERROGATORY NO. 167:**

12 Respondent incorporates its general objections as though set forth in full. Respondent further
13 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
14 extent that Respondent is a public University with limited resources, and should not be made to
15 spend University resources to respond to redundant, overreaching and unwarranted discovery.
16 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
17 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
18 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
19 proceeding under Government Code § 6252 in these circumstances. Respondent further objects to
20 this request on the grounds that it is vague, ambiguous, unintelligible, oppressive and impermissibly
21 seeks purely legal argument, based on dicta in a single California Court of Appeal decision that
22 interpreted the California Information Practices Act, Civil Code 1798 et seq., in an entirely different
23 factual context, not the CPRA or FERPA. Respondent also objects to the extent the request seeks
24 information protected from disclosure by the attorney client privilege, the attorney work product
25 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
26 information set forth in the California Public Records Act.

27 Subject to and without waiving the foregoing general and specific objections, Respondent
28 responds as follows: No, the Regents do not contend that any of the EXEMPTION LOG-FERPA

1 DOCUMENTS were preserved in the ordinary course of business by a single, central custodian like
2 a University registrar.

3 **SPECIAL INTERROGATORY NO. 168:**

4 If YOU contend that any of the EXEMPTION LOG-FERPA DOCUMENTS are "institutional
5 records that are preserved in the ordinary course of business by a single, central custodian", as that
6 phrase is utilized in Moghadem v. Regents of University of California, 169 Cal. App. 4th 466, 480
7 (Cal. Ct. App. 2008), identify each and all such DOCUMENTS by setting forth such DOCUMENT's
8 Document Number as set forth in the "Document Number" column of the EXEMPTION LOG.

9 **RESPONSE TO INTERROGATORY NO. 168:**

10 Respondent incorporates its general objections as though set forth in full. Respondent further
11 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
12 extent that Respondent is a public University with limited resources, and should not be made to
13 spend University resources to respond to redundant, overreaching and unwarranted discovery.
14 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
15 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
16 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
17 proceeding under Government Code § 6252 in these circumstances. Respondent further objects to
18 this request on the grounds that it is vague, ambiguous, unintelligible, oppressive and impermissibly
19 relates to purely legal argument, based on dicta in a single California Court of Appeal decision that
20 interpreted the California Information Practices Act, Civil Code 1798 et seq., in an entirely different
21 factual context, not the CPRA or FERPA. Respondent also objects to the extent the request seeks
22 information protected from disclosure by the attorney client privilege, the attorney work product
23 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
24 information set forth in the California Public Records Act.

25 Subject to and without waiving the foregoing general and specific objections, Respondent
26 responds as follows: Not applicable.

27 **SPECIAL INTERROGATORY NO. 169:**

Academic Freedom

The University of California is committed to upholding and preserving principles of academic freedom. These principles reflect the University's fundamental mission, which is to discover knowledge and to disseminate it to its students and to society at large. The principles of academic freedom protect freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These freedoms enable the University to advance knowledge and to transmit it effectively to its students and to the public. The University also seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students and faculty are free within the classroom to express the widest range of viewpoints in accord with the standards of scholarly inquiry and professional ethics. The exercise of academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty. These duties are set forth in the Faculty Code of Conduct (APM - 015).

Academic freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate. Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.*

Members of the faculty are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California. These protections are in addition to whatever rights, privileges, and responsibilities attach to the academic freedom of university faculty.

* The original language of APM - 010, which was drafted in 1934, associated academic freedom with scholarship that gave "play to intellect rather than to passion." It conceived scholarship as "dispassionate" and as concerned only with "the logic of the facts." The revised version of APM - 010 holds that academic freedom depends upon the quality of scholarship, which is to be assessed by the content of scholarship, not by the motivations that led to its production. The revision of APM - 010 therefore does not distinguish between "interested" and "disinterested" scholarship; it differentiates instead between competent and incompetent scholarship. Although competent scholarship requires an open mind, this does not mean that faculty are unprofessional if they reach definite conclusions. It means rather that faculty must always stand ready to revise their conclusions in the light of new evidence or further discussion. Although competent scholarship requires the exercise of reason, this does not mean that faculty are unprofessional if they are committed to a definite point of view. It means rather that faculty must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion. Competent scholarship can and frequently does communicate salient viewpoints about important and controversial questions.

GENERAL UNIVERSITY POLICY REGARDING
ACADEMIC APPOINTEES
Academic Freedom

APM - 010
APPENDIX A

Office of the President
September 29, 2003

CHANCELLORS
LABORATORY DIRECTORS
VICE PRESIDENT – AGRICULTURE AND NATURAL RESOURCES

Dear Colleagues:

Revised Academic Personnel Policy 010, Academic Freedom

Enclosed is revised Academic Personnel Policy 010, Academic Freedom, which is effective immediately. This new statement on academic freedom for faculty supersedes the previous APM - 010.

The previous statement on academic freedom was first issued by President Robert G. Sproul in 1934 as part of a series of University Regulations later incorporated into University policy as APM - 010. After extensive consultation with faculty and other members of the University community, I am pleased to issue this revised policy. The policy is based on the traditional cornerstones of academic freedom – freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. The policy establishes that faculty have primary responsibility for articulating the professional standards by which academic freedom may be sustained. I would especially like to thank Professor Robert C. Post, who is a member of the Law School faculty at Berkeley and a distinguished scholar on First Amendment law, for his thoughtful advice. I would also like to thank the Academic Senate for its comprehensive review of the proposal.

This new policy does not seek to change in any way the authority of the Board of Regents to govern the University of California, or the responsibility of the Administration to perform its appropriate role in governance. The policy is intended to be read in conjunction with APM - 015 (Faculty Code of Conduct) and with The Regents' 1970 policy on academic freedom. Although this new policy applies to the University's faculty, its issuance does nothing to diminish the rights and responsibilities enjoyed by other academic appointees. A discussion of the background leading to this revised policy is presented in a paper entitled "Academic Freedom and the Research University" appended to this letter.

Sincerely,

Richard C. Atkinson
President

Enclosures

cc: Members, President's Cabinet
Academic Council Chair Pitts
Associate Vice President Boyette

Assistant Vice President Switkes
Special Assistant Gardner
Principal Officers of the Regents

*Note: The Regents' 1970 policy on academic freedom and the paper entitled "Academic Freedom and the Research University" may be found online at:
https://www.ucop.edu/academic-personnel-programs/_files/apm/1970-regents-policy-on-academic-freedom.pdf

AR 00273

Preamble to the Statement of Principles: Student Freedom of Scholarly Inquiry

The University of California seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and furthering the search for wisdom. Effective performance of these central functions requires that students be free within their respective level in the educational process to pursue knowledge in accord with appropriate standards of scholarly inquiry.

But the nature of student freedom of scholarly inquiry has not been well articulated in the University. This lack of clarity was brought to the attention of the University Committee on Academic Freedom (UCAF) in 2003 as a result of student awareness of the recent revisions to the University's policy on academic freedom (APM - 010). UCAF agreed to examine the issue, and a joint Academic Senate-Student Affairs systemwide work group was established to this end. The work group consisted of faculty from UCAF, Academic Senate faculty leaders, Student Regents, student representatives from campuses, divisional campus student affairs representatives, and staff from the Office of the President.

In the work group's deliberations, it became clear that the issue was more complex than first thought. This was primarily due to articulating sound principles that account for differences in student roles based on whether they are undergraduate students, graduate students, or postdoctoral fellows. Within this range of roles, the concept of "student" has varied operational meanings associated with intellectual maturity and development, as well as with academic responsibilities such as graduate student teaching and participation as a researcher-colleague.

The most salient guiding principle that emerged from our deliberations is that academic freedom is conferred in the University of California by virtue of faculty membership. As such, student freedom of scholarly inquiry is ultimately derived from, and protected by, faculty academic freedom.

Student freedom of scholarly inquiry should also not be construed as adversarial to the faculty from which it derives. The academic freedom of the faculty is not absolute. The Faculty Code of Conduct describes the responsibilities of the faculty in relation to students, and specifically, in situations where controversial opinions are not germane to the subject of the course. These Principles are intended as an aspirational statement to guide members of the University community toward the goal of preserving an environment conducive to promoting the highest standards of teaching and scholarship.

Statement of Principles: Student Freedom of Scholarly Inquiry

The University seeks to foster in its students a mature independence of mind, and this purpose cannot be achieved unless students are free to express a wide range of viewpoints in accord with the standards of scholarly inquiry for the competence of student work at each level of the educational process. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body.¹ As such, it is primarily the responsibility of the faculty as set forth in the Faculty Code of Conduct to ensure that student freedom of scholarly inquiry is fostered and preserved in the University.²

While there is substantial variation in students' competence to engage in scholarly inquiry based on their level in the educational process, the faculty has the major responsibility to establish conditions that protect and encourage all students in their learning, teaching, and research activities. Such conditions include, for example: free inquiry and exchange of ideas; the right to critically examine, present, and discuss controversial material relevant to a course of instruction; enjoyment of constitutionally protected freedom of expression; and the right to be judged by faculty in accordance with fair procedures solely on the basis of the students' academic performance and conduct.

For students to develop a mature independence of mind, they must be free in the classroom to express a wide range of viewpoints in accord with standards of scholarly inquiry and relevance to the topic at hand. No student can abridge the rights of other students when exercising their right to differ. Students should be free to take civil and reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.³ The faculty has authority for all aspects of the course, including content, structure, relevance of alternative points of view, and evaluations. All decisions affecting a

¹ See *Academic Freedom*, University of California Academic Personnel Manual 010.
http://ucop.edu/academic-personnel-programs/_files/apm/apm-010.pdf

² See *The Faculty Code of Conduct*, University of California Academic Personnel Manual 015.
http://ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

³ An example of this responsibility from the American Association of University Professors statement on the Academic Bill of Rights follows:

If a professor of constitutional law reads the examination of a student who contends that terrorist violence should be protected by the First Amendment because of its symbolic message, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of the law. The application of these standards properly distinguishes indoctrination from competent pedagogy. Similarly, if a professor of American literature reads the examination of a student that proposes a singular interpretation of *Moby Dick*, the determination of whether the examination should receive a high or low grade must be made by reference to the scholarly standards of literary criticism. The student has no "right" to be rewarded for an opinion of *Moby Dick* that is independent of these scholarly standards. If students possessed such rights, all knowledge would be reduced to opinion, and education would be rendered superfluous.
<http://www.aaup.org/AAUP/comm/rep/A/abor.htm>

student's academic standing, including assignment of grades, should be based upon academic considerations administered fairly and equitably under policies established by the Academic Senate.⁴ In professional curricula, such decisions may include consideration of performance according to accepted professional standards.⁵

Students may also serve as instructors under supervision of the faculty. The faculty retains authority over all aspects of the course, including content, structure, evaluations, and delegation of authority for the course, and must base the guidance of student instructors on accepted scholarly and professional standards of competence in teaching. Subject to such authority, however, such student instructors share with faculty the freedom and responsibility to present concepts, to lead discussion in class, and to ensure the appropriate and civil treatment of other members of the academic community.

Faculty guidance and supervision of student research is desirable and appropriate. Students' freedom of inquiry while conducting research may not be abridged by decisions contrary to accepted scholarly and professional standards.⁶ Students are entitled to the protection of their intellectual rights, including recognition of their participation in supervised research and their research with faculty, consistent with generally accepted standards of attribution and acknowledgement in collaborative settings.

These protections are in addition to, and distinct from, the full protections of the Constitution of the United States and the Constitution of the State of California.

⁴ See APM - 015.

⁵ See University of California, Section 170.00 of the Policies Applying to Campus Activities, Organizations and Students: University Obligations and Student Rights, Section 171.09.
<http://policy.ucop.edu/doc/2710537/PACAOS-170>

⁶ Scholarly and professional standards include: Graduate thesis research must be conducted under the supervision of a specified faculty advisor and is subject to the approval of the faculty thesis committee.

Academic Freedom, Protection of Professional Standards, and Responsibilities of Non-Faculty Academic Appointees¹

The fundamental mission of the University is to advance knowledge, to disseminate knowledge to its students and to society at large, and to foster in its students a mature independence of mind. In pursuit of this mission, the University depends upon professional contributions not only by its faculty, but also by its non-faculty academic appointees. For this reason, whenever academic appointees with non-faculty academic titles listed in APM - 112-4(b) are engaged in teaching, research, scholarship, or the public dissemination of knowledge, as defined in APM - 010, they are entitled to the protections of academic freedom established in APM - 010, and they are obligated by the responsibilities specified in Part II of APM - 015, the Faculty Code of Conduct.² Based upon the By-Laws and Standing Orders of the Regents, the Academic Senate is responsible for interpreting and applying the professional standards that define academic freedom of teaching, research, scholarship, and the public dissemination of knowledge.

When academic appointees with non-faculty titles listed in APM - 112-4(b) perform work that contributes to or supports the fundamental mission of the University, but that is not teaching, research, scholarship, or the public dissemination of knowledge, they must be free to pursue this work according to applicable, acknowledged, national, professional standards, if such standards exist, and are obligated by the responsibilities established by these standards. These professional standards may be set by recognized professional organizations external to the University, or by other suitable sources of professional norms. The University recognizes such professional standards where they exist and are not inconsistent with the University's mission, vision, and values. The University is responsible for ensuring that such standards are respected. The Provost and Executive Vice President, with appropriate consultation, shall have final authority to determine the existence of applicable national professional standards.

The Academic Senate has sole authority to adjudicate violations of academic freedom as defined in APM - 010. Grievances concerning academic freedom shall follow the privilege and tenure procedures specified by Senate Bylaw 335, which for this purpose shall apply to non-faculty academic appointees.

Grievances concerning violation of the professional standards described in the second paragraph of APM - 011 shall be adjudicated under the formal grievance procedures specified in APM - 140-32. In such cases the review procedures specified in APM - 140-32 shall be modified to include an advisor to the reviewer. The advisor shall be an academic appointee in the same professional community, and with similar responsibilities, as the grievant, and will advise the reviewer on all aspects of the grievance

¹ APM - 011 does not apply to represented Academic Researchers (Professional Researchers, Project Scientists, Specialists, and Coordinators of Public Programs), who are represented by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), as they have declined to have APM - 011 apply to them. Academic Researchers who are not represented by the UAW are covered by APM - 011.

² Because students, and those with academic student employee and mentored/trainee titles, are covered by the freedom of scholarly inquiry set forth in Appendix B of APM - 010, APM - 011 does not apply to them. APM - 011 is also inapplicable to administrators with underlying faculty appointments (e.g., Deans, Department Chairs, and Faculty Administrators), whose academic freedom as a faculty member is covered by APM - 010 – Academic Freedom.

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES

APM - 011

Academic Freedom, Protection of Professional Standards,
and Responsibilities of Non-Faculty Academic Appointees

procedure as they apply to the professional standards upon which the grievance is based. The choice of advisor will reside with the Provost and Executive Vice President or designee, and the advisor shall also be consulted in the Formal Grievance Appeals under APM - 140-33.

If the Academic Senate determines that a grievance by an academic appointee with a non-faculty title listed in APM - 112-4(b) does not concern protections guaranteed under APM - 010, the grievant has thirty (30) days from the Academic Senate's final decision to file under APM - 140 a grievance alleging a violation of the applicable national professional standards described in the second paragraph of this section.

The resolution of grievances filed under the second paragraph of APM - 011, and the reasons for those resolutions, shall be made publicly available by the Provost and Executive Vice President, after making due allowances to preserve the privacy of the parties.

Requiring non-faculty academic appointees to perform the duties and functions mandated as part of their employment at the University is not a violation of the provisions of APM - 011. Supervisors retain authority to direct the professional activities of those they supervise, as long as non-faculty academic appointees are not directed to violate the national professional standards that apply to them.

In addition to the protections, privileges and responsibilities specified herein, all non-faculty academic appointees are entitled as University employees to the full protections of the Constitution of the United States and of the Constitution of the State of California.

Revision History

February 1, 2020:

- First published in the Academic Personnel Manual.

Conflict of Commitment and Outside Activities of Faculty Members

025-0 Policy

The University of California policy on conflict of commitment and outside activities of faculty members provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that faculty (see APM - 025-14-a for a list of faculty titles subject to this policy) may engage in a wide array of outside activities without unnecessary limitations. This policy is specific to general campus faculty. Faculty participating in the Health Sciences Compensation Plan are subject to APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants and are not subject to APM - 025. Faculty members appointed in Health Sciences Schools who are not participants in the Health Sciences Compensation Plan are subject to APM - 025.

025-2 Purpose

a. General

Faculty members who are employed by the University of California owe their primary professional allegiance to the University and accept as their own the University's responsibilities to advance and communicate knowledge. Teaching, research or other creative activities, and the cultivation of scholarly or creative competence, are their primary activities and should receive the largest commitment of time and energy; the same expectation exists for part-time faculty to the extent of their faculty appointment. In service of the University's goals to advance and communicate knowledge through interaction with the public, faculty have an obligation to provide, within limits, University-related public service by using their expertise to contribute to the University and/or the professions, business, the community or the public. Such activities also help faculty identify and address community needs and afford practical experience and knowledge valuable to teaching and research or creative activity. This policy seeks to balance these competing University obligations in the context of a faculty member's professional discretion in allocating time and effort across multiple activities.

This policy acknowledges the value of outside professional activities while recognizing the likelihood that some outside activities may cause real or apparent conflicts of commitment. Outside professional activities that interfere with a faculty member's professional obligations to the University represent a conflict of commitment. The Department Chair, in consultation with the faculty member and the Dean, shall resolve all questions related to whether an individual activity constitutes an outside non-professional activity or is an activity within the course

Conflict of Commitment and Outside Activities of Faculty Members

and scope of employment.

This policy manages conflict of commitment, defines which outside professional activities must be disclosed to the University, approved prior to engagement, and/or reported annually. This policy limits the amount of time a faculty member may devote to outside professional activities and describes the requirements when involving a student in outside professional activities.

b. Related University Policy

In addition to this policy on conflict of commitment and outside activities, faculty must comply with all University policies involving University intellectual property (this includes, among other policies APM - 740-18-c-3), conflict of interest, and restrictions on compensation. See Appendix A for a list of other relevant University policies.

025-4 Definitions

a. Outside Professional Activities

Outside Professional Activities, compensated or uncompensated and regardless of financial interest, are defined as those activities that are within a faculty member's area of professional, academic expertise and that advance or communicate that expertise through interaction with industry, the community, or the public. Outside additional teaching as described in APM - 025-10-a- (2)-(a) is included in this definition. Outside professional activities are distinct from non-professional activities, i.e., activities that are part of the faculty member's private life and are not expressly governed by University regulations or by the guidelines on outside professional activities. Outside professional activities must not interfere with a faculty member's obligations to the University.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member's outside activities interfere with the faculty member's professional obligations to the University of California.

c. Conflict of Interest

This policy does not cover conflict of interest; it covers only conflict of commitment. See Appendix A for relevant University policies concerning conflict of interest.

Conflict of Commitment and Outside Activities of Faculty Members

d. **Outside Consulting**

Outside consulting is one type of outside professional activity. It is defined as professional advice or services related to the faculty member's field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside of the University of California.

e. **A Day**

For purposes of this policy, a day is defined using common sense and customary practice. This definition may vary by campus and/or discipline.

f. **Compensation**

Compensation for outside professional activities includes all types of remuneration (including stock and stock options) that have immediate or potential financial value, excluding customary honoraria,¹ reimbursement for reasonable travel expenses, and per diem expenses.²

025-6 **Responsibility**

a. **Chancellor**

The Chancellor is responsible for overseeing compliance with this policy which includes:

- (1) Communicating policy requirements;
- (2) Developing implementing procedures and administrative mechanisms for disclosure, prior approval of Category I activities (see APM - 025-10 for descriptions of Categories I, II, and III activities and APM - 025-10-b-(1) and Appendix B for prior approval requirements, and APM - 025-10-b-(2) and Appendices C and D for annual reporting requirements);
- (3) Developing procedures to identify and resolve, if possible, conflicts between a faculty member's commitment to the University and a faculty member's outside professional activities; and
- (4) Establishing a deadline for submission of annual reports based on a fiscal-year calendar.

¹ See APM - 666

² See Business and Finance Bulletin G-28

Conflict of Commitment and Outside Activities of Faculty Members

b. Faculty

Faculty are responsible for complying with this policy, including:

- (1) Obtaining prior written approval for engagement in Category I activities (see APM - 025-10 for descriptions of Categories I, II, and III activities and APM - 025-10-b-(1) and Appendix B for prior approval requirements);
- (2) Submitting annual reports of all Category I and Category II activities (or the lack thereof) to the Department Chair (see APM - 025-10-b-(2) and Appendices C and D for annual reporting requirements);
- (3) Attesting to adherence with the requirements of this policy in the annual report;
- (4) Disclosing any current or prospective outside professional activity to the Department Chair if in doubt as to whether there is a conflict of commitment; and,
- (5) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 025-8-d).

025-8 General Principles

a. Obligations to the University

Outside professional activities must be undertaken in a manner consistent with the faculty member's professional obligations to the University. Outside activities must not conflict with the faculty member's obligations to students, colleagues, or to the University as a whole. In order to fulfill those obligations, faculty members must maintain a significant presence on campus, meet classes, keep office hours, hold examinations as scheduled, be accessible to students and staff, be available to interact with University colleagues, and share service responsibilities throughout every quarter or semester of active service.

b. Time Limits

- (1) Faculty may engage in Category I and II outside professional activities for up to 39 days per year for academic-year faculty and 48 days per year for fiscal-year faculty. It is expected that the use of days will be allocated evenly across service periods.

Conflict of Commitment and Outside Activities of Faculty Members

- (2) For faculty appointed at less than 100 percent time, the number of days allowed for outside professional activities during the faculty member's normal University working hours shall be prorated based on the percentage of appointment, provided that the faculty member had otherwise fulfilled obligations to the University. In addition, the faculty member could engage in additional outside professional activities during the time not committed to University service.
- (3) Even distribution of days is encouraged; however, no more than 39 days in one academic year or 48 days in one fiscal year are permitted.
- (4) Days not used in one year may not be carried forward to the next year.

c. **Summer months**

There are no restrictions on the number of days of Category I and II activity for academic-year faculty during the summer months unless an academic-year faculty member receives additional University compensation for the summer. If an academic-year faculty member receives additional University summer compensation, the time limit on compensated and uncompensated outside professional activities is the equivalent of one day per week during the period in which University summer compensation is received. For faculty receiving University summer compensation at less than 100 percent time, hours shall be prorated, and faculty may engage in additional OPA during time not committed to University service. (See APM - 600, Appendix 1). The 39-day maximum during the academic year is distinct and separate from the equivalent of one day per week during the period in which University summer compensation is received. The 39 days may not be averaged into the summer service period.

d. **Students**

Involvement of students in the outside professional activities of a faculty member may, under certain conditions, offer the student potential educational benefits. However, the relationship between faculty member and student must be protected from influences or activities that may interfere with learning consistent with the goals and ideals of the University (The Faculty Code of Conduct, APM - 015). A faculty member involving a student in outside activities has the responsibility to ensure that the student's participation does not interfere with the student's academic obligations.

If the faculty member has, or expects to have, academic responsibility (instructional, evaluative, or supervisory) for the student, the faculty member must obtain prior written approval from the Department Chair before involving a student in an outside professional activity regardless of whether the faculty

Conflict of Commitment and Outside Activities of Faculty Members

member is compensated for or has a financial interest in the activity. Involvement of students means any substantive activity in which the student participates, whether the student is compensated or uncompensated. The involvement of a student in the outside professional activity of a faculty member must not affect, positively or negatively, the faculty member's evaluation of the student's performance in any other context.

e. Use of University Resources

The use of University resources in connection with outside professional activities is subject to limitations. The Faculty Code of Conduct (APM - 015, Part II, C) defines the unauthorized use of University resources or facilities on a significant scale for personal, commercial, political or religious purposes as a type of unacceptable conduct. The Standards of Ethical Conduct, as adopted by The Regents, state that University resources may only be used for activities that are undertaken on behalf of the University. The University's resources may not be used for private gain or for personal purposes except in limited circumstances that are permitted by existing policy.

f. Liability Coverage

The University's liability and workers compensation coverage does not extend to activity that is outside the course and scope of University employment. Some outside professional activities, particularly certain consulting and expert witness testimony, would generally be considered outside the course and scope of University employment, depending on the facts and circumstances of any given case. Questions about University liability coverage in connection with a specified activity or exposure should be discussed with the Office of Risk Services at the Office of the President.

025-10 Guidelines

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and -- in the case of Category I -- must receive prior approval before the faculty member engages in the activity. Category III activities are those that are within the course and scope of employment at the University and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category that requires more stringent reporting and prior approval, as applicable.

a. Types of Outside Professional Activity

Outside professional activities are categorized based on the extent to which they

Conflict of Commitment and Outside Activities of Faculty Members

are likely to constitute conflict of commitment:

(1) Category I

Category I activities are outside professional activities that are most likely to create a conflict of commitment because: 1) they are activities related to the training and expertise that is the individual's qualification for University appointment, but performed for a third party, and/or 2) they require significant professional commitment.

Category I activities require prior approval by the Chancellor, count toward the faculty member's maximum 39/48 days of outside professional activities (see APM - 025-8-b and Appendix C for definition of time limits), and require disclosure in annual reporting. Approvals are generally for one fiscal year but may be granted for a longer term, not to exceed five years.

Category I activities include, but are not limited to:

- (a) Teaching, research, or administration of a grant³ at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;
- (b) Employment outside of the University;
- (c) Assuming a founding or a co-founding role of a company;
- (d) Assuming an executive or managerial position outside of the University.⁴

(2) Category II

Category II activities are typically shorter-term outside professional activities that are outside the course and scope of University employment. Category II activities have a lesser potential for a conflict of commitment than do Category I activities.

Category II activities require disclosure in annual reporting under this policy, but do not require prior approval. Category II activities count toward the faculty member's maximum 39/48 days of outside

³ Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.

⁴ This does not include positions with professional societies.

Conflict of Commitment and Outside Activities of Faculty Members

professional activities (see APM - 025-8-b and Appendix C for definition of time limits).

Examples of Category II activities include, but are not limited to:

- (a) Additional University-compensated teaching, including teaching for UNEX courses and programs (see APM - 662, Additional Compensation: Additional Teaching), other continuing education programs run by the University, and self-supporting UC degree programs;⁵
- (b) Consulting or testifying as an expert or professional witness;
- (c) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship;
- (d) Serving on a board of directors outside of the University;
- (e) Providing or presenting a workshop for industry;
- (f) Providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories.⁶

(3) Category III

Category III activities are within the course and scope of University employment. As such, they are unlikely to raise conflict of commitment issues.

Category III activities do not require disclosure in annual reporting or prior approval under this policy and do not count toward the faculty member's maximum of 39/48 days of outside professional activities. Nevertheless, these activities must not interfere with a faculty member's obligations to the University (see APM - 025-8-a).

⁵ These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

⁶ Because of the nature of their relationship to the University, consulting specifically for the Board of Governors Science and Technology Committee of Los Alamos National Security, LLC and Lawrence Livermore National Security, LLC does not require disclosure in annual reporting or prior approval and does not count toward the faculty member's maximum of 39/48 days of outside professional activities.

Conflict of Commitment and Outside Activities of Faculty Members

Examples of Category III activities include, but are not limited to:

- (a) Serving on government or professional panels or committees or as an officer or board member of a professional or scholarly society;
- (b) Reviewing manuscripts; acting in an editorial capacity;
- (c) Attending and presenting talks at university/academic colloquia and conferences;
- (d) Developing scholarly or creative works;
- (e) Accepting honoraria for scholarly, intellectual, educational, outreach work within the course and scope of employment; and,
- (f) Receiving prizes, defined as gifts in recognition of personal achievements and not for services rendered.

b. Disclosure requirements

Faculty are responsible for disclosing situations that may raise conflict of commitment issues in the following manner:

(1) Prior approval requirements

All Category I activities and requests to exceed the maximum number of days permitted require prior written approval from the Chancellor in advance of performing the activity.

(2) Reporting requirements

All faculty must file an annual report of outside professional activities each fiscal year, even if the faculty member did not engage in outside professional activities during the year. Faculty must report annually all Category I and II outside professional activities conducted during the prior 12 months, including activities that were conducted during normal service periods and during periods of leave with and without pay, and during summer months when receiving University compensation. The requirement for annual reporting begins after the faculty member's first full year of continuous employment.

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members

APM - 025

025-14 **Eligibility**

a. **Faculty titles subject to APM - 025**

All faculty holding appointments in the following title series are subject to this policy⁷ however, faculty holding appointments of less than 50 percent time are not subject to the annual reporting and prior approval requirements:

- (1) Professor, including Acting titles
- (2) Professor in Residence
- (3) Adjunct Professor
- (4) Professor of Clinical (e.g., *Medicine*)*
- (5) Health Sciences Clinical Professor*
- (6) Clinical Professor of Dentistry*
- (7) Lecturer with Security of Employment, including Acting titles

*Faculty holding titles in these series are subject to APM - 025 if not participating in the Health Sciences Compensation Plan. Faculty participating in the Health Sciences Compensation Plan are subject to APM - 671 and are not subject to APM - 025.

b. **Recalled Faculty**

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time are not subject to this policy. Faculty members recalled to the Health Sciences Compensation Plan are subject to the provisions of APM - 671.

c. **Faculty on leave**

(1) **Leave without pay**

Faculty on an approved leave without pay are subject to disclosure,

⁷ School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and APM - 675.

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES

APM - 025

Conflict of Commitment and Outside Activities of Faculty Members

prior approval, and annual reporting requirements but are not subject to the time limits in APM - 025-8-b.

(2) Sabbatical or other leaves with pay (other than vacation)

Faculty on approved sabbatical or other leaves with pay are subject to the disclosure, prior approval, annual reporting requirements, and time limits in APM - 025-8-b, regardless of the funding source for salary.

(3) Vacation

Faculty on approved vacation are not subject to the disclosure, prior approval, annual reporting requirements, or time limits described in APM - 025-8-b for outside professional activity performed during the vacation period.

(4) Faculty Administrators

Faculty administrators are covered by this policy, but they are also subject to the provisions in APM - 240, Deans, APM - 241, Faculty Administrators (Positions Less Than 100%), and APM - 246, Faculty Administrators (100% Time).

025-16 Restrictions

- a. A faculty member shall not engage in any outside professional activity that creates a conflict of commitment.
- b. Faculty receiving extramural funding may not exceed limitations on outside professional activities imposed by the funding sources, including effort rules.

025-24 Authority

The Chancellor shall issue campus procedures implementing APM - 025 and has the authority to approve Category I requests and individual exceptions under this policy.

025-26 Non-compliance

a. Monitoring and Compliance

Department Chairs shall monitor compliance with this policy by collecting and

Conflict of Commitment and Outside Activities of Faculty Members

reviewing annual reports and shall consult with the Dean about any concerns. The Dean shall review the Department Chairs' annual reports of outside professional activities each year.

b. Consequence for Non-compliance

Situations where faculty will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I activities, to obtain prior written approval for involving a student in outside professional activity (see APM - 025-8-d), to comply with time limits for Categories I and II activities, and/or to accurately disclose and describe the nature and scope of Categories I and II outside professional activities.

Failure to comply with this policy may subject a faculty member to discipline, corrective action, or administrative remedies pursuant to APM - 016, University Policy on Faculty Conduct and the Administration of Discipline, and APM - 150, Non-Senate Academic Appointees/Corrective Action and Dismissal.

c. Grievance Rights

Senate faculty members may grieve pursuant to Senate Bylaw 335, Privilege and Tenure: Divisional Committees – Grievance Cases. Non-Senate faculty members may grieve pursuant to APM - 140, Non-Senate Academic Appointees/Grievances.

Revision History

January 15, 2020:

- Technical revisions: (1) correct inadvertent omission of language regarding uncompensated outside professional activities during summer months in APM - 025-8-c; (2) remove gendered language; (3) conform with recent updates and revisions to other APM policies; (4) correct minor grammatical and formatting inconsistencies; and (5) add links to referenced documents.

RELATED UNIVERSITY POLICIES

- Standing Order of The Regents 103.1(b)
- University Regulation No. 3 – APM - 005
- University Regulation No. 4 – APM - 020
- The Faculty Code of Conduct – APM - 015 Standards of Ethical Conduct
- University Policy on The Faculty Code of Conduct and the Administration of Discipline – APM - 016
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest in Private Sponsors of Research
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, Public Health Service Research Awards
- Guidelines for Disclosure and Review of Principal Investigator's Financial Interest in Private Sponsors of Research – APM - 028
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University
- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Requirement
- Conflict of Interest Policy and Compendium of Specialized University Policies – BFB-G-39
- Health Care Vendor Relations Policy
- Health Sciences Compensation Plan – APM - 670
- Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants - APM - 671
- Veterinary Medicine Salary Administration - APM - 675
- Deans – APM - 240

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members

APM - 025
APPENDIX A

- Faculty Administrators (Positions Less Than 100%) – APM - 241
- Faculty Administrators (100% Time) – APM - 246
- University of California Patent Policy
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, National Science Foundation Awards
- University of California Policy on Accepting Equity When Licensing University Technology

**PRIOR APPROVAL FORM
FOR OUTSIDE ACTIVITIES (CATEGORY I)**

Name: _____ Faculty Title: _____
Last First M.I. Academic- or Fiscal-Year Appointment: _____

Department: _____ College/School: _____

For each Category I outside professional activity in which you wish to engage in outside professional activities, answer the following questions. Attach separate sheets, if necessary.

Type of activity in which you will be involved:

Category I Activities

Executive/managerial role: _____

Salaried employee: _____

Outside teaching or research activity: _____

Other potential conflict of commitment: _____

General description of the business/agency/organization/group/individual: _____

Activities/products/services of entity described above: _____

Nature of your relationship to entity named above (check all that apply):

Founder/co-founder: _____

Owner: _____

Consultant: _____

Board member: _____

Salaried employee: _____

Stockholder/partnership interest: _____

Equity/royalty interest: _____

Other, please explain: _____

Description of the nature of your participation in this activity, including, if you wish, possible beneficial outcomes to areas of research, industry, and public service:

Beginning/ending month/year you could be involved in this activity: _____

Fiscal year(s) for which seeking approval: _____ (Approvals are generally for one fiscal year but may be granted for a longer term not to exceed five years. Compliance reports must be submitted annually.)

Estimated number of days= involvement during academic- or fiscal-year appointment: _____

Will you be requesting a full- or part-time leave without pay while engaged in this activity? _____

Approval granted through fiscal year
ending June 30, _____

Request denied: _____

Department Chair

Date

Dean

Date

Faculty Member Signature

Date

Chancellor or Chancellor's Designee

Date

**REPORT OF CATEGORY I AND II OUTSIDE ACTIVITIES
AND ADDITIONAL TEACHING ACTIVITIES
FOR THE FISCAL YEAR ENDING JUNE 30, _____
EXPLANATIONS FOR INFORMATION REQUESTED**

Academic/Fiscal-Year Faculty Appointment: Enter whether you held an academic- or fiscal-year appointment. An *Academic-Year Appointment* is an appointment in which the faculty member renders services to the University during the academic year, from the beginning of the fall term through the end of the spring term (APM - 600-4-c), or the equivalent of an academic year should the campus operate year-round. A *Fiscal-Year Appointment* is an appointment in which the faculty member renders service to the University throughout the calendar year as opposed to the academic year (APM - 600-4-f). Fiscal-year faculty accrue vacation time in accordance with APM - 730.

Terms of Leave, if any: A faculty member may be permitted to go on full- or part-time leave in order to pursue certain compensated outside professional activities. If you were on such leave during any part of the pertinent fiscal year, provide information here about the percentage of time and inclusive months.

Category: For each activity, enter I, II or AT (for additional teaching as defined in APM - 662).

Category I activities include: teaching, research, or administration of a grant at an educational institution, trust, organization, government agency, or foundation outside of the University; employment outside the University; assuming a founding/co-founding role of a company; assuming an executive or managerial position outside of the University. You must receive prior approval to engage in Category I activities, which always count toward the 39/48-day limit and must be reported annually.

Category II activities include: additional University-compensated teaching, including teaching in accordance with APM - 662, Additional Compensation: Additional Teaching, for UNEX courses and programs, other continuing education programs run by the University, and self-supporting UC degree programs if the teaching is outside the normal teaching load; consulting or testifying as an expert or professional witness; providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship; serving on the board of directors outside of the University; providing a workshop for industry; providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories. Category II activities are counted within the 39/48-day limit and must be reported annually.

Number of Days: A full-time faculty member on an academic-year appointment normally may engage in outside professional activities for up to 39 days from the start of the fall term through the end of the spring term (including intersession). There are no restrictions on the number of days of outside professional activity for academic-year faculty during the summer months unless an academic-year faculty member is receiving University compensation for the summer. If an academic-year faculty member is receiving University summer compensation, then the applicable time limit on outside professional activities is the equivalent of one day per week during the period in which University summer compensation is received (unless a funding agency specifies otherwise). A fiscal-year faculty member is permitted a maximum of 48 days per fiscal year.

Enter the approximate number of days you worked on this activity during your period of active service to the University. For outside professional activities, a *Day* is defined using common sense and customary practice. This definition may vary by campus and/or discipline. For additional teaching activities, the general rule is that every six contact or "podium" hours spent with students equals one day. See APM - 662 for details.

Nature of Relationship: Use one or more of the following terms to describe your relationship to the entity identified in the last column: Founder/co-founder, owner, board member, consultant, recipient of equity or royalty interest, stockholder or partnership interest, salaried employee, or other (explain).

**ANNUAL REPORTING FORM
FOR CATEGORY I & II OUTSIDE ACTIVITIES AND ADDITIONAL TEACHING ACTIVITIES**

REPORTING PERIOD: THROUGH

Instructions: In accordance with APM - 025, this form must be completed, signed, and submitted to the department chair each year by all eligible faculty for the time your academic-year or fiscal-year appointment was effective during the identified fiscal year. See Explanations (Appendix B) for further guidance. If you engaged in no Category I and Category II outside activities during the identified fiscal year, and did not perform additional teaching as defined in APM - 662 (i.e., teaching in UNEX courses or programs, other continuing education programs run by the University, or self-supporting UC degree programs), write "NONE" across the grid below and check the box below. Attach additional sheets if necessary.

Name (Print):	Academic Title:	Department:
Appointment: Academic-year or Fiscal-year	Terms of leave, if any:	College/School:

Category I or II	Number of Days	Leave Without Pay Y/N (When?)	Description of Activity	Nature of Relationship	General Description of Business/Agency/Organization/Group/Person
Total # Days					

_____ I did not engage in Category I or II activities during the reporting period.	
I certify that I have complied with the provisions of APM - 025 and have reported all Category I and II activities as required by policy.	
Faculty Member Signature	Date

The department chair's signature affirms the form was received and reviewed. Corrective actions should be implemented for time reports (days) that are above the annual limit and for unapproved Category I activities.	
Department Chair Signature	Date
Dean Signature	Date

James K.T. Hunter (State Bar No. 73369)
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Attorney for Petitioner,
Government Accountability & Oversight, P.C.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Respondent.

) Case No. 20STCP01226

) **DECLARATION OF CHRISTOPHER
HORNER IN SUPPORT OF PETITION
FOR WRIT**

) Trial Date: December 14, 2021 (*Reserved*)

) Time: 9:30 a.m.

) Place: Dept. 82

) Petition filed: April 1, 2020

I, Christopher Horner, declare:

INTRODUCTION

1. I make this declaration in support of the Petition for Writ filed by Petitioner Government Accountability & Oversight, P.C. ("GAO") in the above-captioned proceeding against Respondent The Regents of the University of California ("Regents"). In this Declaration, I address the Regents' response to the California Public Records Act ("CPRA") request at issue in this matter, PRR 19-7464¹, based on my involvement with the request, its processing, and Regents' litigation of same, and also set forth my opinions based on my experience with open records requests in

¹ While the Amended Petition also references a second related CPRA request made by GAO subsequent to PRR 19-7464 (i.e., PRR 19-7567), GAO has determined that the trial on the Amended Petition should exclusively address the issues raised regarding PRR 19-7464 since those are the issues of the greatest general import.

DECLARATION OF CHRIS HORNER IN SUPPORT OF PETITION FOR WRIT

1 California and nationwide. Except as qualified, I make this declaration based on my personal and
2 firsthand knowledge of those facts hereinafter set forth and could and would testify competently
3 thereto under oath if called as a witness.

4 2. I obtained my *Juris Doctor* from Washington University in St. Louis in 1991 and am
5 admitted to practice law in the District of Columbia. I have spent the majority of my professional
6 work since 1997 requesting or assisting others in requesting, assessing and disseminating public
7 information, pursuant to state and federal open records laws. Those pursuits have been the principal
8 focus of my work for more than the past decade. These requests typically seek public information to
9 educate about how public institutions have been or are being used, with whom, and how they came
10 to be used that way. These requests require litigation when an agency does not respond as prescribed
11 in the relevant statute or withholds all or parts of records in ways with which I, my colleagues or my
12 client do not agree is proper. I have made, provided legal assistance in other parties making, and/or
13 participated in litigation over hundreds of such requests to federal agencies, state executive and
14 attorneys general offices and other agencies, and over two dozen academic institutions.

15 3. I began using open records laws nearly a quarter century ago to explore public-private
16 interplay following, and in great part inspired by, a revelatory stint with a Houston-based energy
17 company in 1997, for which I briefly served as director of federal government relations (in a non-
18 attorney capacity). I was gone from the company's ranks within weeks, about four years before it
19 found itself in the news and its very name, Enron, became a cultural metaphor. Soon after beginning
20 at Enron I helped create an uncomfortable work environment for myself by voicing concerns over
21 the company's leading role in what was becoming a "global warming" industry, which I later learned
22 I was not alone in doing (*infra*). I was particularly struck by a meeting I had attended on the
23 company's behalf, in a large national law firm's Washington, D.C. conference room among a Who's
24 Who of environmentalist pressure groups as well as senior representatives of individual companies
25 and trade associations representing several industry sectors, discussing how, despite public and
26 congressional opposition, to ensure U.S. participation in a "global warming" treaty that several
27 months later would be called the Kyoto Protocol. Industry participants, like Enron, which had
28 bought uneconomic assets or otherwise made financial arrangements ("bets") in anticipation of

1 getting this agenda in place — which assets would then be rewarded by government policies —
2 joined with, e.g., the Union of Concerned Scientists (see, *infra*) to lobby for policies in the name of
3 the threat of catastrophic man-made global warming. This would soon be re-branded as “climate
4 change” and “clean energy economy.”² I had to that time been unaware of just how widespread are
5 these “Baptist-and-Bootlegger coalitions,” which is the term coined by then-Professor and now Dean
6 Emeritus at Clemson University, Bruce Yandle.³ As set forth in a series by Lawrence Solomon of
7 Canada’s *Financial Post* exposing industry’s driving role behind the Kyoto pact (subsequently
8 extended by, e.g., Copenhagen and Paris climate agreements) and related policies, Enron was the
9 early ringleader of the global warming industry:

10 Enron Chairman Kenneth Lay...saw his opportunity when Bill Clinton and Al Gore were
11 inaugurated as president and vice-president in 1993. To capitalize on Al Gore’s interest in
12 global warming, Enron immediately embarked on a massive lobbying effort to develop a
13 trading system for carbon dioxide, working both the Clinton administration and Congress.
14 Political contributions and Enron-funded analyses flowed freely, all geared to demonstrating
15 a looming global catastrophe if carbon dioxide emissions weren’t curbed. An Enron-funded
16 study that dismissed the notion that calamity could come of global warming, meanwhile, was
quietly buried.

17 To magnify the leverage of their political lobbying, Enron also worked the environmental
18

19 ² After the November 2009 “Climategate” email scandal as well as poll-testing of the issue led
20 “global warming” to be been rebranded “the climate crisis” and the focus shifting to a line that
21 somewhat nods to the actual genesis of the agenda, “the clean energy economy.” See, e.g., Edward
22 Felker and Stephen Dinan, “Democrats urged to play down ‘global warming’”, *Washington Times*,
23 June 19, 2009 <https://www.washingtontimes.com/news/2009/jun/19/party-memo-urges-democrats-to-fix-pitch-on-climate/>; to the displeasure of some advocates, see, e.g., “When did ‘climate change’
24 become ‘clean energy’?” (print and syndication title (see, e.g.,
25 https://madison.com/ct/news/opinion/column/maxwell-t-boykoff-when-did-climate-change-become-clean-energy/article_78e0aaec-6a34-5439-b721-31085e6041a8.html), Washington Post, February 5,
26 2012, https://www.washingtonpost.com/opinions/a-dangerous-shift-in-obamas-climate-change-rhetoric/2012/01/26/gIQAynwzVQ_story.html; speaking of re-branding, the Post has elected for the
27 more ominous and lecturing on-line title, “A dangerous shift in Obama’s ‘climate change’ rhetoric”.
28 ³ See, e.g., Testimony before the United States Senate Committee on Environment and Public Works
Honorable Barbara Boxer, Chairman On the U.S. Climate Action Partnership Report, Fred L. Smith,
Jr., President, Competitive Enterprise Institute, February 13, 2007, available at
<https://govoversight.org/wp-content/uploads/2021/09/fred.wrissentestimony.senate.pdf>. “[Yandle’s]
theory’s name, first elucidated in 1983, is meant to evoke 19th century laws banning alcohol sales on
Sundays. Baptists supported Sunday closing laws for moral and religious reasons, while bootleggers
were eager to stifle their legal competition. Thus, politicians were able to pose as acting to promote
public morality, even while taking contributions from bootleggers.”

1 groups. Between 1994 and 1996, the Enron Foundation donated \$1-million to the Nature
2 Conservancy and its Climate Change Project, a leading force for global warming reform,
3 while Lay and other individuals associated with Enron donated \$1.5-million to environmental
4 groups seeking international controls on carbon dioxide.⁴

5 In December 1997, immediately on the heels of the Kyoto negotiation and several months after I had
6 departed the company, Enron's John Palmisano wrote a memo titled "Implications of the Climate
7 Change Agreement in Kyoto & What Transpired" to senior Enron executives. Palmisano was
8 Enron's point-man on the issue (e.g., two months later Mr. Palmisano wrote a related memo to
9 colleagues which opened with, "You know that I am responsible for developing "climate change"
10 policies that promote our products and services"⁵). That December 1997 memo noted, *inter alia*, "this
11 treaty is exactly what I have been lobbying for," "This agreement will be good for Enron stock!!,"
12 "if implemented, this agreement will do more to promote Enron's business than will almost any
13 other regulatory initiative," "Enron has immediate business opportunities which derive directly from
14 this agreement," "Enron now has excellent credentials with many 'green' interests including
15 Greenpeace, [World Wildlife Fund], [Natural Resources Defense Council], German Watch, the U.S.
16 Climate Action Network, the European Climate Action Network, Ozone Action, WRI, and
17 Worldwatch," and therefore that "This position should be increasingly cultivated and capitalized on
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24 ⁴ Lawrence Solomon, "Enron's Other Secret", *Financial Post* (Canada), May 30, 2009, available at
25 <https://ep.probeinternational.org/2009/05/30/enrons-other-secret/>. This was "real money" at the time.

26 ⁵ Memo from John Palmisano to Steve Kean, Cynthia Sandherr, February 28, 1997, available at
27 [https://climatelitigationwatch.org/wp-content/uploads/2021/10/2.28.97-Palmisano-memo-describing-](https://climatelitigationwatch.org/wp-content/uploads/2021/10/2.28.97-Palmisano-memo-describing-his-role-and-Enron-moves.pdf)
28 [his-role-and-Enron-moves.pdf](https://climatelitigationwatch.org/wp-content/uploads/2021/10/2.28.97-Palmisano-memo-describing-his-role-and-Enron-moves.pdf). Other records offer a revealing exchange between Palmisano and an
Enron colleague, Robert Bradley, who opposed such rent-seeking, Subject line: "Climate Change/
work with me to make Enron rich." [https://climatelitigationwatch.org/wp-](https://climatelitigationwatch.org/wp-content/uploads/2021/10/6.3.98-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf)
[content/uploads/2021/10/6.3.98-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf](https://climatelitigationwatch.org/wp-content/uploads/2021/10/6.3.98-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf); Bradley's
response at [https://climatelitigationwatch.org/wp-content/uploads/2021/10/6.3.98-Bradley-response-](https://climatelitigationwatch.org/wp-content/uploads/2021/10/6.3.98-Bradley-response-to-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf)
[to-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf](https://climatelitigationwatch.org/wp-content/uploads/2021/10/6.3.98-Bradley-response-to-Palmisano-Work-with-me-to-make-Enron-rich-email.pdf).

1 (monitized).” (sic)⁶ These and other subsequent revelations confirmed that monetizing a “global
2 warming” industry through government policy was a major component of Enron’s business strategy.
3 Enron planned on making money trading ration coupons, or “carbon credits”, and from government
4 policies that, e.g., directed revenues to the then-world’s largest windmill company which Enron had
5 recently purchased (Zond Wind, which became Enron Wind). Economists call these policies “rents”
6 and the practice of arranging for the policies “rent seeking”.⁷ Again quoting Lawrence Solomon,
7 “We all know that the financial stakes are enormous in the global warming debate—many oil, coal
8 and power companies are at risk should carbon dioxide and other greenhouse gases get regulated in a
9 manner that harms their bottom line. The potential losses of an Exxon or a Shell are chump change,
10 however, compared to the fortunes to be made from those very same regulations.”⁸
11

12 4. Enron documents which later emerged reference a meeting, in the run-up to Kyoto, in
13 August 1997 in the Oval Office with Lay and both President Clinton and Vice President Al Gore.⁹
14 There, Lay advocated his position in favor of the President joining the pact expected to be proposed
15 in Kyoto, favoring wind and solar energy and targeting denser hydrocarbon energy sources with the
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18 ⁶ Memo from John Palmisano, “Implications of the Climate Change Agreement in Kyoto & What
19 Transpired” (1997), available at
20 <https://web.archive.org/web/20110820070144/http://www.politicalcapitalism.org/enron/121297.pdf>.
21 See also, e.g., January 27, 1998 “Policy Analysis” memo from Rob Bradley to Ken Lay, “Global
22 Warming Comments,” “Enron has aided the cause of regulating greenhouse gases more ably than
23 any other company in the U.S. and has earned credibility and goodwill with the environmentalist
24 groups”, [https://climatelitigationwatch.org/wp-content/uploads/2021/10/1.27.98-Bradley-memo-to-](https://climatelitigationwatch.org/wp-content/uploads/2021/10/1.27.98-Bradley-memo-to-Ken-Lay-Global-Warming-Comments.pdf)
25 [Ken-Lay-Global-Warming-Comments.pdf](https://climatelitigationwatch.org/wp-content/uploads/2021/10/1.27.98-Bradley-memo-to-Ken-Lay-Global-Warming-Comments.pdf).

26 ⁷ “Cap-and-trade” legislation was for a time the approach selected by the political class, including
27 Enron. See, e.g., Jim Tankersley, “Industry Leaders join Obama on emissions limits,” *Los Angeles*
28 *Times*, May 18, 2009, discussing the passage, at long last (in one legislative house, only), of the
Waxman-Markey “cap-and-trade” legislation. See also President Obama’s serial use of language in
support of these policies, that he would “*finally make clean energy the profitable kind of energy in*
America” (emphasis added)(in, e.g., 2010 State of the Union address,
<https://obamawhitehouse.archives.gov/the-press-office/remarks-president-state-union-address>).

⁸ Lawrence Solomon, “Enron’s Other Secret”, *Financial Post* (Canada), May 30, 2009. See also,
Robert Novak, “Enron’s Secret Energy Plan: Chairman’s shameless backing of the Kyoto treaty was
all about corporate greed,” *Chicago Sun-Times*, January 17, 2002.

⁹ See, e.g., Memorandum from Robert Bradley to Ken Lay, Global Climate Change Debate &
Meeting with Clinton, August 1, 1997, [https://climatelitigationwatch.org/wp-](https://climatelitigationwatch.org/wp-content/uploads/2021/10/8.1.97-Bradley-memo-to-Ken-Lay-Global-Climate-Change-Debate-Meeting-with-Clinton.pdf)
content/uploads/2021/10/8.1.97-Bradley-memo-to-Ken-Lay-Global-Climate-Change-Debate-
Meeting-with-Clinton.pdf.

rationing program called “cap-and-trade” as a Kyoto “mechanism” — in disregard of unanimous Senate instruction to the contrary just over a week prior, on July 25, pursuant to Article II, Sec. 2 of the U.S. Constitution¹⁰. Notwithstanding this Senate advice that it would not consent, President Clinton did in fact enter Kyoto by the signature, on November 12, 1998, of Acting Ambassador to the United Nations Peter Burleigh. At the time, when I was still a mere six years out of law school, these coalitions and the cavalier approach to, e.g., “advice and consent” in pursuit of a political and business agenda rather shocked my naïve, younger self. The terrible economic and social costs of these “global warming” policies were not yet fully manifest, such as “energy poverty”-induced spikes in hypothermia among seniors and the poor from intentionally higher energy prices, and indeed their magnitude not fully foreseen, such as the energy crises presently unfolding across the world to which the suite of “climate” policies have served as indispensable instigators.¹¹ Instead, it was my Enron experience that prompted my early use of the federal Freedom of Information Act (FOIA) to probe further into the role of that company and others in advancing this agenda in the federal government, specifically the relationships, the costs, and the agendas of those serving in government. These requests sought records pertaining to the scientific, economic, and political aspects of this agenda, moving to a range of issues as they emerged or developed. With the extensive and increasing role played by academia in this campaign, this ultimately brought me to making or assisting in making requests of public universities. In the two-and-a-half decades since that revelation of rent seeking and Baptist and Bootlegger coalitions and particularly the most recent dozen years, I have maintained a strong emphasis in my work on open records requests, litigation,

¹⁰ S. Res. 98, July 25, 1997, <https://www.congress.gov/bill/105th-congress/senate-resolution/98>.

¹¹ At least one memo did hint at these consequences. “Maybe Enron can dodge the macro problem and have our micro benefits, but then again I have to think that a politicized international energy market for any reason will create as much or more downside than upside.” April 1, 1999, Rob Bradley memo to Ken Lay and Jeff Skilling, “Subject: Topic of Discussion for Advisors Meeting,” available at <https://climate litigationwatch.org/wp-content/uploads/2021/10/4.1.99-Bradley-memo-to-Lay-and-Skilling-re-Enron-role-and-perils-of-politicized-international-energy-industry.pdf>.

1 and advice mostly in areas pertaining to energy and environment. I made and have continued
2 pursuing requests on behalf of several public policy and governmental transparency groups,
3 including Petitioner GAO on the request at issue in this matter.

4
5 5. My efforts are often successful in obtaining and broadly disseminating public
6 information, through discussion in, e.g., the *Wall Street Journal* news, editorial and opinion pages,
7 *Washington Times* news and opinion pages among other print outlets, as well as numerous on-line
8 outlets. *Politico* wrote in its June 2013 article "Master of FOIA" that my work is that of "a
9 determined digger" who "bedevils the White House" with Freedom of Information requests. This
10 alludes to my having discovered then-U.S. Environmental Protection Agency Administrator Lisa
11 Jackson's use of a false-identity email account in the name of "Richard Windsor," in violation of the
12 Federal Records Act and of course increasing the chance that FOIA productions seeking Ms.
13 Jackson's public-record correspondence as EPA Administrator would not be properly located or
14 released. *Politico* noted, *inter alia*, "Horner's far from a pioneer in using FOIA, of course.
15 Environmental groups file most FOIA requests with EPA, and businesses often use the law to
16 acquire information on competitors." In 2014 *The Hill* named me one of its "100 People to Watch"
17 for these efforts¹², and the *Washington Examiner* wrote that "Horner has been busy busting what he
18 sees as absurd global warming claims and the federal government's deepening lack of
19 transparency"¹³. I have given addresses on the topic of my open records work in numerous places
20 throughout the United States, and, e.g., to policy-attuned audiences in London and Munich (some of
21 whom I am heartened to see have picked up the mantle and begun their own public-record efforts
22 with success). Recipients of information requests and their allies also target my work for criticism,
23 particularly when the requests seek records from academic institutions and remarkably (as in this
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27 ¹² <http://thehill.com/business-a-lobbying/315837-100-people-to-watch-this-fall-?start=7>.

28 ¹³ <http://washingtonexaminer.com/chris-horner-foia-watchdog-demands-transparency-from-governments-global-warming-advocates/article/2544632>.

1 case) on the grounds that these requests reflect *the wrong kind of people* seeking access to public
2 information. I have also been the subject of numerous open records requests made to state and
3 federal agencies by other parties, including pressure-group activists and journalists, seeking to learn
4 and disseminate information about how public institutions are used and with whom, which I
5 understand to be part of the package of dealing with public entities.
6

7 6. I have written four books, three of them on energy and environmental policy and
8 politics, two of which were national best-sellers. Three of my books included a focus on information
9 obtained through public record requests as well as on efforts to fight the release of such information.
10 One of these books addressed in detail the “Climategate” affair. That involved the anonymous
11 release of thousands of pages of correspondence opening a window onto the taxpayer-financed
12 climate-science industry, many of which records were subject to numerous open records laws —
13 state and federal, and non-U.S. — but whose custodians, according to correspondence among
14 themselves, were not interested in complying with or otherwise responding to requests for data
15 (even, expressly, because that could assist the requesters in possibly finding fault with the scientists’
16 claims, which scrutiny was previously deemed an elementary component of science). This reluctance
17 led to one principal having, according to correspondence, “conveniently lost many emails,”¹⁴
18 “moved all their emails from all the named people off their PCs and they are all on a memory
19 stick,”¹⁵ suggested to colleagues “to delete all emails at the end of the process” just in case it turns
20 out the records are subject to open records laws,¹⁶ admitting in an email to colleagues that he
21 “deleted loads of emails” despite at first claiming, publicly, “We’ve not deleted any emails or data
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27 ¹⁴ <https://tomnelson.blogspot.com/search?q=conveniently+lost+many+emails>.

28 ¹⁵ *Id.*

¹⁶ <https://tomnelson.blogspot.com/2012/01/email-4778-may-2009-phil-jones-to.html>.

1 here at [his institution]”¹⁷ while also instructing a colleague “delete after reading - please!,”¹⁸ and,
2 “With the earlier FOI requests re David Holland, I wasted a part of a day deleting numerous emails
3 and exchanges with almost all the skeptics. So I have virtually nothing. I even deleted the email that
4 I inadvertently sent. There might be some bits of pieces of paper, but I’m not wasting my time going
5 through these”.¹⁹

7 7. Other behavior obstructing public access to public records, which I have personally
8 experienced in my work, involves facts similar to those present in the matter at issue here, when
9 institutions task individuals with conducting the initial canvass for potentially responsive records to
10 be turned over for review and possible release, even though these individuals are also principals in
11 (i.e., authors of or parties to) the requested records. As noted herein, this situation has coincided with
12 officials, including faculty, impeding the records request including, e.g., asserting that some or all
13 potentially responsive records are not “public records” under the law in question, or anyway would
14 be exempt if they were, and so the individual does not turn them over for further processing.

16 8. Relevant thereto, it is my practice often to take notes during certain calls, e.g., with
17 opposing counsel or parties with whom I do not yet have an established working relationship. I took
18 notes during GAO’s November 19, 2018, introductory call on this matter with Regents’ counsel John
19 Gherini. These notes reflect, *inter alia*, “Faculty members are doing the search” and “Faculty
20 instructed to produce all responsive docs + IT + legal who determine exemptions...” (underlining
21 and ellipses in original).

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24 ¹⁷ Leo Hickman, “Climate scientist at centre of leaked email row dismisses conspiracy claims,” The
Guardian, November 24, 2009, [https://www.theguardian.com/environment/2009/nov/24/climate-](https://www.theguardian.com/environment/2009/nov/24/climate-professor-leaked-emails-uea)
25 [professor-leaked-emails-uea](https://www.theguardian.com/environment/2009/nov/24/climate-professor-leaked-emails-uea).

26 ¹⁸ http://tomnelson.blogspot.com/2011/11/climategate-2_8905.html.

27 ¹⁹ Id. See also, <https://climateaudit.org/2011/02/23/new-light-on-delete-any-emails/>, and Department
28 of Commerce Inspector General’s report available at Department of Commerce, Office of Inspector
General, “Response to Sen. James Inhofe’s Request to OIG to Examine Issues Related to Internet
Posting of Email Exchanges Taken from the Climatic Research Unit of the University of East
Anglia, UK,” February 18, 2011, pp. 12–16, available at
<https://www.oig.doc.gov/OIGPublications/2011.02.18-IG-to-Inhofe.pdf>.

1 9. My notes show that I also added a comment in the margin next to the latter,
2 underlined item, “a la GMU”. This is a reference to a 2015 request I made with the Competitive
3 Enterprise Institute (hereafter “CEI”) under the Virginia Freedom of Information Act (VFOIA) to
4 George Mason University (“GMU”), another public university whose faculty, like UCLA’s (see,
5 *infra*), were engaged in advocacy encouraging legal prosecution of opponents of the “climate”
6 agenda. That request ultimately required litigation after a GMU faculty member who was allowed to
7 conduct the search for records to be processed simply denied the existence of responsive records. (I
8 discuss this in more detail, *infra*). This was untrue, and a Virginia court ultimately ordered the
9 production of what proved to be many hundreds of pages of responsive public records,²⁰ including
10 extensive correspondence among academics about and seeking to instigate use of the Racketeer
11 Influenced and Corrupt Organization statute (“RICO”) against opponents of the “climate” agenda,
12 and, *inter alia*, details of the acquisition and distribution of outside donor funding for University
13 academics’ climate advocacy.
14

15
16 10. Therefore, I am aware that this sort of obstruction occurs and, as detailed herein, in
17 my experience it disproportionately occurs in response to requests made to public universities, rather
18 than with requests to other public institutions such as regulatory agencies or attorneys general.
19

20 11. The use of public institutions in pursuit of the Climate Change Agenda, whether
21 academia or law enforcement, is of great public interest, and is a principal area of focus of GAO
22 which publishes the website ClimateLitigationWatch.org. The Climate Change Agenda is the source
23 of or basis for much financial support by private, outside parties to these institutions and
24 officeholders who obtain substantial contributions to use their institutions in assisting this effort.
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27 ²⁰ *Horner et al. v. Rector and Visitors of George Mason University*, CL15004712-00, Circuit Court
28 for the City of Richmond). Order and records available at <https://climatelitigationwatch.org/wp-content/uploads/2018/05/Maibach-RICO-docs-II-finally-produced-in-full.pdf>,
<https://climatelitigationwatch.org/wp-content/uploads/2018/08/GMU-Puerto-Rico-docs-not-1.pdf>.

1 Universities, mostly private institutions such as the University of Chicago, Harvard, Columbia, New
2 York University law schools, but also the University of California at Los Angeles and University of
3 Minnesota School of Law have taken it upon themselves, in concert with activists, the plaintiff's tort
4 bar, major financial contributors, and state attorneys general, to institute and to extensively assist a
5 national campaign of legal actions against ideological opponents (UCLA Law Prof. Cara Horowitz
6 described this campaign in an email to her Institute's principal non-governmental benefactor Dan
7 Emmett as entailing "going after climate denialism—along with a bunch of state and local
8 prosecutors nationwide")²¹. Of course, "climate denialism" is not an offense in the United States, at
9 present, and in my opinion the term is shorthand for pursuing (with "prosecutors nationwide") those
10 viewed as standing in the way of certain desired "progress". That campaign has led to attorney
11 general investigations of private parties²², and targeted more than 100 research and advocacy groups,
12 scientists and other private parties and entities.²³ One of these is the Competitive Enterprise
13 Institute, with which I was affiliated for twenty years, including at the time it was subpoenaed in
14 2016²⁴ (and which I still represent in one ongoing open records suit against a state attorney general).

18 ²¹ "Hi Dan, Thought you would like to hear that Harvard's enviro clinic, UCLA Emmett Institute,
19 and the Union of Concerned Scientists are talking together today about going after climate denialism
20 [sic]—along with a bunch of state and local prosecutors nationwide. Good discussion." April 25,
21 2016 email from UCLA Law School's Cara Horowitz to Dan Emmett, namesake and funder of the
22 Harvard and UCLA centers, Subject: See, e.g., [https://climatelitigationwatch.org/on-the-subject-of-](https://climatelitigationwatch.org/on-the-subject-of-recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/)
23 [recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/](https://climatelitigationwatch.org/on-the-subject-of-recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/).

22 ²² *People of the State of New York v PricewaterhouseCoopers and Exxon Mobil Corporation*, New
23 York State Supreme Court, New York County, No. 451962/2016, and 1:17-cv-2301 in U.S. District
24 Court, Southern District of New York; *People of the State of New York v. Exxon Mobil Corporation*,
25 Supreme Court of New York Index No. 452044/2018; *Commonwealth of Massachusetts v. Exxon*
26 *Mobil Corporation*, Suffolk County Superior Court, 19-3333.

25 ²³ See, e.g., Valerie Richardson, "Exxon climate change dissent subpoena sweeps up more than 100
26 U.S. institutions", Washington Times, May 3, 2016,
27 [https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-](https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/)
28 [communications/](https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/); Walter Olson, "Massachusetts AG to Exxon: hand over your communications
with think tanks", June 16, 2016, [https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-](https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-communications-think-tanks/)
[communications-think-tanks/](https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-communications-think-tanks/).

²⁴ See <https://cei.org/publication/first-amendment-fight-ceis-climate-change-subpoena/>.

1 12. As has been detailed in numerous pleadings and judicial rulings²⁵, this campaign
2 flowed from a 2012 legal strategies meeting in La Jolla, California convened to contemplate the
3 general failure of legislative efforts to impose the Climate Change Agenda and a campaign to use
4 courts to overcome that failure. Co-Executive Director of the University's Emmett Institute on
5 Climate Change and the Environment (the "Emmett Institute" or "Emmett Center") Horowitz asserts
6 the Emmett Institute also is dedicated to this objective (FN 39, *infra*). The summary of the La Jolla
7 meeting stated, *inter alia*, "State attorneys general can also subpoena documents, raising the
8 possibility that a single sympathetic state attorney general might have substantial success in bringing
9 key internal documents to light. In addition, lawyers at the workshop noted that even grand juries
10 convened by a district attorney could result in significant document discovery."²⁶ The same report
11 also stated, "Equally important was the nearly unanimous agreement on the importance of legal
12 actions, both in wresting potentially useful internal documents from the fossil fuel industry and,
13 more broadly, in maintaining pressure on the industry that could eventually lead to its support for
14 legislative and regulatory responses to global warming."²⁷ A memorandum opinion issued by the
15 Texas State Court of Appeals recently characterized this campaign as "Lawfare".²⁸

18 13. Public records already obtained from UCLA and other institutions affirm certain
19 details of the University's role, through its faculty's involvement in their official UCLA capacities,
20 in this effort first led by activist groups and the Attorneys General (AGs) of Massachusetts and New
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23 ²⁵ See, e.g., See *Exxon Mobil Corporation v. Schneiderman*, 17-cv-0230 and *Exxon Mobil Corp. v. City of San Francisco, et al.*, Tx. Sup. Ct. 20-0558.

24 ²⁶ Climate Accountability Institute, *Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control* (Oct. 2012), page 11,
25 <http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf>
(Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies).

26 ²⁷ *Id.* at 27.

27 ²⁸ Memorandum Opinion by Justice Kerr, *San Francisco, et al., V. Exxon Mobil Corp.*, Court of
28 Appeals for the Second Appellate District (TX), No.02-18-00106-CV, at p. 48,
<https://eidclimate.org/wp-content/uploads/2020/06/1284000-1284588-02-18-00106-cv-majority-opinion-kerr.pdf>.

1 York, later joined by other AG offices. This role has included participating in a March 2016 “secret
2 meeting at Harvard”²⁹ to brief not only state attorneys general staff and activists, but “prospective
3 funders”³⁰ of a coordinated campaign pushing “potential state causes of action against major carbon
4 producers”³¹, which is the subject of great media and public interest due to the controversial origin
5 of — and collaboration involved in — these investigations. GAO attached a true and correct copy of
6 the “secret meeting at Harvard” agenda to its petition as Exhibit 2. A public record obtained from the
7 California Office of Attorney General (OAG) titled “Technical Advisors and Experts” lists Prof.
8 Horowitz among the presenters at that briefing, expressly as the “Andrew Sabin Family Foundation
9 Co-Executive Director of the Emmett Institute on Climate Change and the Environment, Co-
10 Director, UCLA Environmental law Clinic, UCLA School of Law, Los Angeles, CA.”³². The
11 agenda, obtained by the Energy & Environment Legal Institute by court order in open records
12 litigation brought against the Vermont Attorney General’s Office by a different group with which I
13 also worked, shows that at this meeting, Prof. Horowitz advocated “climate” related “Consumer
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17 ²⁹ This is according to one academic who presented there. “I will be showing this Monday at a secret
18 meeting at Harvard that I’ll tell you about next time we chat. very [sic] exciting!” April 22, 2016,
19 email from Oregon State University Professor Philip Mote to unknown party, Subject:
20 [REDACTED], and “I’m actually also planning to show this in a secret meeting next Monday—will
21 tell you sometime.” April 20, 2016, Philip Mote email to unknown party, Subject: [REDACTED].
22 Both obtained from Oregon State University on March 29, 2018, in response to a January 9, 2018,
23 Public Records Act (PRA) request. [https://climatelitigationwatch.org/wp-
24 content/uploads/2019/09/Mote-emails-re-secret-meeting-at-Harvard.pdf](https://climatelitigationwatch.org/wp-content/uploads/2019/09/Mote-emails-re-secret-meeting-at-Harvard.pdf).

25 ³⁰ “We will have as small number of climate science colleagues, as well as prospective funders, at
26 the meeting.” March 14, 2016, email from Frumhoff to Mote; Subject: invitation to Harvard
27 University—UCS convening. Obtained under same PRA request cited, Id.
28 [https://climatelitigationwatch.org/wp-content/uploads/2018/08/BOOM-OAGs-flew-in-for-briefing-
for-UCS-prospective-funders.png](https://climatelitigationwatch.org/wp-content/uploads/2018/08/BOOM-OAGs-flew-in-for-briefing-for-UCS-prospective-funders.png).

³¹ “Confidential Review Draft—March 20, 2016, Potential State Causes of Action Against Major
Carbon Producers: Scientific, Legal, and Historical Perspectives.” Obtained in Energy &
Environment Legal Institute v. Attorney General, Superior Court of the State of Vermont, 349-16-9
Wnc, December 6, 2017. [https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-55-
Harvard-AGs-briefing-UCS-fundraiser-agenda-copy.pdf](https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-55-Harvard-AGs-briefing-UCS-fundraiser-agenda-copy.pdf).

³² See [https://climatelitigationwatch.org/wp-content/uploads/2018/04/Union-of-Concerned-
Scientists-Technical-Advisors-and-Experts-1.pdf](https://climatelitigationwatch.org/wp-content/uploads/2018/04/Union-of-Concerned-Scientists-Technical-Advisors-and-Experts-1.pdf).

1 protection claims” be brought by attorneys general against energy companies. The Massachusetts
2 Attorney General’s Office sent five attorneys to this briefing,³³ and its subsequently filed complaint
3 against Exxon Mobil for “potential violations of the Massachusetts consumer protection statute” is
4 now pending in a Massachusetts state court.

5
6 14. After learning of this Harvard agenda, in 2018 I drafted and was the individual
7 signatory of two initial CPRA requests to Regents, assigned numbers 18-5367 and 18-5666, on
8 behalf of the Competitive Enterprise Institute. Regents’ refusal to produce certain information in
9 response led to litigation, *Competitive Enterprise Institute v. The Regents of the University of*
10 *California*³⁴. Records produced in discovery in *CEI v. Regents* include correspondence showing
11 Profs. Horowitz and Carlson sought to impede Regents releasing records responsive to those
12 requests (discussed in more detail, *infra*). Included among the responsive records was Prof.
13 Horowitz’s breathtaking email to her principal (non-governmental) benefactor Dan Emmett, “Hi
14 Dan, Thought you would like to hear that Harvard's enviro clinic, UCLA Emmett Institute, and the
15 Union of Concerned Scientists are talking together today at Harvard about going after climate
16 denialism--along with a bunch of state and local prosecutors nationwide. Good discussion.” (Written
17 and sent from that “secret meeting”). GAO attached a true and correct copy of this email as produced
18 by UCLA to its petition as Exhibit 3.
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21 15. Based on the delays Regents created, on the privileges Regents both invented and
22 abandoned, and on Regents’ withholdings and ultimate releases of information, it is my opinion from
23 that *CEI v. Regents* litigation that, whether the institution shared or merely adopted the faculty’s
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26 ³³ See, e.g., March 17, 2016, email from OAG’s Melissa Hoffer to Harvard Law School’s Shaun
27 Goho, Subject: RE: SAVE THE DATE—HLS/UCS Meeting on April 25, 2016, listing Andy
28 Goldberg, Glenn Kaplan, Christophe Courchesne, Richard Johnson as participants in addition to
herself. <https://climatelitigationwatch.org/wp-content/uploads/2019/10/MA-AAG-Hoffer-to-HLS-on-MA-OAG-attendees.pdf>.

³⁴ Superior Court of California, County of Los Angeles, Case Number 18STCP02832.

1 reluctance to release the requested records, this reluctance manifested itself in Regents' approach to
2 processing those requests, and ultimately, to the litigation effort to forestall the records' release. In
3 my opinion, that reluctance also has manifested itself in the instant matter, as described herein.

4 16. It is my experience that a reluctance to comply with open records laws and viewing
5 them as somehow optional or at minimum avoidable, like the above-demonstrated reluctance
6 manifested in the Climategate records, makes it necessary on occasion and most typically involving
7 requests sent to academic institutions to remind the recipients that their views on a requester's
8 identity, perspective, and motive are irrelevant to whether information is public and/or whether or
9 how it should be processed and released. That is because this obstruction, whether because it is part
10 of a Noble Cause Corruption³⁵, the result of ideological biases, or fear of embarrassment is a
11 violation of (at minimum) the basic principles, longstanding precedent and often express statutory
12 language. Regents' own admission in this case proves it is yet one more such instance.
13

14 17. It is my experience that, with exceedingly rare exception, universities are the
15 institutions most reluctant to cooperate with public records requests, indeed are most profligate in
16 offering false "no records" responses, and that this is compounded by administrations asking the
17 faculty whose correspondence or other records is sought to make the initial determination whether
18 they possess any responsive records.
19

20 18. Consistent with this reluctance and attitude, it is my opinion that — despite
21 substantial public financing in the scores of billions of dollars nationally per year — academic
22 institution officials and their faculties often hold and act on the view that lawmakers were mistaken
23 to include public schools in open records statutes, or anyway that universities shouldn't be forced to
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26 ³⁵ See, e.g., "Noble cause corruption is corruption caused by the adherence to a teleological ethical
27 system, suggesting that people will use unethical or illegal means to attain desirable goals, a result
28 which appears to benefit the greater good." Bayley, Bruce. "Noble cause corruption: Do the ends
justify the means?", *PoliceOne*, February 12, 2010, <https://www.police1.com/chiefs-sheriffs/articles/noble-cause-corruption-do-the-ends-justify-the-means-SCKX3VOGkXYSFhUb/>.

1 comply with these laws. Related or not, it is also my experience that requests to universities
2 disproportionately result in the employment of *ad hominem* as somehow relevant, and particularly in
3 support of the idea of selective application of open records laws (the “bad person” (non-)defense)
4 which Regents has adopted in this matter. Of course, demands that open records laws be applied
5 unevenly so as to afford unequal rights of access to public information inherently require irrelevant
6 *argumentum ad hominem* to justify such unequal access. The argument against the person, rather
7 than on the law, is sometimes — as in this case — expressed by the institution, though more
8 typically is the work of supporters or surrogates. In my opinion this is likely because it is that it is
9 well known among those tasked with processing open records laws that these considerations are
10 inherently irrelevant.
11

12 19. It is my opinion for reasons explained herein that Regents’ imposition of numerous
13 delays and obstructions in its processing of the requests at issue here, continuing throughout the
14 course of this litigation, is the result of these considerations.
15

16 20. I base this opinion on my experience with custom, practice, statutory language and
17 what is reasonable under open records laws generally and CPRA particularly; I also base this on the
18 delays Regents created, the engineered impediments both abandoned and maintained to this day,
19 Regents’ withholdings and ultimate partial releases of information, failure to apply a good faith
20 effort to segregating reasonably redacted and public information, and late addition of other
21 exemption claims in the face of an initial claim being exposed as untenable, all showing a
22 predetermination to withhold, and an overriding priority of withholding, certain information. Also
23 informing my conclusion is Regents’ “supplemental productions” including “newly discovered”
24 records once Prof. Carlson and her assistant were no longer involved in processing, all of which
25 previously withheld records pertained to the Center for Climate Integrity and Dan Emmett and all of
26 which happened to neatly meet GAO’s expressed description of what the request sought. It is my
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1 opinion that in this *GAO v. Regents* litigation once again, whether the institution shared or merely
2 adopted the faculty's reluctance to release the requested records, Regents' approach to processing
3 the requests and, ultimately, to the litigation effort to forestall the records' release, was
4 impermissibly driven at least in material part by faculty bias.

5
6 21. Like other open records statutes, the CPRA affords no agency charged with
7 implementing it the luxury of believing, or of pretending, that a requester's identity or motive is
8 relevant to whether a record is public, or privileged. It matters not *who* the requester is. As the Oregon
9 Department of Justice puts things in the context of its Public Records Law (citations omitted),
10 "Generally, the identity, motive, and need of the person requesting access to public records are
11 irrelevant. Interested persons, news media representatives, business people seeking access for
12 personal gain, persons seeking to embarrass government agencies, and scientific researchers all stand
13 on an equal footing."³⁶ Yet here Regents have affirmed in the course of this litigation that it indeed
14 does so believe (or is pretending to believe), otherwise, even boasting that its view of the requester
15 can properly inform its processing of the request.

16
17 22. Specifically, Regents claimed that, "In addition to the explanations set forth in the
18 NPR Log, the following facts support Respondent's claim that certain documents are not public
19 records subject to the PRA:... Petitioner GAO is an out of state non-profit not registered in
20 California that appears to have a particular climate-related agenda supportive of fossil fuel industry
21 as shown by public information available about the organization." (Supplemental Responses to
22 Certain Special Interrogatories served by email by Arleen A. Swenson on GAO's counsel on July 1,
23 2021, Supplemental Response To Special Interrogatory No. 37 (Set Four))³⁷. This confession was so
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27 ³⁶ <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/i-public-records/>.

28 ³⁷ Regents reaffirmed this position in its August 16, 2021, Response(S) To Special Interrogatory Nos. 217, 218.

1 startling that GAO afforded Regents the opportunity to walk back its position that requester's
2 identity and perceived motive informed Regents' processing, and now defense, of 19-7464 or
3 alternatively to plainly own it. In response, Regents refused to stop digging and reaffirmed this
4 position in its August 16, 2021, Response To Special Interrogatory No. 217, 218 And Responses To
5 Petitioner's Third Set Of Requests For Production, Response To Request For Production No. 33.
6

7 23. With the Regents having asserted that the identity of the requester is relevant
8 "context" for how it processed the request at issue here, including whether information is public or
9 not or exempt or not, I provide context for the Regents' identity-based approach to implementing
10 CPRA, which context is clearly relevant for its striking resemblance to equally (and in some cases,
11 adjudicated) improper behavior that, while almost *de rigueur* among academic institutions, has been
12 the subject of judicial "smackdown" elsewhere (*infra*) for its thoroughgoing impropriety.
13

14 GAO'S REQUEST 19-7464 AND REGENTS' PROCESSING THEREOF

15 24. When GAO filed its Verified Petition on April 1, 2020, it set forth Regents'
16 processing of PRR 19-7464 ("the CPRA Request" or "19-7464") to that time. A key fact in this
17 matter involves "supplemental productions" months after Regents' processing of 19-7464 had
18 concluded and, most intriguingly in my opinion, once a certain, conflicted faculty member and her
19 assistant were no longer tasked with sorting records for potential release (§ 39, *infra*). I have
20 introduced my experience with and understanding of this practice of such conflicted processing, on
21 which I expound, *infra*. Regarding "supplemental productions", it is my experience that these are
22 rare, but do occur in a small minority of requests. In my experience, such responses typically issue at
23 the federal level, after an agency consulted with another agency whose "equities" were invoked in
24 the records sorted for processing, and which second (or third) agency responds with its own position
25 on releasing the implicated records after the recipient agency had completed its processing of the
26 other potentially responsive records. In my experience it is exceedingly rare, such that I do not
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28

DECLARATION OF CHRIS HORNER IN SUPPORT OF PETITION FOR WRIT

1 recall (though cannot rule out) ever encountering an instance where a “supplemental production”
2 came from the agency that had completed its processing, declared it closed, but “discovered”
3 responsive records later.³⁸ So not only did the principal custodian of requested records (“Information
4 Practices”, or “IP”), allow a conflicted faculty member (a principal in the requested correspondence)
5 and her assistant to conduct the screen for potentially responsive records, and declare that no other
6 records were responsive, but months later, after a search for other of that faculty member’s
7 correspondence that this time was conducted by other than the conflicted party, it declared that
8 additional records were located regarding the first request *which records had not been acknowledged*
9 *and passed along for processing after the conflicted search*. These specifics make this particular
10 “discovery” of supplemental records truly, again in my experience over nearly twenty-five years of
11 open records work and to the best of my recollection, *sui generis*. They also join with other factors
12 explained herein to strongly suggest a pattern by Regents of obstructing production of records that
13 illuminate the Climate Change Agenda (“Climate Change Agenda Records”).
14

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16 25. Details supporting this include the following. Each of CEI’s and GAO’s CPRA
17 requests discussed herein implicated or expressly sought records concerning two UCLA (Law
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20 ³⁸ In response to a follow up GAO request, PRR 20-8525, Regents did produce one “Additional
21 Responsive Document”; however, *this was not likely a record that existed* but was just missed at the
22 time of Regents’ initial search and production. Instead, Regents’ initial production of the records
23 responsive to PRR 20-8525, which were its Forms APM -025 for 2016 through 2019 for Prof.
24 Carlson, “ANNUAL REPORTING FORM FOR CATEGORY I & II OUTSIDE ACTIVITIES,”
25 appear to have all been created in response to the PRA request, revealing that the required annual
26 forms had never been completed (all were signed and dated by Prof. Carlson on December 6, 2020,
27 which was the day before the production, and all lacked the required departmental chair signature
28 (“The department chair's signature affirms the form was received and reviewed. Corrective actions
should be implemented for time reports (days) that are above the annual limit and for unapproved
Category I activities.” Form APM -025)). The “additional responsive record” later produced, for
2019-2020, appears to be a newer form of recording such activities. As such, although the PDF
document’s “properties” are all blank, the facts suggest this record did not exist at the time of the
original production but like the initial release was also produced in the remedial effort to create
required, but never previously completed, reporting files, and is of an entirely different class than
other “supplemental productions” altogether: it was released later because UCLA had yet to create it.

1 School) faculty's work with private outside parties, including law enforcement, to develop theories
2 of litigation against, and pursue as targets of investigation, perceived opponents of a political and
3 policy agenda (the "Climate Change Agenda"). That Agenda is shared by these outside parties,
4 certain faculty, and the University's Emmett Institute on Climate Change and the Environment for
5 which the faculty work.³⁹ Those faculty are Prof. Cara Horowitz and Prof. Ann Carlson (presently
6 on leave). *CEI v. Regents* litigation produced records that GAO, which publishes the website
7 ClimateLitigationWatch.org, concluded warrant follow up scrutiny to better understand this climate
8 industry and the role therein of public institutions. Two of those GAO subsequent requests are at
9 issue in this matter.

11 26. In the *CEI v. Regents* matter over CPRA requests 18-5367 and 18-5666, records
12 indicate faculty efforts to impede processing of at minimum the first of these requests (responsive
13 records included, e.g., the remarkable "going after climate denialism along with a bunch of
14 prosecutors" email noted, *supra*), which CEI submitted in February 2018 and which sought records
15 pertaining to the "secret meeting." For example, in a March 7, 2018, email to UCLA's Information
16 Practices staff, Prof. Horowitz wrote, *inter alia*, "Ann and I would like to discuss this request with
17 counsel in our office. Would that be possible? Perhaps sometime early next week?." Later, on March
18 29, 2018, Prof. Horowitz wrote to IP about the Harvard event emails, *inter alia*, "I believe that some
19 of these emails, or some portions of these emails, should not be disclosed under the PRA
20 because disclosure may not serve the public interest. Please let's discuss next week." On April 3,
21 2018, IP responded, in part, "we can touch base about the concerns you note below". Prof. Carlson
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25 ³⁹ "[O]ur Emmett Institute on Climate Change and the Environment... was founded as the first U.S.
26 law school center dedicated to fighting climate change through law and policy".
27 <https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/events/5279/2019/4/22/Climate-Change-on-Trial-c--An-Earth-Day-Conversation-with-Julia-Olson-Lead-Attorney-for-Landmark-Childrens-Climate-Lawsuit/> at 0:10 – 0:25. Prof. Cara
28 Horowitz.

1 Universities, mostly private institutions such as the University of Chicago, Harvard, Columbia, New
2 York University law schools, but also the University of California at Los Angeles and University of
3 Minnesota School of Law have taken it upon themselves, in concert with activists, the plaintiff's tort
4 bar, major financial contributors, and state attorneys general, to institute and to extensively assist a
5 national campaign of legal actions against ideological opponents (UCLA Law Prof. Cara Horowitz
6 described this campaign in an email to her Institute's principal non-governmental benefactor Dan
7 Emmett as entailing "going after climate denialism—along with a bunch of state and local
8 prosecutors nationwide")²¹. Of course, "climate denialism" is not an offense in the United States, at
9 present, and in my opinion the term is shorthand for pursuing (with "prosecutors nationwide") those
10 viewed as standing in the way of certain desired "progress". That campaign has led to attorney
11 general investigations of private parties²², and targeted more than 100 research and advocacy groups,
12 scientists and other private parties and entities.²³ One of these is the Competitive Enterprise
13 Institute, with which I was affiliated for twenty years, including at the time it was subpoenaed in
14 2016²⁴ (and which I still represent in one ongoing open records suit against a state attorney general).

18 ²¹ "Hi Dan, Thought you would like to hear that Harvard's enviro clinic, UCLA Emmett Institute,
19 and the Union of Concerned Scientists are talking together today about going after climate denialism
20 [sic]—along with a bunch of state and local prosecutors nationwide. Good discussion." April 25,
21 2016 email from UCLA Law School's Cara Horowitz to Dan Emmett, namesake and funder of the
22 Harvard and UCLA centers, Subject: See, e.g., [https://climatelitigationwatch.org/on-the-subject-of-](https://climatelitigationwatch.org/on-the-subject-of-recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/)
23 [recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/](https://climatelitigationwatch.org/on-the-subject-of-recruiting-law-enforcement-email-affirms-origin-of-prosecutorial-abuses/).

22 ²² *People of the State of New York v PricewaterhouseCoopers and Exxon Mobil Corporation*, New
23 York State Supreme Court, New York County, No. 451962/2016, and 1:17-cv-2301 in U.S. District
24 Court, Southern District of New York; *People of the State of New York v. Exxon Mobil Corporation*,
25 Supreme Court of New York Index No. 452044/2018; *Commonwealth of Massachusetts v. Exxon*
26 *Mobil Corporation*, Suffolk County Superior Court, 19-3333.

25 ²³ See, e.g., Valerie Richardson, "Exxon climate change dissent subpoena sweeps up more than 100
26 U.S. institutions", Washington Times, May 3, 2016,
27 [https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-](https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/)
28 [communications/](https://www.washingtontimes.com/news/2016/may/3/virgin-islands-ag-subpoenas-exxon-communications/); Walter Olson, "Massachusetts AG to Exxon: hand over your communications
with think tanks", June 16, 2016, [https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-](https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-communications-think-tanks/)
[communications-think-tanks/](https://www.overlawyered.com/2016/06/massachusetts-ag-exxon-hand-communications-think-tanks/).

²⁴ See <https://cei.org/publication/first-amendment-fight-ceis-climate-change-subpoena/>.

1 12. As has been detailed in numerous pleadings and judicial rulings²⁵, this campaign
2 flowed from a 2012 legal strategies meeting in La Jolla, California convened to contemplate the
3 general failure of legislative efforts to impose the Climate Change Agenda and a campaign to use
4 courts to overcome that failure. Co-Executive Director of the University's Emmett Institute on
5 Climate Change and the Environment (the "Emmett Institute" or "Emmett Center") Horowitz asserts
6 the Emmett Institute also is dedicated to this objective (FN 39, *infra*). The summary of the La Jolla
7 meeting stated, *inter alia*, "State attorneys general can also subpoena documents, raising the
8 possibility that a single sympathetic state attorney general might have substantial success in bringing
9 key internal documents to light. In addition, lawyers at the workshop noted that even grand juries
10 convened by a district attorney could result in significant document discovery."²⁶ The same report
11 also stated, "Equally important was the nearly unanimous agreement on the importance of legal
12 actions, both in wresting potentially useful internal documents from the fossil fuel industry and,
13 more broadly, in maintaining pressure on the industry that could eventually lead to its support for
14 legislative and regulatory responses to global warming."²⁷ A memorandum opinion issued by the
15 Texas State Court of Appeals recently characterized this campaign as "Lawfare".²⁸

18 13. Public records already obtained from UCLA and other institutions affirm certain
19 details of the University's role, through its faculty's involvement in their official UCLA capacities,
20 in this effort first led by activist groups and the Attorneys General (AGs) of Massachusetts and New
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23 ²⁵ See, e.g., See *Exxon Mobil Corporation v. Schneiderman*, 17-cv-0230 and *Exxon Mobil Corp. v. City of San Francisco, et al.*, Tx. Sup. Ct. 20-0558.

24 ²⁶ Climate Accountability Institute, *Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control* (Oct. 2012), page 11,
25 <http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf>
(Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies).

26 ²⁷ *Id.* at 27.

27 ²⁸ Memorandum Opinion by Justice Kerr, *San Francisco, et al., V. Exxon Mobil Corp.*, Court of Appeals for the Second Appellate District (TX), No.02-18-00106-CV, at p. 48,
28 <https://eidclimate.org/wp-content/uploads/2020/06/1284000-1284588-02-18-00106-cv-majority-opinion-kerr.pdf>.

1 York, later joined by other AG offices. This role has included participating in a March 2016 “secret
2 meeting at Harvard”²⁹ to brief not only state attorneys general staff and activists, but “prospective
3 funders”³⁰ of a coordinated campaign pushing “potential state causes of action against major carbon
4 producers”³¹, which is the subject of great media and public interest due to the controversial origin
5 of — and collaboration involved in — these investigations. GAO attached a true and correct copy of
6 the “secret meeting at Harvard” agenda to its petition as Exhibit 2. A public record obtained from the
7 California Office of Attorney General (OAG) titled “Technical Advisors and Experts” lists Prof.
8 Horowitz among the presenters at that briefing, expressly as the “Andrew Sabin Family Foundation
9 Co-Executive Director of the Emmett Institute on Climate Change and the Environment, Co-
10 Director, UCLA Environmental law Clinic, UCLA School of Law, Los Angeles, CA.”³². The
11 agenda, obtained by the Energy & Environment Legal Institute by court order in open records
12 litigation brought against the Vermont Attorney General’s Office by a different group with which I
13 also worked, shows that at this meeting, Prof. Horowitz advocated “climate” related “Consumer
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17 ²⁹ This is according to one academic who presented there. “I will be showing this Monday at a secret
18 meeting at Harvard that I’ll tell you about next time we chat. very [sic] exciting!” April 22, 2016,
19 email from Oregon State University Professor Philip Mote to unknown party, Subject:
20 [REDACTED], and “I’m actually also planning to show this in a secret meeting next Monday—will
21 tell you sometime.” April 20, 2016, Philip Mote email to unknown party, Subject: [REDACTED].
22 Both obtained from Oregon State University on March 29, 2018, in response to a January 9, 2018,
23 Public Records Act (PRA) request. [https://climatelitigationwatch.org/wp-](https://climatelitigationwatch.org/wp-content/uploads/2019/09/Mote-emails-re-secret-meeting-at-Harvard.pdf)
24 [content/uploads/2019/09/Mote-emails-re- secret-meeting _at-Harvard.pdf](https://climatelitigationwatch.org/wp-content/uploads/2019/09/Mote-emails-re-secret-meeting-at-Harvard.pdf).

25 ³⁰ “We will have as small number of climate science colleagues, as well as prospective funders, at
26 the meeting.” March 14, 2016, email from Frumhoff to Mote; Subject: invitation to Harvard
27 University—UCS convening. Obtained under same PRA request cited, Id.
28 [https://climatelitigationwatch.org/wp-content/uploads/2018/08/BOOM-OAGs-flew-in-for-briefing-](https://climatelitigationwatch.org/wp-content/uploads/2018/08/BOOM-OAGs-flew-in-for-briefing-for-UCS-prospective-funders.png)
[for-UCS-prospective-funders.png](https://climatelitigationwatch.org/wp-content/uploads/2018/08/BOOM-OAGs-flew-in-for-briefing-for-UCS-prospective-funders.png).

³¹ “Confidential Review Draft—March 20, 2016, Potential State Causes of Action Against Major
Carbon Producers: Scientific, Legal, and Historical Perspectives.” Obtained in Energy &
Environment Legal Institute v. Attorney General, Superior Court of the State of Vermont, 349-16-9
Wnc, December 6, 2017. [https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-55-](https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-55-Harvard-AGs-briefing-UCS-fundraiser-agenda-copy.pdf)
[Harvard-AGs-briefing-UCS-fundraiser-agenda-copy.pdf](https://climatelitigationwatch.org/wp-content/uploads/2018/08/FN-55-Harvard-AGs-briefing-UCS-fundraiser-agenda-copy.pdf).

³² See [https://climatelitigationwatch.org/wp-content/uploads/2018/04/Union-of-Concerned-](https://climatelitigationwatch.org/wp-content/uploads/2018/04/Union-of-Concerned-Scientists-Technical-Advisors-and-Experts-1.pdf)
[Scientists-Technical-Advisors-and-Experts-1.pdf](https://climatelitigationwatch.org/wp-content/uploads/2018/04/Union-of-Concerned-Scientists-Technical-Advisors-and-Experts-1.pdf).

1 protection claims” be brought by attorneys general against energy companies. The Massachusetts
2 Attorney General’s Office sent five attorneys to this briefing,³³ and its subsequently filed complaint
3 against Exxon Mobil for “potential violations of the Massachusetts consumer protection statute” is
4 now pending in a Massachusetts state court.

5
6 14. After learning of this Harvard agenda, in 2018 I drafted and was the individual
7 signatory of two initial CPRA requests to Regents, assigned numbers 18-5367 and 18-5666, on
8 behalf of the Competitive Enterprise Institute. Regents’ refusal to produce certain information in
9 response led to litigation, *Competitive Enterprise Institute v. The Regents of the University of*
10 *California*³⁴. Records produced in discovery in *CEI v. Regents* include correspondence showing
11 Profs. Horowitz and Carlson sought to impede Regents releasing records responsive to those
12 requests (discussed in more detail, *infra*). Included among the responsive records was Prof.
13 Horowitz’s breathtaking email to her principal (non-governmental) benefactor Dan Emmett, “Hi
14 Dan, Thought you would like to hear that Harvard’s enviro clinic, UCLA Emmett Institute, and the
15 Union of Concerned Scientists are talking together today at Harvard about going after climate
16 denialism--along with a bunch of state and local prosecutors nationwide. Good discussion.” (Written
17 and sent from that “secret meeting”). GAO attached a true and correct copy of this email as produced
18 by UCLA to its petition as Exhibit 3.
19

20
21 15. Based on the delays Regents created, on the privileges Regents both invented and
22 abandoned, and on Regents’ withholdings and ultimate releases of information, it is my opinion from
23 that *CEI v. Regents* litigation that, whether the institution shared or merely adopted the faculty’s
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25
26 ³³ See, e.g., March 17, 2016, email from OAG’s Melissa Hoffer to Harvard Law School’s Shaun
27 Goho, Subject: RE: SAVE THE DATE—HLS/UCS Meeting on April 25, 2016, listing Andy
28 Goldberg, Glenn Kaplan, Christophe Courchesne, Richard Johnson as participants in addition to
herself. <https://climate litigation watch.org/wp-content/uploads/2019/10/MA-AAG-Hoffer-to-HLS-on-MA-OAG-attendees.pdf>.

³⁴ Superior Court of California, County of Los Angeles, Case Number 18STCP02832.

1 reluctance to release the requested records, this reluctance manifested itself in Regents' approach to
2 processing those requests, and ultimately, to the litigation effort to forestall the records' release. In
3 my opinion, that reluctance also has manifested itself in the instant matter, as described herein.

4 16. It is my experience that a reluctance to comply with open records laws and viewing
5 them as somehow optional or at minimum avoidable, like the above-demonstrated reluctance
6 manifested in the Climategate records, makes it necessary on occasion and most typically involving
7 requests sent to academic institutions to remind the recipients that their views on a requester's
8 identity, perspective, and motive are irrelevant to whether information is public and/or whether or
9 how it should be processed and released. That is because this obstruction, whether because it is part
10 of a Noble Cause Corruption³⁵, the result of ideological biases, or fear of embarrassment is a
11 violation of (at minimum) the basic principles, longstanding precedent and often express statutory
12 language. Regents' own admission in this case proves it is yet one more such instance.

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15 17. It is my experience that, with exceedingly rare exception, universities are the
16 institutions most reluctant to cooperate with public records requests, indeed are most profligate in
17 offering false "no records" responses, and that this is compounded by administrations asking the
18 faculty whose correspondence or other records is sought to make the initial determination whether
19 they possess any responsive records.

20
21 18. Consistent with this reluctance and attitude, it is my opinion that — despite
22 substantial public financing in the scores of billions of dollars nationally per year — academic
23 institution officials and their faculties often hold and act on the view that lawmakers were mistaken
24 to include public schools in open records statutes, or anyway that universities shouldn't be forced to
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³⁵ See, e.g., "Noble cause corruption is corruption caused by the adherence to a teleological ethical
system, suggesting that people will use unethical or illegal means to attain desirable goals, a result
which appears to benefit the greater good." Bayley, Bruce. "Noble cause corruption: Do the ends
justify the means?", *PoliceOne*, February 12, 2010, [https://www.police1.com/chiefs-
sheriffs/articles/noble-cause-corruption-do-the-ends-justify-the-means-SCkX3VOGkXYSFhUb/](https://www.police1.com/chiefs-sheriffs/articles/noble-cause-corruption-do-the-ends-justify-the-means-SCkX3VOGkXYSFhUb/).

1 comply with these laws. Related or not, it is also my experience that requests to universities
2 disproportionately result in the employment of *ad hominem* as somehow relevant, and particularly in
3 support of the idea of selective application of open records laws (the “bad person” (non-)defense)
4 which Regents has adopted in this matter. Of course, demands that open records laws be applied
5 unevenly so as to afford unequal rights of access to public information inherently require irrelevant
6 *argumentum ad hominem* to justify such unequal access. The argument against the person, rather
7 than on the law, is sometimes — as in this case — expressed by the institution, though more
8 typically is the work of supporters or surrogates. In my opinion this is likely because it is that it is
9 well known among those tasked with processing open records laws that these considerations are
10 inherently irrelevant.
11

12 19. It is my opinion for reasons explained herein that Regents’ imposition of numerous
13 delays and obstructions in its processing of the requests at issue here, continuing throughout the
14 course of this litigation, is the result of these considerations.
15

16 20. I base this opinion on my experience with custom, practice, statutory language and
17 what is reasonable under open records laws generally and CPRA particularly; I also base this on the
18 delays Regents created, the engineered impediments both abandoned and maintained to this day,
19 Regents’ withholdings and ultimate partial releases of information, failure to apply a good faith
20 effort to segregating reasonably redacted and public information, and late addition of other
21 exemption claims in the face of an initial claim being exposed as untenable, all showing a
22 predetermination to withhold, and an overriding priority of withholding, certain information. Also
23 informing my conclusion is Regents’ “supplemental productions” including “newly discovered”
24 records once Prof. Carlson and her assistant were no longer involved in processing, all of which
25 previously withheld records pertained to the Center for Climate Integrity and Dan Emmett and all of
26 which happened to neatly meet GAO’s expressed description of what the request sought. It is my
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1 opinion that in this *GAO v. Regents* litigation once again, whether the institution shared or merely
2 adopted the faculty's reluctance to release the requested records, Regents' approach to processing
3 the requests and, ultimately, to the litigation effort to forestall the records' release, was
4 impermissibly driven at least in material part by faculty bias.

5 21. Like other open records statutes, the CPRA affords no agency charged with
6 implementing it the luxury of believing, or of pretending, that a requester's identity or motive is
7 relevant to whether a record is public, or privileged. It matters not *who* the requester is. As the Oregon
8 Department of Justice puts things in the context of its Public Records Law (citations omitted),
9 "Generally, the identity, motive, and need of the person requesting access to public records are
10 irrelevant. Interested persons, news media representatives, business people seeking access for
11 personal gain, persons seeking to embarrass government agencies, and scientific researchers all stand
12 on an equal footing."³⁶ Yet here Regents have affirmed in the course of this litigation that it indeed
13 does so believe (or is pretending to believe), otherwise, even boasting that its view of the requester
14 can properly inform its processing of the request.

15 22. Specifically, Regents claimed that, "In addition to the explanations set forth in the
16 NPR Log, the following facts support Respondent's claim that certain documents are not public
17 records subject to the PRA:... Petitioner GAO is an out of state non-profit not registered in
18 California that appears to have a particular climate-related agenda supportive of fossil fuel industry
19 as shown by public information available about the organization." (Supplemental Responses to
20 Certain Special Interrogatories served by email by Arleen A. Swenson on GAO's counsel on July 1,
21 2021, Supplemental Response To Special Interrogatory No. 37 (Set Four))³⁷. This confession was so
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27 ³⁶ <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/i-public-records/>.

28 ³⁷ Regents reaffirmed this position in its August 16, 2021, Response(S) To Special Interrogatory Nos. 217, 218.

1 startling that GAO afforded Regents the opportunity to walk back its position that requester's
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7 23. With the Regents having asserted that the identity of the requester is relevant
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20 ³⁸ In response to a follow up GAO request, PRR 20-8525, Regents did produce one “Additional
21 Responsive Document”; however, *this was not likely a record that existed* but was just missed at the
22 time of Regents’ initial search and production. Instead, Regents’ initial production of the records
23 responsive to PRR 20-8525, which were its Forms APM -025 for 2016 through 2019 for Prof.
24 Carlson, “ANNUAL REPORTING FORM FOR CATEGORY I & II OUTSIDE ACTIVITIES,”
25 appear to have all been created in response to the PRA request, revealing that the required annual
26 forms had never been completed (all were signed and dated by Prof. Carlson on December 6, 2020,
27 which was the day before the production, and all lacked the required departmental chair signature
28 (“The department chair’s signature affirms the form was received and reviewed. Corrective actions
should be implemented for time reports (days) that are above the annual limit and for unapproved
Category I activities.” Form APM -025)). The “additional responsive record” later produced, for
2019-2020, appears to be a newer form of recording such activities. As such, although the PDF
document’s “properties” are all blank, the facts suggest this record did not exist at the time of the
original production but like the initial release was also produced in the remedial effort to create
required, but never previously completed, reporting files, and is of an entirely different class than
other “supplemental productions” altogether: it was released later because UCLA had yet to create it.

1 School) faculty's work with private outside parties, including law enforcement, to develop theories
2 of litigation against, and pursue as targets of investigation, perceived opponents of a political and
3 policy agenda (the "Climate Change Agenda"). That Agenda is shared by these outside parties,
4 certain faculty, and the University's Emmett Institute on Climate Change and the Environment for
5 which the faculty work.³⁹ Those faculty are Prof. Cara Horowitz and Prof. Ann Carlson (presently
6 on leave). *CEI v. Regents* litigation produced records that GAO, which publishes the website
7 ClimateLitigationWatch.org, concluded warrant follow up scrutiny to better understand this climate
8 industry and the role therein of public institutions. Two of those GAO subsequent requests are at
9 issue in this matter.

11 26. In the *CEI v. Regents* matter over CPRA requests 18-5367 and 18-5666, records
12 indicate faculty efforts to impede processing of at minimum the first of these requests (responsive
13 records included, e.g., the remarkable "going after climate denialism along with a bunch of
14 prosecutors" email noted, *supra*), which CEI submitted in February 2018 and which sought records
15 pertaining to the "secret meeting." For example, in a March 7, 2018, email to UCLA's Information
16 Practices staff, Prof. Horowitz wrote, *inter alia*, "Ann and I would like to discuss this request with
17 counsel in our office. Would that be possible? Perhaps sometime early next week?." Later, on March
18 29, 2018, Prof. Horowitz wrote to IP about the Harvard event emails, *inter alia*, "I believe that some
19 of these emails, or some portions of these emails, should not be disclosed under the PRA
20 because disclosure may not serve the public interest. Please let's discuss next week." On April 3,
21 2018, IP responded, in part, "we can touch base about the concerns you note below". Prof. Carlson

25 ³⁹ "[O]ur Emmett Institute on Climate Change and the Environment...was founded as the first U.S.
26 law school center dedicated to fighting climate change through law and policy".
27 [https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-](https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/events/5279/2019/4/22/Climate-Change-on-Trial-c--An-Earth-Day-Conversation-with-Julia-Olson-Lead-Attorney-for-Landmark-Childrens-Climate-Lawsuit/)
28 [environment/events/5279/2019/4/22/Climate-Change-on-Trial-c--An-Earth-Day-Conversation-with-](https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/events/5279/2019/4/22/Climate-Change-on-Trial-c--An-Earth-Day-Conversation-with-Julia-Olson-Lead-Attorney-for-Landmark-Childrens-Climate-Lawsuit/)
[Julia-Olson-Lead-Attorney-for-Landmark-Childrens-Climate-Lawsuit/](https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/events/5279/2019/4/22/Climate-Change-on-Trial-c--An-Earth-Day-Conversation-with-Julia-Olson-Lead-Attorney-for-Landmark-Childrens-Climate-Lawsuit/) at 0:10 – 0:25. Prof. Cara
Horowitz.

1 about Regents' strained claims of privilege and non-public record status. Also, Regents itself does
2 have seemingly related motivations to *shield* such records, as a body that collects millions of dollars
3 in support of the climate litigation industry and its anti-resource extraction efforts from parties who
4 stand to benefit financially, be it because of a solar-energy products, metals trading or other business
5 that stands to benefit in the event of certain policy outcomes.

6
7 47. Regarding Regents' claims about nine emails exchanged between Professor Carlson
8 and Dan Emmett that, if released in whole or in part, would supposedly constitute a threat to
9 academic freedom, particularly what it declares is "research into sensitive or controversial topics," it
10 is my opinion that this also is further evidence of Regents inventing reasons to not release records to
11 a disfavored requester. The claim is particularly curious given Carlson's selective release of
12 supposed research to a major donor. It is my opinion that real research is not threatened by the
13 disclosure of this correspondence to parties beyond the donor to whom Prof. Carlson has already
14 disclosed it, whether it purportedly contains draft material or not, and that this invocation of a threat
15 to academic freedom and chilling effect on research has no merit. Even assuming (implausibly) that
16 Professor Carlson was actually engaged in seeking to obtain information or comments from Dan
17 Emmett as part of her preparation of a research paper intended for future publication (as opposed to
18 seeking to make a major donor feel catered to and privy to advance information), researchers
19 routinely circulate preliminary results, and report on preliminary results at conferences. In fact, the
20 more attention given to honest research, the better it is for the authors. Further, I note an item on the
21 UCLA Faculty Association's own website commenting on legislatures having applied open records
22 laws to academic institutions — in an article profiling the Union of Concerned Scientists no less, a
23 group with whom both Profs. Carlson and Horowitz work and which Regents invokes in its August
24 16, 2021 effort to justify processing a request based on the requester's motive and identity:

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27 "It's just gibberish to say these laws stifle research," said David Cuillier, director of
28 the University of Arizona School of Journalism and a member of the Society of Professional

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1 Journalists's [sic] freedom of information committee. 'These are government scientists
2 funded by taxpayers, and the public is entitled to see what they're working on.'"⁴⁷

3 48. In her deposition, Prof. Carlson acknowledged her view of the request at issue in this
4 matter as "being used for political purposes or to intimidate faculty working on the issue of global
5 warming." Carlson Deposition Transcript, pp. 33-34. It is my opinion for reasons stated herein that
6 the obstruction of 19-7464 was born, at least in part, of this perspective. It is similarly my opinion
7 for the same reasons that Regents' processing was born at least in part by Carlson's association with
8 and promotion of the Climate Change Agenda and those seeking to litigate it into effect. There is
9 overwhelming evidence of Prof. Carlson's strong bias in support of this agenda and campaign. It is
10 my opinion these biases and this ideological stridency left her feeling justified in thwarting the
11 CPRA request at issue in this matter, and played a role in the outcome including the necessity for,
12 and Regents' conduct of, this litigation.

14 49. In my opinion the most reasonable conclusion from the statements made by Profs.
15 Horowitz and Carlson related herein is that they view frustrating disfavored CPRA requests as a
16 minor but regardless justifiable act and, in my opinion, they have done so. The evidence that Prof.
17 Carlson is possessed of sufficient ideological and political zeal such that she might, like other
18 academics (noted *supra* and discussed in greater detail, *infra*), impede production as the facts
19 suggest did occur includes, *inter alia*, Prof. Carlson's comments in a 2020 Society of Environmental
20 Journalists' web event, which was posted publicly, in which she said, "I worry sometimes that I go
21 over the edge" on this issue, that her "gloves have come off" and that she has abandoned a prior
22 posture of "being sort of a neutral talking head expert type," and the view that they are "protect[ing]
23 our planet" (see Petitioner's Opening Trial Brief) from "the greatest environmental existential threat
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27 ⁴⁷ "Article Reminds: Public University emails (and other documents) are not private," March 20,
28 2016, <https://uclafacultyassociation.blogspot.com/2016/03/article-reminds-public-university.html>
(last viewed September 8, 2021).

1 to humankind”.⁴⁸ It is my opinion that this view manifested itself in Regents’ and specifically
2 Carlson’s processing of PRA request 19-7464, the details of which GAO learned during discovery.
3 Specifically, Carlson provided no records to IP until March 2020 (Prof. Horowitz did turn over
4 records to IP in December 2019, then again in March and May 2020)(Regents’ Response to Special
5 Interrogatory 1). Regents for the first time then produced Carlson records — and indeed non-ECF
6 records, and only after being sued — in August 2020, in a now demonstrably incomplete production
7 purportedly of all Carlson’s responsive records. This, we now know, excluded the records neatly
8 fitting GAO’s further description, in its request 19-7464, of what it sought. Only because GAO sent
9 PRR 20-8371, a “trust but verify” move which hindsight makes clear was warranted, did we learn of
10 these significant withholdings, which were subsequently “discovered” when neither Carlson nor her
11 assistant were involved in screening potentially responsive records. The best scenario for Regents in
12 explaining this supplemental production is a prior failure to perform a complete search, which by
13 some remarkable chance resulted in excluding from the processing a small handful of records which
14 were by far the most relevant records.
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17 50. It is my opinion that this obstruction also manifests itself in the withholding in full of
18 the Carlson-Emmett “smog and flying” email in response to 19-7464, and its subsequent partial
19 release mostly redacted in Regents’ processing of that pressure-testing CPRA request 20-8371.
20 Unlike all the other, most-relevant “Interface” emails explored, above, Regents did previously
21 acknowledge this email in its processing of PRR 19-7464 but withheld it in full, shielding even the
22 title in the Exemption Log as purportedly pre-publication research that if released would cause a
23 chilling effect on academic freedom. That “GAO - PRA Exemption Log 20201214”, entry 120, cited
24 Regents’ reason for the withholdings of “smog and flying,” including even that Subject field, as:
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27 ⁴⁸ <https://www.youtube.com/watch?v=Q7p1DxjGlj0>; see also <https://westernwire.net/fair-and-balanced-not-necessarily-the-goal-for-environmental-reporters-says-sej/> beginning at 1:50 of 2:28
28 minutes.

1 “The record concerns pre-publication academic research in which the public interest
2 in non-disclosure clearly outweighs the public interest in disclosure. The public interest in
3 non-disclosure particularly applies because this record concerns drafts of academic texts
4 whose disclosure would chill academic freedom, particularly research into sensitive or
5 controversial topics. See, e.g., *Humane Society of the United States v. Superior Court*
6 (Regents of the Univ. of Calif.), (2013) 214 Cal. App. 4th 1233 (upholding Regents’ decision
7 to withhold UC Davis researchers’ prepublication of research data from public records
8 request.”

9 There is no legitimate argument that even what Regents ultimately partially released gave away too
10 much about pre-publication research, which nonetheless was already and inherently shared with a
11 select member of the public. I do not recall in my extensive experience a case where the exemption
12 or privilege log itself makes clear on its face that the claimed exemption(s) does not apply. Further,
13 the since-released paragraph concerns Carlson’s efforts to introduce the Rockefeller Family Fund’s
14 Director to Dan Emmett for a fundraising pitch for the Center for Climate Integrity — withheld on
15 the basis that its release threatened a chilling effect on academic freedom and reflected academic
16 research. “Thanks again for meeting with the CCI/Rockefeller folks on Monday. I’m glad I got to see
17 their presentation and am thinking about ways the Emmett Institute might collaborate with them.” In
18 addition to proving false claims of “academic freedom” and “chilling effect,” this proves Regents
19 also declined to segregate and release reasonably segregable responsive and plainly non-privileged
20 information and allegedly privileged information, as is required. Government Code § 6253.

21 51. Regents’ claims of exemption in full and of “not public records” not only are not well
22 taken, but the volume of Regents’ withholding of complete records informs an assessment of that
23 same, serial failure to segregate. This failure to segregate is made ever more obvious by the near-
24 total absence of records with content redacted (outside of contact/personal identifying information).
25 The belatedly, partially released “smog and flying” stands out in that respect, and such absence of
26 redacted records with reasonably segregable information in the face of withholding large numbers of
27 records in full is, by logic and in my experience, not evidence of a light hand on redaction. It is
28 instead typically reflective of precisely that refusal to redact reasonably segregable information.

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1 Further, of course, is that with extremely rare exception, purely factual information such as to, from,
2 date and, typically, Subject represent a bare minimum of non-privileged information which every
3 email contains (the ultimate release of such basic and purely factual information *in logs* affirms its
4 non-privileged nature, and again illuminates the failure to segregate).

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6 52. The “smog and flying” email which Regents refused to review for segregation of
7 releasable information — and even withheld the plainly not-privileged title “smog and flying,”
8 thereby temporarily obscuring the obviousness of the impropriety⁴⁹ — embodies the
9 disingenuousness of Regents’ complaint about the burden of segregating information (which,
10 regardless of this complaint, is statutorily required). When Regents belatedly and partially released
11 “smog and flying” in response to a different request it revealed that, despite the claim of pre-
12 publication academic research to withhold the entirety, the record contained at minimum one full
13 paragraph, previously withheld, that “in its entirety does not relate to any academic research
14 [Carlson was] engaged in at that time”. Carlson Deposition at p. 55 of 136. This also affirms that,
15 while Carlson and Horowitz may have been responsible for delays and obstruction, clearly the first
16 reviewer failed to bother with redaction of reasonably segregable information as required.

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18 53. Similarly, Regents still has not offered its rationale why the most reasonable
19 explanation — failure to segregate — is *not* the reason behind withholding in full each of the 86
20 fundraising emails. Each of these inherently, by virtue of the request’s search parameters, include as
21 (segregable) part or parts of the email “thread” correspondence which Regents had already shared
22 with a select member of the public (Emmett). In addition, the Amended Exemption Log establishes
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26 ⁴⁹ Regents’ first three productions of four in 19-7464 were ECF notices, which as a class include no
27 privileged information for redaction. The fourth production of 1031 pages on 8/31/20 included only
28 one record showing material effort at redaction, most of a paragraph from Prof. Carlson to Emmett.
Out of the total four productions, there were fewer than two dozen individual, typically short
redactions, which context indicates were generally about travel, scheduling, availability and personal
(e.g., health) matters, and one comment about a matching donation.

1 that thirty-eight (38) of the Fundraising Documents⁵⁰ were not “internal email communications”
2 because, as the Log asserts, they were sent to, from or copied to Dan Emmett, affirming waiver
3 pursuant to Government Code § 6254.5 (the manifestly intentional and selective disclosure to one
4 member of the public was not coincidentally to a major donor to Carlson and the Emmett Center).

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6 54. Of course, an institution’s reluctance to produce particular records and desire to
7 impede processing of requests can carry the day until late in the litigation over such behavior, and it
8 is my opinion that that is occurring in this matter. In addition to Regents’ reflexive and telling
9 invocation of the “pro-fossil fuel agenda” concern as a factor, facts supporting my opinion that
10 Regents continue, as part of this litigation, creating impediments and a series of delays to deny
11 release of records, possibly to wear the requesting entity down, and at minimum to greatly postpone
12 Regents’ ultimate release of responsive records also include Regents’ claim, in response to discovery
13 requests for production and interrogatories, that the Emmett Institute’s receipt of “significant”
14 funding from private sources also provides relevant context to how it processed 19-7464. When
15 pressed for elaboration on the relevance of such a claim, Regents subsequently abandoned this claim.
16 Similarly, Regents’ reluctance to disclose records at issue here beyond its preferred members of the
17 public (and its belief in selective disclosure) extended so far as threatening in August 2021 to seek a
18 protective order for any records released to requester *under the Public Records Act*, which prohibits
19 selective disclosure, before again backing down when challenged.⁵¹
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22 55. As discussed in Petitioner’s Opening Trial Brief, Regents claimed patently invalid
23 bases for exemption, e.g., FERPA, despite case law *litigated by the Regents* disallowing that specific
24 claim. Further, on July 1, 2021, 6 ½ months after purportedly finalizing its position in its initial
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27 ⁵⁰ Nos. 15, 17, 22, 26-28, 30, 31, 37, 43, 45-50, 52-59, 61, 62, 64, 67, 68, 70, 71, 74, 77, 78, 83, 91,
95 and 97.

28 ⁵¹ See, respectively, August 11, 2021 and August 12, 2021 emails, Ray Cardozo to Jim Hunter,
Subject: GAO Discovery Extension.

1 Exemption Log, in its Supplemental Responses and Exemption Log to Certain Special
2 Interrogatories Regents added entirely new exemption claims with respect to 104 of the 120
3 documents specified in the original Exemption Log, and also asserted new justifications with respect
4 to all 544 of the documents specified in the NPR Log. For example, regarding the eight FERPA
5 records, over six months after it served its original Exemption Log on December 16, 2020, Regents
6 added academic freedom and right to privacy as exemptions applying to these records, in seeming
7 acknowledgement of the inapplicability of the FERPA claim after GAO pointed this out (“As
8 Petitioner appears to contest that FERPA supplies the basis for an exemption from disclosure
9 here...”. Regents’ April 1, 2020, Objections and Responses to Petitioner’s Seventh Set of Special
10 Interrogatories, Response to Special Interrogatory No. 209. See also Petitioner’s Opening Trial Brief
11 at p. 12). In my opinion this is one of numerous factors, as described herein, revealing Regents’
12 predetermination to withhold, and an overriding priority of withholding, records responsive to
13 GAO’s request particularly if they involve major donor Emmett. This is also my opinion regarding
14 Regents’ machinations to avoid releasing the “Anti-Semitic Harassment Document” (see Petitioner’s
15 Opening Trial Brief at pp. 13-16). This came after forcing GAO to struggle to obtain the first,
16 transparently inadequate, unreadable Exemption Log in 3-point font in December 2020 (“By default,
17 Microsoft Office Excel 2010 uses ...font size 11”) ⁵² (Regents finally produced a readable version on
18 March 3, 2021), to remedy the inadequacies and update the records after Regents’ positions had
19 changed several times as GAO was preparing its opening brief for the originally scheduled trial date.
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23 SIMILAR PAST, RELEVANT EXPERIENCES WHICH ALSO INFORM MY OPINION

24 56. Government Code § 6257.5, as well as precedent cited by Regents in this proceeding,
25 *Los Angeles Unified School Dist. v. Superior Court* (Cal. App. 2d Dist. 2014) 228 CA 4th 222, 248-
26

27 ⁵² See, e.g., <https://kb.blackbaud.com/knowledgebase/Article/40350>, which default size continues in
28 later versions, see, e.g., <https://support.microsoft.com/en-us/office/change-the-font-size-931e064e-f99f-4ba4-a1bf-8047a35552be>.

252, fn. 18, 175 CR3d 90, 109 (“*LAUSD v. Superior Court*”)⁵³ makes clear that the requester’s motive or identity do not inform how a request is to be processed. Nonetheless, it is my experience that invocation of the requester’s identity is a near-ritual in defense of shielding “climate”-related records from release from academic institutions under open records laws. However, it is rare for an institution itself, rather than surrogates or defenders, to acknowledge this motivation. As such, it is my opinion that Regents offers a very instructive “tell” through its inability to resist the impulse to try and make requester’s motive and identity relevant, affirming its approach in this matter is informed, improperly, by application of a non-existent “bad requester” exemption to its internal approach to implementing CPRA.

57. However, the identities and motives of the parties involved in *processing* a records request can be highly relevant, for example when the most conflicted parties imaginable influence decisions to release or withhold records and even, as here, to serve as gatekeepers in conducting the initial canvass for potentially responsive records. As noted in the discussion of the GMU request and litigation, *supra*, I am familiar with this situation including when a party to the requested

⁵³ It is well-established that under the forerunner of state open records laws, the federal FOIA on which CPRA is modeled — and judicial precedent applying which Regents’ counsel has repeatedly cited as being strongly influential in this matter — “As a general rule, withholding information under FOIA cannot be predicated on the identity of the requester,” and “As we have repeatedly stated, Congress ‘clearly intended’ the FOIA ‘to give any member of the public as much right to disclosure as one with a special interest [in a particular document].’” *United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 771 (1989) (the latter quoting *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149); see also *Lynch v. Dep’t of the Treasury*, No. 98-56368, 2000 WL 123236, at *4 (9th Cir. Jan. 28, 2000) (upholding district court’s decision to not consider identity of requester in determining whether records were properly withheld under Exemption 7(A)); *Parsons*, 1997 WL 461320, at *1 (“[T]he identity of the requestor is irrelevant to the determination of whether an exemption applies.”); *United Techs. v. Federal Aviation Administration*, 102 F.3d 688, 692 (2d Cir. 1996) (rejecting plaintiff’s argument that Exemption 4 (deliberative process) should be applied “on a requester-specific basis,” because, *inter alia*, “[t]he FOIA was not intended to be applied on such an individualized basis”); *Swan v. Securities and Exchange Commission*, 96 F.3d 498, 499 (D.C. Cir. 1996) (“Whether [a particular exemption] protects against disclosure to ‘any person’ is a judgment to be made without regard to the particular requester’s identity.”); *Durns v. Bureau of Prisons*, 804 F.2d 701, 706 (D.C. Cir. 1986) (“Congress granted the scholar and the scoundrel equal rights of access to agency records.”), *cert. granted, judgment vacated on other grounds & remanded*, 486 U.S. 1029 (1988). “In sum, [the FOIA requester’s] need or intended use for the documents is irrelevant.” *North v. Walsh*, 881 F.2d 1088, 1096 (D.C. Cir. 1989).

1 correspondence denies the existence of such correspondence when allowed to so serve. Putting aside
2 a distinction that GMU did not declare the records that it previously denied existed, once it
3 acknowledged them, constituted a "supplemental production," that scenario is closely analogous to
4 the instant matter. Then, as here, the records which the GMU professor denied existed were in fact
5 subsequently "discovered" *once someone other than the conflicted professor* took responsibility for
6 the production (after we initiated litigation and presented the court with several responsive records
7 that we could prove existed). I wrote in 2012 in my fourth book about this practice of allowing
8 conflicted parties to serve as the gatekeeper of potentially responsive records. It is precisely to avoid
9 such conflicted parties conducting the search, as encountered during matters I discuss, herein, that
10 for some time I included and advised others to include in records requests a provision to the effect
11 that allowing this practice "creates an impermissibly conflicted process in allowing a faculty
12 member who is likely to have a personal interest in or animus toward avoiding disclosure of any
13 records relating to issues on which they engage in advocacy or activism, particularly to the
14 requesting entity". In fact, that language is taken from GAO requests to Regents PRR 20-7906, 20-
15 8347, sent after Regents' practice became manifest, of asking Profs. Carlson and Horowitz to decide
16 what records were potentially responsive. After experience showed that this did not deter
17 institutions, I ultimately dropped that language, leaving the matter to resolution in the event of
18 litigation.
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1 58. One such instance involved the National Oceanic and Atmospheric Administration
2 (NOAA). As concluded by the Department of Commerce Inspector General,⁵⁴ a NOAA official
3 invented a rationalization so as to not process certain "climate"-related requests (that she really was
4 working for the United Nations whenever sending or receiving whatever records were responsive).
5 Recently, the context of University of Texas denied any records existed that were responsive to a
6 request about Professor David Spence's work with, *inter alia*, Prof. Carlson and an outside
7 plaintiffs' "climate" tort legal and public affairs team. Since another institution had released various
8 such responsive correspondence visibly copying him at his University address (those records had
9 prompted the request to Texas in the first instance), that matter is now under review by the Texas
10 Attorney General, pursuant to state law. As detailed, *supra*, I have also experienced the issue of
11 faculty impeding a request with George Mason University in Virginia, after the professor declared to
12 his administration that he had no records responsive to a request. Once again, other universities
13 which did comply with their respective laws produced records which demonstrated this was untrue,
14 and ultimately a Virginia court ordered all the records released. Discovery in that case proved this
15 was not an oversight but an intentional decision made by the faculty member. That also was the only
16 plausible explanation given he also was the organizer of the faculty effort that the Virginia Freedom
17 of Information Act (VFOIA) request focused on (encouraging "RICO" prosecution of opponents of
18 the climate agenda). We learned about the academics' improper responses because of disparate
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23 ⁵⁴ See, e.g., "For years, NOAA sought to hide official agency records from public view by asserting
24 that a NOAA employee, Dr. Susan Solomon, was "detailed" to the IPCC, and therefore all of her
25 records could be withheld from the public. In response to this assertion, the Department of
26 Commerce (DOC) Office of the Inspector General (OIG) conducted a review which "found no
27 evidence that the Co-Chair [Dr. Solomon] was "detailed" as such via, for example, a Memorandum
28 of Understanding or SF-52 Request for Detail... Because of this finding, the OIG concluded that
"NOAA did not adequately process these FOIA requests."
<https://www.oig.doc.gov/OIGPublications/2012.11.15-Hall-Johnson-to-IG-Request-Letter.pdf>
Citing to Letter from Todd Zinzer, Inspector General, Department of Commerce to Senator James
Inhofe (OK), February 18, 2011. I encountered a similar experience with the same agency and
indeed the same individual, in its processing of NOAA FOIA No. 2010-00199.

1 compliance with open records laws among their peers' institutions; in the absence of judicial
2 enforcement of these laws, counting on such breaks will remain the principal if not sole means of
3 keeping covered institutions compliant with their statutory obligations under these laws.

4 59. Just as some parties apparently believe, wrongly, that there are "the right kind of
5 requester" and "the wrong kind of requester" under open records laws, and that the identity of the
6 requester can influence processing of information requests, it is my experience and fairly well-
7 documented that processing is influenced based upon parties' views of "the right kind of academic"
8 and "the wrong kind of academic". Certain academics' records are to be shielded at all costs, while
9 the wrong kind of academic's records are promptly released. One of my first requests for public
10 information from a university sought records of a faculty member working on "climate" issues at the
11 University of Virginia (herein "UVA"). What transpired offers a widely reported (with varying
12 degrees of spite and accuracy) instance of the double-standard applied to record requests made of
13 academic institutions, of the sort which I believe to be on display in Regents' processing of the
14 request at issue here. That UVA request was inspired by (and indeed mimicked) requests sent to the
15 same school by the pressure group Greenpeace. Greenpeace had sent a VFOIA request seeking "all
16 emails" of Professors Pat Michaels and Fred Singer pertaining to a particular subject, among many
17 other categories of their documents, "to bring greater transparency to the climate science discussion
18 of the past decade through this *legal* FOIA request for the email correspondence and financial and
19 conflict-of-interest disclosures of Dr. Patrick Michaels and Dr. S. Fred Singer." (italics in original)⁵⁵.

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⁵⁵ December 16, 2009, Virginia FOIA request sent to Ms. Elizabeth Wilkerson of UVA by Kert Davies, Research Director, and James Trowbridge, Research Fellow, Greenpeace. Obtained under VFOIA and Available at <https://govoversight.org/wp-content/uploads/2021/09/2009-12-16-Trowbridge-Greenpeace-Michaels20Singer.pdf>. As "Research Director" for several years, Davies would likely have been responsible for Greenpeace's practice a few years prior of taking my trash (and, at the same time and in their minds apparently related, that of White House aide Phil Cooney) before pickup each week, another element of its information-gathering operation. In discovery in this case, Regents produced records in support of its claim that GAO's identity is relevant to Regents' processing of this request including materials which quote Kert Davies as a relevant authority.

1 Drs. Michaels and Singer were two faculty working on “climate” issues, if complicit in participation
2 in what Greenpeace described in its correspondence with UVA as “climate change disinformation
3 campaigns” (that is, disagreeing with Greenpeace’s campaigning). Greenpeace’s request(s)
4 prompted no claims of being a threat to research or heralding the death of science. There were no
5 cries then that such requests violate academic freedom, whether the garden variety or as a
6 constitutional right, which claims are in my experience reserved for requests by differently minded
7 requesters. When this request made the news and prompted follow-up inquiries, Greenpeace
8 reflected on its pursuit and concluded it had erred: Actually, Greenpeace wrote to UVA, it needed a
9 faster response, which it declared should make life easier for the University.⁵⁶

11 60. One year later, in January 2011, I bestowed the ultimate flattery of imitation upon
12 Greenpeace in the form of a request to UVA on behalf of a public interest group seeking records
13 from the very same department. Although the legislature had not changed VFOIA in the interim, this
14 adaptation of Greenpeace’s earlier request for records of “climate” academics prompted breathless
15 insistence that using the Act to obtain records pertaining to “climate” academics was abusive and
16 threatened the release of “personal” or “private emails”, and, of course, a “chilling effect” on all that
17 is desirable in our academic institutions. This umbrage came from the establishment press, as well of
18 course as from acknowledged activists and more openly partisan outlets. The specifics of the
19 expressed indignation revealed the real objection, which was that I was *the wrong kind of requester*.
20 The *Washington Post* was particularly indelicate on this score, in its Memorial Day 2010 editorial
21 dedicated to this request – titled “Harassing climate-change researchers.”⁵⁷ While the *Post* editors
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25 ⁵⁶ Davies emailed UVA, in pertinent part, “I understand from the news wires today you are getting
26 FOIA requests from several angles and would like to expedite our request to create as little further
27 work for you as possible.” May 24, 2010 email from Kert Davies to Elizabeth Wilkerson,
28 [https://govoversight.org/wp-content/uploads/2021/09/2010-5-25-](https://govoversight.org/wp-content/uploads/2021/09/2010-5-25-Davies20picks20up20conversation.pdf)
[Davies20picks20up20conversation.pdf](https://govoversight.org/wp-content/uploads/2021/09/2010-5-25-Davies20picks20up20conversation.pdf).

⁵⁷ May 29, 2011, [https://www.washingtonpost.com/opinions/harassing-climate-change-](https://www.washingtonpost.com/opinions/harassing-climate-change-researchers/2011/05/27/AG1xJMEH_story.html)
[researchers/2011/05/27/AG1xJMEH_story.html](https://www.washingtonpost.com/opinions/harassing-climate-change-researchers/2011/05/27/AG1xJMEH_story.html).

1 acknowledged that *of course the paper avails itself of transparency laws as much as the next party*,
2 they cited with distaste the title of one of my books and that, after all, serious people do not question
3 claims about climate science or give credence to “the trumped-up ‘Climategate’ scandal,” all as
4 evidence that my use of such laws was abusive. The paper failed to comment on our model,
5 Greenpeace’s request, or to articulate an argument grounded in the law for the underlying thesis that
6 certain requests, from disfavored parties or challenging favored causes, should be fought most
7 vigorously. The *Post*, which earlier published the Pentagon papers, also failed to acknowledge a
8 critical point that is highly relevant here: Virginia’s public universities routinely provided such
9 records of academics, even the specific class of records we sought, on the very same subject matter,
10 but only when the requested records pertained to faculty whose work is viewed as problematic for
11 the climate movement.⁵⁸ It is my opinion that the *Post*’s viewpoint, that the wrong people using open
12 records acts reveals a loophole that must be closed, is similarly at play in this matter.
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17 ⁵⁸ See, e.g., Norm Leahy, “The Washington Post’s FOIA double standard,” Washington Examiner,
18 May 31, 2011, <http://washingtonexaminer.com/local/local-opinion-zone/2011/05/washington-posts-foia-double-standard/145787>. Leahy also notes “it is interesting to see this newspaper, the very one
19 that, back in the day, risked much to publish the Pentagon Papers in an effort to get the truth out
20 there, should appear so upset when a former state employee’s emails are required to be made public
21 under a long-standing Virginia law promoting openness.” See also Steve Milloy, “The Washington
22 Post produces a bigoted editorial against the public’s right to know,” WattsUpWithThat.com, May
23 30, 2011, <http://wattsupwiththat.com/2011/05/30/the-washington-post-produces-a-bigoted-editorial-against-the-public-right-to-know/>. “[T]he Washington Post criticized climate skeptics for using the
24 Freedom of Information Act to pry documents concerning Climategater Michael Mann from the
25 University of Virginia. The Post labeled the skeptics’ FOIA efforts as “harrassing” [sic] and
26 “nuisance tactics.” The Post, however, has been entirely silent on Greenpeace’s efforts to FOIA
27 documents from the University of Virginia concerning Pat Michaels, University of Delaware
28 concerning David Legates and from Harvard University concerning Willie Soon and Sallie Baliunas
...And I’ll add the post [sic] has been entirely silent on the fact the George Mason University, when
asked by USA Today reporter Dan Vergano to produce documents related to the whole vindictive
DeepClimate (Dave Clarke) and John Mashey assault on [Professor Edward] Wegman and Said at
GMU. Vergano asked for “expedited service” and requests that “fees be waived”. Not only did
GMU comply, they did so quickly, without complaint, waived fees, and provided everything on a
USB flash drive they sent to USA Today’s Vergano.”

61. Statistician and well-known user of open records laws and publisher of ClimateAudit.org Stephen McIntyre, who also helped uncover the scientific scandal at the root of “Climategate” revelations, wrote the following around the time of the furor over this UVA request:

“The difference in how academic institutions have responded to the seemingly similar requests in respect to [George Mason University’s Prof. Edward] Wegman and [Climategate figure and former UVA Prof. Michael] Mann is quite startling. George Mason gave expedited service to a request for Wegman’s emails; the U of Virginia has done the opposite. George Mason turned over Wegman’s correspondence with an academic journal without litigation; the University of Virginia has spent hundreds of thousands of dollars on litigation. Multiple academic lobby groups protested the production of Mann’s emails as a matter of principle; the same organizations were and remain silent in respect to Wegman.”
<https://climateaudit.org/2011/05/28/the-vergano-foi-request/>.

Here, Mr. McIntyre refers to a record of such disparate treatment by academic institutions depending on the identity of the requester:

* The aforementioned requests of the very same University of Virginia for records and emails of academic scientists. Drs. Patrick Michaels and Fred Singer, the former of whom was ultimately forced out as state climatologist by a nonscientist politician who did not share Dr. Michaels’ views on science.

* *USA Today* writer and global warming enthusiast Dan Vergano pursued the records of George Mason University professor Edward Wegman, who had produced research critical of the global warming “Hockey Stick” (Mann, et al.). Records suggest that Vergano was working with Michael Mann’s coauthor, Raymond Bradley. In that matter, GMU complied quickly, without complaint, waived fees, and provided everything on a USB flash drive.

* A request of the University of Delaware for the records and emails of an academic scientist, Dr. David Legates, who also was subsequently ushered out as state climatologist for his skeptic views on alarmist “climate change” claims. The University of Delaware, which in my experience rigidly enforces that state law’s requirement of state citizenship with climate “skeptic” requesters and otherwise resists release of records pertaining to its treatment of Dr. Legates, nonetheless provided Greenpeace even more records than those it requested because, “while the law did not *require* him to give Greenpeace all the documents [University counsel] had requested from Legates, the law did not *prohibit* him from requiring Legates to produce them.”⁵⁹

* Requests of Harvard-Smithsonian for the records and emails of two academic scientists, Drs. Sallie Baliunas and Willie Soon. In turning over requested emails to Greenpeace,

⁵⁹ See, e.g., Jan Blits, “Climate-Change Shenanigans at the U. of Delaware,” Minding the Campus dot org, May 19, 2014, <https://www.mindingthecampus.org/2014/05/19/climate-change-shenanigans-at/>.

1 Harvard-Smithsonian acknowledged that, while not actually covered by FOIA, it wanted to
2 comply with the spirit of the act.

3 62. For its part, Greenpeace's spokesman asserted to the media that our UVA request and
4 its were not at all similar because our "fishing expedition" — a talking point also invoked by the
5 *Post* — had an entirely different "objective" than Greenpeace's request that Davies submitted.⁶⁰
6 There is the "tell" again, much like Regents' here: our more modestly framed request was "fishing"
7 because of who we were, a risible comparison when one examines Greenpeace's (apparently non-
8 fishing) request which immodestly sought, *inter alia*, "Copies of all correspondence (written,
9 electronic or oral), including but not limited to letters, emails, faxes, reports, meeting and
10 teleconference agendas, minutes, notes, transcripts, tape recordings and phone logs generated by or
11 involving either Dr. Patrick Michaels or Dr. S. Fred Singer regarding global climate change (a.k.a.
12 global warming). c) Copies of all correspondence to, from or regarding Dr. Patrick Michaels or Dr.
13 S. Fred Singer and containing any or all of the following subjects..."⁶¹ While absurd, Greenpeace's
14 excited utterance implying, like the *Washington Post* editors, that there are "good" requesters and
15
16

17 ⁶⁰ Will Goldsmith, "Mann stays in the hot seat: UVA fights requests for climate scientist's work,"
18 *Cville Weekly*, https://www.c-ville.com/Mann_stays_in_the_hot_seat/. Last viewed August 17,
2021.

19 ⁶¹ Those subjects were "New Hope Environmental Services, Intermountain Rural Electric
20 Association, Cato Institute, Senator James Inhofe, Senator John McCain, ExxonMobil, Koch
21 Industries, Americans for Prosperity, Heartland Institute, Competitive Enterprise Institute, Cato
22 Institute, The Advancement of Sound Science Coalition, Science and Environmental Policy Project,
23 Frontiers of Freedom Institute and Foundation, Federalist Society for Law and Public Policy Studies,
24 Environmental Conservation Organization (ECO), former Governor George Allen, Michael Mann,
25 MBH98 (a.k.a. the "hockey stick" graph), the University of East Anglia, Dr. James Hansen, the
26 Intergovernmental Panel on Climate Change (IPCC), Dr. Rajendra K. Pachauri, the Kyoto Protocol,
27 United Nations Framework Convention on Climate Change (UNFCCC), UNFCCC Conference of
28 Parties (COP), Greenpeace." The request also sought "a) A listing of all grants in support of research
for Dr. Patrick Michaels and for Dr. S. Fred Singer. b) Copies of all correspondence (written,
electronic or oral), including but not limited to letters, emails, faxes, reports, meeting and
teleconference agendas, minutes, notes, transcripts, tape recordings and phone logs generated by or
involving either Dr. Patrick Michaels or Dr. S. Fred Singer regarding global climate change (a.k.a.
global warming)... d) Copies of conflict-of-interest and outside income disclosures for Dr. Patrick
Michaels and for Dr. S. Fred Singer. e) Copies of current and past curricula vitae for Dr. Patrick
Michaels and for Dr. S. Fred Singer."

1 “bad” requesters opens a window into the disparate consideration of open records requests
2 depending upon the requester that, it is my opinion, Regents have admitted is at play here.

3 63. At the trial stage challenging UVA’s refusal to produce records, counsel for Dr.
4 Michael Mann,⁶² the former UVA faculty member whose Climategate-related work was at issue in
5 our request, and whom the University counsel acknowledged at argument it requested intervene in
6 the matter, argued the conjured “bad requester” exemption to VFOIA at length. After indulging the
7 *ad hominem* for pages and pages of transcript, the court in Prince William County inquired as to its
8 relevance:
9

10 THE COURT: Let me interrupt you a second.

11 MR. FONTAINE: Yes, sir.

12 THE COURT: Modern American debate seems to require us to accuse adversaries of
13 improper motives. We see that in the public forum all the time. What if, for general purposes,
14 all of those bad motives are true? How does it effect the legal right to FOIA protection?
15 Are we -- do we have a purity of heart test before we apply FOIA's legislative acts?

16 MR. FONTAINE: No, Your Honor, the law on that is quite clear. It is not really the Court's
17 function to try to weigh the motives.

18 THE COURT: Well, then, why are you arguing that to me?

19 64. This University of Virginia request went to the state Supreme Court. Although that
20 court sided with the University, *American Tradition Institute v. Rector and Visitors of the University*
21 *of Virginia*, 756 S.E.2d 435 (Va. 2014), most if not all of the same records sought in *ATI v. UVA*
22 were ultimately ordered to be released by the University of Arizona, by that State’s Supreme Court
23 (one of Mann’s co-authors, Malcom Hughes, was a faculty member at Arizona).⁶³ The University of
24

25
26 ⁶² Mann famously appeared in correspondence asking him to contact a colleague working for the
27 federal government and ask that colleague “delete any emails” as part of a broader effort to arrange
28 for such deletions, and the U.S. Department of Commerce Inspector General (see, *supra*) found of
the individual, Eugene Wahl, “he believes that he deleted the referenced emails at the time”.

⁶³ *Energy & Environment Legal Institute v. Board of Regents*, Superior Court for Pima County,
C2013-4963.

1 Arizona's Opening Memorandum at the trial stage, filed mere days after the Virginia Supreme Court
2 ruled against ATI, on July 14, 2013, foreshadowed Regents' counsel's "bad requester" position with
3 GAO in this matter, as its first argument.⁶⁴ To no avail, however.

4 65. The University of Arizona case also shows that the parade of horrors that we are
5 told will follow applying of the law to *all* institutions covered by the legislature, including public
6 universities, always fails to materialize as predicted.

7
8 66. I am aware of one state attorney general's office which attempted the "bad requester"
9 approach and admitted it influenced the office's processing of a records request, also with a party I
10 represented, only for the office to be shamed for the gambit by the court and in the local press. As a
11 local paper's editorial excoriated the behavior:

12 The office of the Attorney General still refused to release public documents related to that
13 case. In so refusing, Chief Assistant Attorney General Bill Griffin made two arguments in an
14 April hearing. First, he argued, the attorney general's office never has to comply with public
15 records laws because *everything* the office does is protected by the attorney-client privilege.
16 Second, Griffin argues, the attorney general doesn't have to share public information with
17 people it doesn't like. Specifically he said: "We get a request from [Energy and Environment
18 Legal Institute] and so one thing we might consider is where are they — who are these
19 people?" Griffin said in a transcript of the hearing. "Where are they going with this? And we
20 Google them and we find, you know, coal or Exxon or whatever — and so we're thinking
21 this is — we better — we better give this some thought before we — before we share
22 information with this entity." To Griffin's second argument, plaintiff attorney Hardin pointed
23 out, "They disclose what they feel like and they don't disclose what they don't feel like...
24 And now it's come out in oral argument that one of the things that they do to determine
25 who's entitled or who they will provide public records to is they do a Google Search. So my
26 clients don't have rights under the Public Records Act because a Google search conducted by
27 Attorney General's employees says that they're bad people, basically, and I just don't think
28 that's what the law is," Hardin continued. "I believe that the law is neutral. I believe that it
applies to all of the citizenry." And Judge Teachout agreed. "The public has a legitimate
interest in transparency as to some of its undertakings, particularly those of an administrative
or operational nature," Teachout wrote in her ruling. "Thus, while many documents
possessed by the Attorney General will be confidential or privileged, [the public records act]
cannot be read to reflect legislative intent that all records in the Attorney General's office
would be completely exempt." Of course not. And if Griffin had bothered with the
Constitution (or law) while in law school (or even third-grade civics)... he wouldn't have

⁶⁴ Available at https://climatelitigationwatch.org/wp-content/uploads/2021/09/2014-07-31-Respondents-Opening-Memorandum_CORRECTED-copy.pdf.

1 made such ludicrous arguments. We're pleased by Judge Teachout's reminder that the
2 Attorney General enjoys no statutory privilege to ignore the law for political expedience.⁶⁵

3 67. Also, whatever the relevance or irrelevance to those cases or to the instant matter, the
4 fact remains that open records laws are perfectly permissible tools for members of the public who *do*
5 seek to restrict the direction of private funds to public universities. The most notorious example is
6 the UnKoch My Canipus movement, which used Virginia's Freedom of Information Act to divorce
7 the school from accepting money from any of several charitable foundations associated with Charles
8 Koch, Claude R. Lambe, and David Koch.⁶⁶ Nonetheless, and nodding to Regents' position claiming
9 relevance of motive and identity, I note that a principal motivation behind that VFOIA campaign,
10 which did obtain voluminous material about the University's fundraising, was an *anti-fossil fuel*
11 agenda. Curiously, the identity of the requester did not influence the court in that group's relevant
12 litigation, only the identity of the *recipient* of the particular request (a foundation which is a
13 privately held corporation separate from the public University, which the court found is therefore not
14 a public body under VFOIA).
15

16 68. In practice, including the above-described history, it is my experience that certain
17 parties, disproportionately represented among journalists and academics, believe that open records
18 laws were designed *for them*, and the wrong kind of people do not have the same rights of access. In
19 my opinion this matter embodies that perspective among (particularly academic) records request
20 recipients, that if the requester has the wrong perceived objectives the request is resisted, to unlawful
21 lengths. This turns on its head the old liberal ideal that the open records laws are tools to protect the
22 taxpayers and the public. According to the laws' terms, they are to be construed liberally in favor of
23 disclosure, their exemptions interpreted narrowly and applied without regard for political sacred
24
25

26 ⁶⁵ "Editorial: AG Smackdown," Caledonian Record, August 2, 2017,
27 https://www.caledonianrecord.com/opinion/editorial/editorial-ag-smackdown/article_74349fc7-f869-5862-b6cd-19a6a7f8c94d.html.

28 ⁶⁶ See, e.g., "Sunset Statement: Transparent GMU Will Now Be Known As UnKoch GMU,"
<http://www.unkochmycampus.org/unkochgmu>.

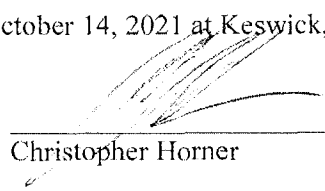
1 cows. They are not to be reinvented as certain, correct constituencies find the moment requires.
2 Selective bias and self-preservation are not legitimate grounds for applying laws. To bow to that is
3 an abuse of open records laws. It is my opinion, based upon the totality of the events in this matter,
4 and Regents' processing of the CPRA requests by Competitive Enterprise Institute with which I was
5 involved, that Regents employs this same perspective and it is at play in the instant matter,
6 manifested in the faculty's efforts to impede release of records responsive to our requests, and in
7 Regents' defense thereof in this Court.
8

9 69. The rhetorical fallacy of *argumentum ad hominem* is deployed to change the subject;
10 it is not an argument but a confession that one's arguments are lacking. In this case, it is my opinion
11 for reasons stated herein that Regents resorting to an extra-statutory *ad hominem* justification of its
12 refusal to produce responsive records, and otherwise failing to comply with CPRA, is nonetheless
13 useful as a "tell" about its processing of and decisions to withhold records responsive to 19-7464.
14

15 70. It is my opinion and experience that public records laws generally are grounded in the
16 principle of keeping governments and covered public institutions accountable, with tools to
17 discourage as well as to defeat efforts by officials working within such covered institutions who
18 obstruct faithful application of the law. It is my opinion that the instant matter reflects an intentional
19 effort to obstruct access to public records, in the form of delay but also other steps to remove from,
20 or avoid placing in, the review process responsive requested records. It is my opinion that this
21 behavior began with internal efforts to impede release of records based upon the subject matter of
22 the records requested being "controversial and highly politicized (*e.g.* global warming)" (Regents'
23 own "telegraphed" bias, see *supra*), and also based upon the requester's identity, both of which are
24 wholly improper if far too typical in academic settings as which has been acutely documented
25 involving "climate"-related requests. It is my opinion that this represents one of the most
26 exaggerated such examples of such behavior, in part due to the apparent deliberation it entails, by
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1 which I mean the breadth, within the institution and its defense, of the apparent agreement and/or
2 assistance with the obstruction. In my opinion this is illustrated in part by the numerous "red flags"
3 noted, *supra*, and Regents' failure to at any point recognize and address them and how these factors
4 might impact its compliance with CPRA. Related, it is my opinion for the reasons detailed above
5 that this commitment to predetermined withholdings has continued in Regents' litigation tactics,
6 including but not limited to Regents' invocation through counsel of exemptions it knows or should
7 know do not apply under precedent Regents itself litigated, and its adding further exemption claims
8 after this was pointed out to it.
9

10 I declare under penalty of perjury under the laws of California that the foregoing is true and
11 correct, and that this declaration was executed on October 14, 2021 at Keswick, Virginia.
12

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Christopher Horner
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Fee Exempt – Gov't Code § 6103

5 Attorney for Respondent
6 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10
11 GOVERNMENT ACCOUNTABILITY &
12 OVERSIGHT, P.C.,

Case No.: 20STCP01226

13 Petitioner,

14 v.

15 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

**THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA'S RESPONSE TO
PETITIONER'S THIRD SET OF
SPECIAL INTERROGATORIES**

16 Respondent.

17
18 PROPOUNDING PARTY:

PETITIONER GOVERNMENT
ACCOUNTABILITY & OVERSIGHT, P.C.

19
20 RESPONDING PARTY:

RESPONDENT THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

21 SET:

THREE

1 **III. SPECIFIC OBJECTIONS AND RESPONSES**

2 The following specific objections and Responses are made in addition to and without waiving
3 the foregoing general objections, and with all general objections incorporated into each of the
4 following Responses:

5 **RESPONSES TO SPECIAL INTERROGATORIES, SET THREE**

6 **SPECIAL INTERROGATORY NO. 22:**

7 Provide an index or log that separately states as to each of the EXEMPTION CLAIM
8 WITHHELD DOCUMENTS:

9 (A) the nature of the DOCUMENT (i.e., a single email, an email thread, a memorandum
10 attached to a single email or email thread or a letter attached to a single email thread);

11 (B) the name of each writer, sender, preparer or initiator of the DOCUMENT, with the
12 exception of email thread, with respect to which only the name of each writer, sender, preparer
13 or initiator of the latest (most recent) email included in the email thread should be specified;

14 (C) the name of each recipient, addressee, or PERSON to whom any copy of the
15 DOCUMENT was addressed or sent, with the exception that for email threads, only the name of
16 each recipient, addressee, or PERSON to whom any copy of the latest (most recent) email
17 included in the email thread should be specified;

18 (D) the date, hour and minute of the DOCUMENT, with the exception that for email
19 threads, only the date, hour and minute of the latest (most recent) email included in the email
20 thread should be specified;

21 (E) the title or subject matter of the DOCUMENT as set forth in its title or subject matter
22 field, with the exception of email threads, with respect to which only the subject matter of the
23 latest (most recent) email included in email thread as set forth in its subject matter field should be
24 specified;

25 (F) each of the exemptions which YOU contend applies to the DOCUMENT, and (i) as
26 to each such exemption other than the EXEMPTION CLAIM NOT PUBLIC RECORD, an
27 explanation as to why YOU contend that exemption applies to the DOCUMENT in as much detail
28

1 as possible without disclosing the information that YOU contend deserves protection, and (ii) as
2 to each exemption claim for EXEMPTION CLAIM NOT PUBLIC RECORD, sufficient facts to
3 show the information which YOU contend is protected by such exemption claim is not a “public
4 record” under the PRA; and

5 (G) whether YOU contend that the production of a redacted copy of such DOCUMENT
6 which released only the information requested above would itself have revealed information that
7 is protected by one or more of the exemptions claimed by YOU to warrant the non-production of
8 such DOCUMENT.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 22:**

10 Respondent objects to the request on the grounds it is overbroad, unduly burdensome
11 and impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f). The
12 improper nature of the defined terms also renders the request ambiguous because it is not clear
13 what information is requested from which set of documents. Respondent also objects the
14 request seeks information beyond the scope of permissible discovery in a writ proceeding under
15 Government Code § 6252. Respondent also objects to the extent the request seeks information
16 protected from disclosure by the attorney client privilege, the attorney work produce privilege
17 or any other basis for withholding information set forth in Government Code § 6254. Without
18 waiving these objections, Respondent responds as follows:

19 1. Emails related to Former Law School Student: A September 4, 2016 email from
20 a UCLA donor was forwarded to Dan Emmett, Cara Horowitz and Ann Carlson. The email
21 pertained to a former UCLA Law School student who was the target of anti-semetic bullying
22 outside of the Law School, apparently because of his role on the Graduate Student Association.
23 The email chain includes a draft response email addressing the circumstances surrounding the
24 former student and the Law School’s proposed response to those circumstances, which was
25 composed by Law School Dean Jennifer Mnookin and also includes a dialogue among Law
26 School leadership on the Law School’s decision making process for the response. The email
27
28

1 chain was withheld under Government Code section 6255 as it reflects the deliberative process
2 of the School's decision making.

3 2. Emails withheld due to FERPA: Eight emails between Professor Horowitz and
4 various students, which also at some point contained Dan Emmett's email address, were
5 withheld under FERPA because they contained private information regarding the students'
6 academic careers. The emails all pertained to internships, scholarships or research involving the
7 students and were emails between the students and faculty members sent with the purpose of
8 discussing their academic careers.

9 3. Emails withheld to protect Academic Freedom, because they contained pre-
10 publication work product of a researcher: From July to November, 2019, Professor Carlson sent
11 nine emails that contained Dan Emmett's email address which discussed a book she was in the
12 process of writing. Some of the emails attached drafts of chapters of the book, others included
13 information about what she was writing or ideas about what she might include in the book. The
14 emails were withheld to protect Professor Carlson's academic freedom by not having pre-
15 publication research and work product made available to the public.

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James K. T. Hunter
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
jhunter@pszjlaw.com

July 26, 2021

Via email: records@ucla.edu;
UCLARecordsManagement@finance.ucla.edu;
rbaldrige@finance.ucla.edu
University of California, Los Angeles
Los Angeles, California 90095

RE: CPRA Request for Anti-Semitic Harassment Email and
Attachment

Dear UCLA Representative:

Under the California Public Records Act ("CPRA"), I, acting as counsel for and on behalf of Milan Chatterjee ("Chatterjee"), request that the custodian of the University records produce as promptly as it can be made available copies of (1) the email chain and the attachment thereto referenced as documents 5 and 6 on page 2 of 54 of the Amended Exemption Log attached at the end of The Regents of the University of California's Supplemental Responses to Certain Special Interrogatories served on July 1, 2021 in connection with the proceeding *Government Accountability & Oversight v. The Regents of the University of California*, LASC Case No. 20STCP01226 (the "Supplemental Responses")¹; and (2) any and all emails sent by Dean Mnookin during the period from and including September 4, 2016 through and including December 1, 2016 to any person, whether as the addressee or as a cc, who was not an employee of Regents, which address "the circumstances surrounding the former student" (as referenced at line 17 of page 5 of 86 (bearing a page number 4 at the bottom) of the Supplemental Responses).

I request that this information be provided electronically via email attachment if possible to avoid unnecessary fees and otherwise conserve resources.

The stated purposes of this request within the meaning of California Government Code § 6253.1 are to allow a determination of (1) how UCLA Law School dealt with a claim of anti-Semitic harassment, and in particular whether that claim of harassment was accorded the same consideration, and treated with the same seriousness, as claims of harassment against members of other groups that may be deemed more worthy or deserving of protection, and whether any of the comments or recommendations of the persons involved in the email chain reflect a dismissal or diminishment of the seriousness of such a claim of harassment, (2) whether the claim of anti-Semitic harassment was accorded any special treatment or consideration by reason of the fact that the requested email chain includes a September 4, 2016 email from a UCLA donor which was forwarded to UCLA major donor Dan Emmett (as referenced at lines 13-14 of page 5 of 86

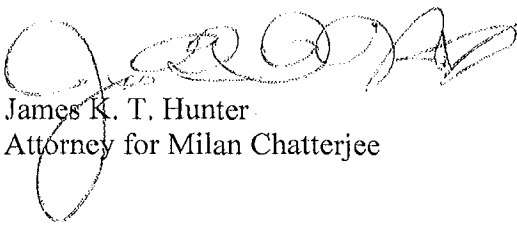
¹ A copy of the Supplemental Responses is attached for your convenience.

(bearing a page number 4 at the bottom) of the Supplemental Responses), thereby suggesting that at least one, and potentially two, major donors to Regents had indicated an interest in such claim, and (3) if and why the September 4, 2016 email from a UCLA donor included in the email chain was not segregable from the remainder of the email chain.

Chatterjee was the victim of the subject claim of anti-Semitic harassment and seeks to ensure that his claim of anti-Semitic harassment was properly addressed by Regents, and in particular by UCLA Law School and Dean Mnookin.

If I can provide any clarification that will help expedite your attention to this request, please contact me at jhunter@pszjlaw.com, pursuant to Government Code § 6253.1.

Thank you for your timely attention to this matter.



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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Respondent.

) Case No. 20STCP01226

) **DECLARATION OF JAMES K. T.
HUNTER IN SUPPORT OF PETITION
FOR WRIT**

) Trial Date: December 14, 2021 (*Reserved*)

) Time: 9:30 a.m.

) Place: Dept. 82

) Petition filed: April 1, 2020

I, James K. T. Hunter, declare:

1. I am the attorney for Petitioner Government Accountability & Oversight, P.C. ("Petitioner" or "GAO"), a party to this proceeding. I make this declaration in support of Petitioner's Verified First Amended Petition for Writ ("Petition" or "PET") based on my personal knowledge of those facts hereinafter set forth and could and would testify competently thereto under oath if called as a witness except to the extent a citation to the Petition is cited as constituting the support for the fact(s) in question. In particular, I personally drafted all of the discovery requests, including special interrogatories and document requests, which were served upon Regents by GAO in connection with this proceeding (collectively, the "GAO Discovery"), including all those requests mentioned in the Petition and GAO's initial Trial Brief in support of the Petition and portions or the entirety of which are attached as part of the Joint Evidentiary Record ("AR"). In

DECLARATION OF JAMES K. T. HUNTER IN SUPPORT OF PETITION FOR WRIT

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AR 00352

1 addition, I personally received from Respondent The Regents of the University of California
2 (“Respondent” or “Regents”) all of the responses provided by Regents to the GAO Discovery,
3 including all documents provided by Regents to GAO in response to the GAO Discovery, as well
4 as all of the documents provided by Regents in response to all those CPRA requests mentioned in
5 the Petition and GAO’s initial Trial Brief in support of the Petition (collectively, the Cited CPRA
6 Requests”) and portions or the entirety of which are attached as part of the Joint Evidentiary
7 Record. I also personally participated in all of the meet and confer telephone calls with Regents’
8 counsel conducted with respect to the GAO Discovery, and drafted and sent all emails to Regents’
9 counsel regarding the GAO Discovery and received and reviewed all responses from Regents’
10 counsel relating thereto. All of the statements made in this declaration and the Trial Brief regarding
11 the contents of the responses and documents produced by Regents in response to the GAO
12 Discovery and the contents of the documents produced by Regents in response to the Cited CPRA
13 Requests are accurate based on and confirmed by my personal review of said responses and
14 documents.

15 2. All of the documents cited to herein other than the Petition are being served on
16 Respondent concurrently with the filing of this Brief and will be filed with the Court on or before
17 October 5, 2021 as part of the Joint Evidentiary Record (“AR”). Citations to PET and AR will be to
18 the pertinent page(s) and line number(s) separated by a colon.

19 3. On November 14, 2019, Petitioner Government Accountability & Oversight, P.C.
20 (GAO”) served a PRA request (“PRR 19-7464”) on Respondent The Regents of the University of
21 California (“Regents”) seeking any emails sent to or from two UCLA law professors, Ann Carlson
22 (“Carlson”) and Cara Horowitz (“Horowitz”), during the period April 25, 2016 through November
23 14, 2019 that were to, from or included four specified email addresses (the “Requested Public
24 Records”). PET 3:3-15; AR 1-4. In PRR 19-7464, GAO expressly stated its reason for making the
25 request (the “Climate Litigation/State Institution Interface”) as follows:

26 “This request is being made in the public interest, and furnishing this information will
27 benefit the public’s understanding of recent events regarding climate litigation and
28 municipalities which have been filing lawsuits against energy companies and working
closely with attorneys general also to pursue opponents of the ‘climate’ policy/political
agenda. This information is being requested for the purpose of understanding how state

DECLARATION OF JAMES K. T. HUNTER IN SUPPORT OF PETITION FOR WRIT

institutions are involved, if at all, in the larger effort feeding this litigation industry.” Id.

4. On April 1, 2020, GAO initiated the instant proceeding because Regents had failed as of that date to complete its production of the requested records, instead producing only three partial productions of 2,794 pages of a single category of documents (i.e., electronic case filing notices), and from only one of the identified faculty (Horowitz). No emails regarding the Climate Litigation/State Institution Interface, or any substantive topic, were included.

5. On August 31, 2020, the day before the Trial Setting Conference (“TSC”), Regents finally stated that it (1) was concurrently producing all remaining public records that were not subject to one of a number of claimed exemptions (the “8/31/20 Production”) and (2) was withholding additional documents on the ground that they were not public records. AR 5-6. The 8/31/20 Production again included zero emails regarding the Climate Litigation/Regents Interface.

6. The 8/31/20 Production did, however, include some substantive emails evidencing the financial relationship between Professors Carlson and Horowitz and Dan Emmett (“Emmett”), the namesake and principal founder of the Emmett Institute at UCLA Law School (the “Emmett Center” or “Emmett Institute”) at which both Professors Carlson and Horowitz teach. In particular, an email from Carlson to Emmett, as complemented by the testimony of Carlson at her deposition herein on June 9, 2019 (AR 225:2-12, 226:10-11, 227 (top, first paragraph)), reveals the financial ties that bind Carlson and the Emmett Center to the leadership of Emmett in their shared, agenda-driven campaign “to protect our planet”:

“Jennifer let me know of the incredible news that you are matching a [\$500,000] gift from the Shapiros to the Carlson discretionary fund. Thank you so, so much. I continue to be humbled by the faith you have shown in the Emmett [Center] team and in me and am so, so grateful for all you do. We will continue to fight the good fight to protect our planet, inspired by you and your leadership.” (AR 7:2-5.)

7. Since Regents failed to provide a log with the 8/31/20 Production listing the specific records it asserted are either subject to one or more particular exemptions or not public records, the facts supporting its claims for withholding those documents, or the total numbers of documents claimed to be exempt or not public records, I on behalf of GAO promptly requested a log from Regents (1) separately identifying each of the documents withheld from production on the ground it was subject to an exemption or not a public record and (2) the facts on which Regents intended to

1 rely in support of its claims. On December 16, 2020, three and a half months after the TSC,
2 Regents provided two separate logs: (1) an Exemption Log listing 120 separate documents and (2)
3 a Not Public Record Log (“NPR Log”) listing 544 separate documents (AR 54-143).

4 8. The initial form of the Exemption Log was provided in a barely readable point 3
5 font (AR 144). It was not until March 3, 2021 that Regents, following a meet and confer, finally
6 provided the Exemption Log in the usable form attached as part of the AR (AR 8-53).

7 9. On January 15, 2021, in response to a follow up PRA request by GAO (“PRR 20-
8 8371”) triggered by a reference in one of the emails included in the 8/31/20 Production to the
9 “Center for Climate Integrity” (“CCI”), Regents produced 169 pages of records (the “1/15/21
10 Production”), together with a letter (AR 218) stating that certain of the records being produced
11 were also responsive to PRR 19-7464 and constituted a “supplemental production of records”
12 discovered in the course of responding to PRR 20-8371. The eighteen, “newly-discovered” pages
13 of the 1/15/21 Production (AR 200-217) which were also responsive PRR 19-7464 consist of eight
14 emails between Carlson and Emmett, all of which deal with the Climate Litigation/Regents
15 Interface (the “1/15/21 Climate Litigation/Regents Interface Production”). They include the
16 following exchanges (collectively, the “CCI Introduction/Solicitation”) on June 23, 2019 and June
17 24, 2019 (presented in chronological order) between Carlson and Emmett:

18 Carlson: “I am writing to you because folks from [CCI] ... are coming to LA and would
19 love to meet with you. I just thought I’d let you know that I’ve been following their work,
20 largely through an event I participated in Honolulu about nuisance litigation against the
21 oil industry, and think really highly of what they’re doing. ... What was most impressive
22 to me ... is that they’re focused on sophisticated communication efforts to make the
23 public and public officials aware of the oil industry’s campaign to deceive the public
24 about climate change. The communication strategies are designed to support the litigation
25 efforts and I was struck by their sophistication and persuasiveness.” (AR 202, 2d
26 paragraph from top.)

27 Emmett: “I am aware of the group I have not been an active supporter. If you think
28 their work is great and that we can or should be working with them let me know. I am
glad to meet with them and you when they are out here if you think appropriate.” (AR
215, top of page.)

Carlson: “They [CCI] have put together a very interesting cachet [sic] of documents from
the oil companies about what they knew about climate change, when they knew it and
how they’ve engaged in their denialist campaign.” (AR 213, top of page.)

Carlson: “... I’ve been working with them [CCI] a bit – we participated in a conference
in Hawaii to try and encourage Hawaii to consider a nuisance lawsuit [against the oil

1 companies].I've also discussed them with Vic Sher [for whom Carlson acted as a
2 consultant in lawsuits filed by cities against oil companies] and he thinks they are an
3 important part of the broader effort on the lawsuits to engage the public. I think our
involvement will continue. And as you may remember the clinic has been working on the
nuisance cases." (AR 207, top of page.)

4 10. In addition, the 1/15/21 Production included a partially-redacted nineteenth page
5 (AR 199, the "Smog and Flying Email") which was not only claimed to be exempt in its entirety as
6 related to "pre-publication research" (AR 53) but even had its Message Subject redacted. In fact,
7 when Regents belatedly produced a partially-redacted copy of the Smog and Flying Email dated
8 July 18, 2019 in response to PRR 20-8371, its Message Subject was disclosed to be "Smog and
9 Flying" and its initial full paragraph (in a single page, two paragraph email) disclosed the following
10 information regarding the Climate Litigation/Regents Interface and, in particular, that the CCI
11 Introduction/Solicitation had resulted in Emmett meeting with CCI on July 15, 2019:

12 "Thanks again for meeting with the CCI/Rockefeller folks on Monday. I'm glad to see
13 their presentation and am thinking about ways the Emmett Institute might collaborate
with them." (AR 199, top, first paragraph.)

14 11. On July 1, 2021, as I was in the midst of drafting GAO's Opening Trial Brief
15 addressing, *inter alia*, all of Regents' justifications for its failure to produce the 120 documents
16 identified in the Exemption Log, Regents served an 86-page Supplemental Responses to Certain
17 Special Interrogatories (the "7/1/21 Supplemental Responses") which included a revised Exemption
18 Log (the "Amended Exemption Log", AR 145-198). The 7/1/21 Supplemental Responses state new
19 claims of exemption with respect to 104 of the 120 documents specified in the original Exemption
20 Log. (AR 8-53, 145-198.)

21 12. On July 2, 2021, GAO's counsel requested that Regents' counsel stipulate to a
22 second continuance of the existing briefing and trial dates to allow GAO to conduct discovery
23 regarding the new matters raised in the 7/1/21 Supplemental Responses. Regents' counsel agreed
24 and the current briefing schedule and trial date of December 14, 2021 were set.

25 13. On July 23, 2021, in response to a further follow up PRA request by GAO ("PRR
26 21-8912") triggered by multiple references in several of the emails included in the 1/15/21
27 Production to CCI, Regents produced 98 pages of documents (the "7/23/21 Production"), together
28 with a letter (AR 219-221) stating that one of the documents being produced was within the search

1 parameters of PRR 19-7464 but did not constitute a second “supplemental production of records”
2 discovered in the course of responding to PRR 21-8912 because it purportedly is not a public
3 record. (AR 219, third and fourth paragraphs.) In fact, the document in question (AR 222-223) (1)
4 is a public record that should have been located and produced and (2) reflects the successful
5 consummation of the above quoted CCI Introduction/Solicitation that was only belatedly disclosed
6 by Regents in its first “supplemental production” on January 15, 2021.

7 14. In the 7/1/21 Supplemental Responses, Regents asserts GAO’s “climate-related
8 agenda supportive of fossil fuel industry” as a basis for refusing the production of certain of the
9 documents requested in PRR 19-7464. (AR 235:8-15.)

10 15. Eighty-six (86) of the Exemption Claim Documents (the “Fundraising Documents”)
11 (specifically, Document Nos. 1, 3, 15-31, 33, 35-37, 39, 40, 42-62, 64-84, 87, 88, 90, 91, and 93-
12 107) are supported in the Amended Exemption Log by the following Explanation, with case law
13 and legal argument omitted:

14 “The record concerns pre-decisional ... internal fundraising discussions relating to how
15 to raise private funds relating to, among other things, strategies and particular donor
16 interactions which, if subject to public disclosure, would chill the candor of such
17 discussions or preclude them entirely. As a result, disclosure would hamper the
18 University’s ability to raise funds that are essential to its public education, scientific,
19 medical and other academic pursuits that the University would be unable to fully fund
20 with public funding alone. ... [H]ere, these emails are internal discussions among UCLA
21 employees about potential fundraising strategies. If such information were disclosed,
22 public university employees will not feel free to candidly discuss potential fundraising
23 strategies and targets, which will severely limit the university’s ability to secure the
24 private funding it needs to supplement other sources of funding for its operations....”

25 16. In the original Exemption Log served by Regents (AR 8-53), there were four
26 variations of the Fundraising Explanation: (1) “about potential fundraising strategies” (Documents
27 Nos. 1, 16 and 18 through 24); (2) “about potential fundraising strategies” (Documents Nos. 3, 25
28 through 31, 33, 35 through 37, 39, 40, 42 through 55, 72, 73, 75 and 76); (3) “relating to the
formulation and presentation of fundraising priorities” (Documents Nos. 15, 17, 71, 74 through 84,
87, 88, 90, 91 and 93 through 107); and (4) “relating to the conceptualization and establishment of a
scholarship” (Documents Nos. 56 through 62 and 64 through 70). The first variation is now utilized
for all 86 documents without explanation for the changes.

1 17. With respect to the forty-eight (48) Fundraising Documents that the Amended
2 Exemption Log does not state to have been to, from or copied to Dan Emmett (Document Nos. 1, 3,
3 16, 18-21, 23-25, 29, 33, 35, 36, 39, 40, 42, 44, 51, 60, 65, 66, 69, 72, 73, 75, 76, 79-82, 84, 87, 88,
4 90, 93, 94, 96 and 98-107 (AR 145-196)), the search parameters of PRR 19-7464 inherently ensure
5 that when and if those emails are individually examined by this Court or a Special Master, all of
6 those emails will be found to include one or more complete (and ipso facto “reasonably
7 segregable”) emails as part of an email trail that was to, from or copied to Dan Emmett. In
8 particular, Regents’ Response to Special Interrogatory No. 75 of GAO’s Fifth Set of Interrogatories
9 (received by me in response to GAO’s Fifth Set of Interrogatories, which I drafted and had served
10 on Regents) admits that “@douglasemmett.com” constituted the only domain name specified in
11 PRR 19-7464 which was included in all the Fundraising Documents. (AR 265:1-18.) Yet when
12 asked in the following interrogatory to specify the CONTEXTS in which “@douglasemmett.com”
13 appeared in each email, Regents ducked the question (after first making several meritless
14 objections) as follows: “A search reasonably designed to produce documents responsive to the PRA
15 request was conducted, and that search returned these documents.” (AR 265:19-266:10.)

16 18. GAO’s Fifth Set of Special Interrogatories includes the following definition: “The
17 term ‘CONTEXTS’ when used in connection with a special interrogatory requesting information
18 regarding PRA 1 REQUESTED EMAIL ADDRESS ENDINGS means the manner in which each
19 and all of the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS appear in the DOCUMENT in
20 question (e.g., (i) as part of the email address of the sender of email, (ii) as part of the email address
21 of a recipient of email, (iii) if the email consists of an email thread, as part of the email address of
22 the sender of one or more of the emails that comprise the email thread, (iv) if the email consists of
23 an email thread, as part of the email address of a recipient of one or more of the emails that
24 comprise the email thread).” (AR 267:16-23.)

25 19. In its response to Special Interrogatory No. 167 of GAO’s Sixth Set of Special
26 Interrogatories (received by me in response to GAO’s Sixth Set of Interrogatories, which I drafted
27 and had served on Regents), Regents conceded: “No, the Regents do not contend that any of the
28

1 EXEMPTION LOG – FERPA DOCUMENTS were preserved in the ordinary course of business by
2 a single, central custodian like a University registrar.” (AR 270:6-271:2.)

3 20. Regents’ original response to GAO’s Special Interrogatory No. 22 (Set Three),
4 received by me on October 29, 2020, provides the following further details regarding the Anti-
5 Semitic Harassment Document as follows:

6 “....A September 4, 2016 email from a UCLA donor was forwarded to Dan
7 Emmett, Cara Horowitz and Ann Carlson. The email pertained to a former UCLA Law
8 School Student who was the target of anti-Semitic bullying outside of the Law School,
9 apparently because of his role on the Graduate Student Association. The email chain
10 includes a draft response email addressing the circumstances surrounding the former
11 student and the Law School’s proposed response to those circumstances, which was
12 composed by Law School Dean Jennifer Mnookin and also includes a dialogue among
13 Law School leadership on the Law School’s decision making process for the response....”
14 (AR 348:19-26.)

15 21. On July 26, 2021, I, on behalf of an additional requester, Milan Chatterjee
16 (“Chatterjee”), the victim of the subject claim of anti-Semitic harassment, served a separate CPRA
17 request on Regents (“PRR 21-9195”) which seeks the Anti-Semitic Harassment Document and the
18 attachment thereto. PRR 21-9195 explains Chatterjee’s purposes in seeking the records as follows:

19 “The stated purposes of this request within the meaning of California Government
20 Code § 6253.1 are to allow a determination of (1) how UCLA Law School dealt with a
21 claim of anti-Semitic harassment, and in particular whether that claim of harassment was
22 accorded the same consideration, and treated with the same seriousness, as claims of
23 harassment against members of other groups that may be deemed more worthy or
24 deserving of protection, and whether any of the comments or recommendations of the
25 persons involved in the email chain reflect a dismissal or diminishment of the seriousness
26 of such a claim of harassment, (2) whether the claim of anti-Semitic harassment was
27 accorded any special treatment or consideration by reason of the fact that the requested
28 email chain includes a September 4, 2016 email from a UCLA donor which was
forwarded to UCLA major donor Dan Emmett (as referenced at lines 13-14 of page 5 of
86 (bearing a page number 4 at the bottom) of the Supplemental Responses), thereby
suggesting that at least one, and potentially two, major donors to Regents had indicated
an interest in such claim, and (3) if and why the September 4, 2016 email from a UCLA
donor included in the email chain was not segregable from the remainder of the email
chain.

“Chatterjee was the victim of the subject claim of anti-Semitic harassment and
seeks to ensure that his claim of anti-Semitic harassment was properly addressed by
Regents, and in particular by UCLA Law School and Dean Mnookin.” (AR 350-351.)

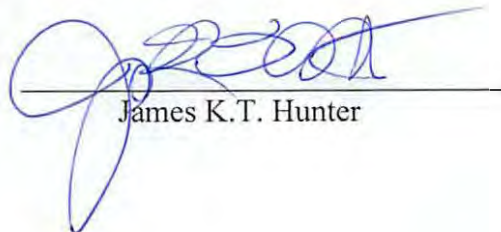
22. While Regents admits that all of the Purely Personal Documents (as defined in the
Trial Brief) include one or both of the email domains @douglasemmett.com and
@nextenergytech.com, Regents refused to state the CONTEXTS in which the domain name(s)

1 appear in each email, stating only: "A search reasonably designed to produce documents responsive
2 to the PRA request was conducted, and that search returned these documents." (Regents'
3 Responses to Special Interrogatory Nos. 63 and 64 of GAO's Fifth Set of Interrogatories, AR
4 380:1-381:13.)

5 23. In its Responses to Special Interrogatory Nos. 40, 45, 50 and 55 of GAO's Fifth Set
6 of Interrogatories, addressed to and received by me, Regents has identified the referenced
7 "unaffiliated entities" as (1) the Environmental Law Institute ("ELI") (as to Document Nos. 1-12
8 and 115), (2) Campbell Hall Day School ("Campbell Hall") (as to Document Nos. 116-129), and
9 (3) Los Angeles Waterkeepers ("LA Waterkeepers") (as to Document Nos. 391-544). (AR 362-
10 374.) Regents admits that all the Unaffiliated Entities Documents include the email domain
11 "@douglas emmett.com.com" in Regents' Responses to Special Interrogatory Nos. 42, 43, 47, 48,
12 52, 53, 58 and 59 of GAO's Fifth Set of Interrogatories, but again refused to state the CONTEXTS
13 in which the domain name(s) appear in each email. (AR 363-377.)

14 24. Regents recently (and after two supplemental productions had unequivocally
15 established the inadequacy of the search of Carlson's email account initially conducted by
16 Carlson's assistant) refused to have UCLA's IT staff conduct a second search of Carlson's email
17 account utilizing the keyword search terms of PRR 19-7464 on the ground that "Respondent
18 conducted a diligent and reasonable search upon initial receipt of [PRR 19-7464]." (AR 416:2-22.)

19 I declare under penalty of perjury under the laws of California that the foregoing is true and
20 correct, and that this declaration was executed on October 15, 2021.

21
22 
23 James K.T. Hunter
24
25
26
27
28

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A limited liability partnership formed in the State of Delaware

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CALIFORNIA**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES — CENTRAL DISTRICT**

**GOVERNMENT ACCOUNTABILITY
& OVERSIGHT, P.C.,**

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Respondent.

Case No.: 20STCP01226

**THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA'S OBJECTIONS AND
RESPONSES TO PETITIONER'S
FIFTH SET OF SPECIAL
INTERROGATORIES**

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA'S OBJECTIONS AND RESPONSES
TO PETITIONER'S FIFTH SET OF SPECIAL INTERROGATORIES

1 also objects to the extent the request seeks information protected from disclosure by the attorney client
2 privilege, the attorney work product doctrine, any other privilege or protection from disclosure, or any
3 other basis for withholding information set forth in the California Public Records Act.

4 **SPECIAL INTERROGATORY NO. 40:**

5 Separately state as to each of the NPR LOG — CARLSON BOARD MEMBER UNAFFILIATED
6 ENTITY DOCUMENTS the name of the private entity referenced in the Explanation provided in the
7 NPR LOG regarding that DOCUMENT.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 40:**

9 Respondent incorporates its general objections as though set forth in full. Respondent further
10 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
11 that it requests Respondent to provide additional information relating to documents that are not Public
12 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
13 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
14 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
15 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
16 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
17 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
18 extent the request seeks information protected from disclosure by the attorney client privilege, the
19 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
20 for withholding information set forth in the California Public Records Act.

21 Subject to and without waiving the foregoing general and specific objections, Respondent
22 responds as follows: The private entity referenced in the applicable NPR LOG — CARLSON BOARD
23 MEMBER UNAFFILIATED ENTITY DOCUMENTS entries is the Environmental Law Institute.

24 **SPECIAL INTERROGATORY NO. 41:**

25 Separately state as to each of the NPR LOG — CARLSON BOARD MEMBER UNAFFILIATED
26 ENTITY DOCUMENTS whether the DOCUMENT was LOCATED ON CARLSON's UCLA email
27 account.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 41:**

2 Respondent incorporates its general objections as though set forth in full. Respondent further
3 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
4 that it requests Respondent to provide additional information relating to documents that are not Public
5 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
6 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
7 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
8 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
9 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
10 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
11 extent the request seeks information protected from disclosure by the attorney client privilege, the
12 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
13 for withholding information set forth in the California Public Records Act.

14 Subject to and without waiving the foregoing general and specific objections, Respondent
15 responds as follows: Yes.

16 **SPECIAL INTERROGATORY NO. 42:**

17 Separately state as to each of the NPR LOG — CARLSON BOARD MEMBER UNAFFILIATED
18 ENTITY DOCUMENTS which one or more of the PRA 1 REQUESTED EMAIL ADDRESS
19 ENDINGS was included in such DOCUMENT.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 42:**

21 Respondent incorporates its general objections as though set forth in full. Respondent further
22 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
23 that it requests Respondent to provide additional information relating to documents that are not Public
24 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
25 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
26 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
27 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
28 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ

1 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
2 extent the request seeks information protected from disclosure by the attorney client privilege, the
3 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
4 for withholding information set forth in the California Public Records Act.

5 Subject to and without waiving the foregoing general and specific objections, Respondent
6 responds as follows: The only PRA 1 REQUESTED EMAIL ADDRESS included in the applicable
7 documents is @douglasemmett.com.

8 **SPECIAL INTERROGATORY NO. 43:**

9 Separately state for each of the NPR LOG — CARLSON BOARD MEMBER UNAFFILIATED
10 ENTITY DOCUMENTS each and all of the CONTEXTS in which the PRA 1 REQUESTED EMAIL
11 ADDRESS ENDINGS appear in such DOCUMENT.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 43:**

13 Respondent incorporates its general objections as though set forth in full. Respondent further
14 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
15 that it requests Respondent to provide additional information relating to documents that are not Public
16 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University
17 with limited resources, and should not be made to spend University resources to respond to
18 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
19 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
20 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
21 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
22 information beyond the scope of permissible discovery in a writ proceeding under Government Code
23 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
24 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
25 other privilege or protection from disclosure, or any other basis for withholding information set forth
26 in the California Public Records Act.

1 Subject to and without waiving the foregoing general and specific objections, Respondent
2 responds as follows: A search reasonably designed to produce documents responsive to the PRA
3 request was conducted, and that search returned these documents.

4 **SPECIAL INTERROGATORY NO. 44:**

5 Separately state as to each of the NPR LOG — CARLSON BOARD MEMBER UNAFFILIATED
6 ENTITY DOCUMENTS all facts which support, or upon which YOU base, YOUR contention that
7 such DOCUMENT is not a public record subject to disclosure under the Public Records Act, with the
8 exception of any facts which YOU have determined YOU will not rely on in connection with the trial
9 of this matter in support of, or as a basis for, that contention.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 44:**

11 Respondent incorporates its general objections as though set forth in full. Respondent further
12 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
13 that it requests Respondent to provide additional information relating to documents that are not Public
14 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University
15 with limited resources, and should not be made to spend University resources to respond to
16 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
17 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
18 this interrogatory on the grounds that it seeks information beyond the scope of permissible discovery
19 in a writ proceeding under Government Code § 6252 in these circumstances. Respondent also objects
20 to the extent the request seeks information protected from disclosure by the attorney client privilege,
21 the attorney work product doctrine, any other privilege or protection from disclosure, or any other
22 basis for withholding information set forth in The California Public Records Act.

23 Subject to and without waiving the foregoing general and specific objections, Respondent
24 responds as follows: the information set forth in Respondent's NPR LOG, to the extent the Court
25 determines it would be helpful to conduct an in-camera review, the face of the document, and
26 declarations supporting the validity of Respondent's position. This matter is pending, discovery is
27 ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.

1 Respondent specifically reserves the right to edit or supplement its response at a later date should
2 circumstances warrant it.

3 **SPECIAL INTERROGATORY NO. 45:**

4 Separately state as to each of the NPR LOG — CARLSON SUPPORTER UNAFFILIATED ENTITY
5 DOCUMENTS the name of the private entity referenced in the Explanation provided in the NPR LOG
6 regarding that DOCUMENT.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 45:**

8 Respondent incorporates its general objections as though set forth in full. Respondent further
9 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
10 that it requests Respondent to provide additional information relating to documents that are not Public
11 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
12 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
13 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
14 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
15 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
16 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
17 extent the request seeks information protected from disclosure by the attorney client privilege, the
18 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
19 for withholding information set forth in the California Public Records Act.

20 Subject to and without waiving the foregoing general and specific objections, Respondent
21 responds as follows: The private entity referenced in the applicable NPR LOG — CARLSON
22 SUPPORTER UNAFFILIATED ENTITY DOCUMENTS is Campbell Hall Day School.

23 **SPECIAL INTERROGATORY NO. 46:**

24 Separately state as to each of the NPR LOG — CARLSON SUPPORTER UNAFFILIATED ENTITY
25 DOCUMENTS whether the DOCUMENT was LOCATED ON CARLSON's UCLA email account.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 46:**

27 Respondent incorporates its general objections as though set forth in full. Respondent further
28 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent

1 that it requests Respondent to provide additional information relating to documents that are not Public
2 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
3 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
4 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
5 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
6 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
7 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
8 extent the request seeks information protected from disclosure by the attorney client privilege, the
9 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
10 for withholding information set forth in the California Public Records Act.

11 Subject to and without waiving the foregoing general and specific objections, Respondent
12 responds as follows: Yes.

13 **SPECIAL INTERROGATORY NO. 47:**

14 Separately state as to each of the NPR LOG — CARLSON SUPPORTER UNAFFILIATED ENTITY
15 DOCUMENTS which one or more of the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS was
16 included in such DOCUMENT.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 47:**

18 Respondent incorporates its general objections as though set forth in full. Respondent further
19 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
20 that it requests Respondent to provide additional information relating to documents that are not Public
21 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
22 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
23 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
24 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
25 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
26 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
27 extent the request seeks information protected from disclosure by the attorney client privilege, the
28

1 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
2 for withholding information set forth in the California Public Records Act.

3 Subject to and without waiving the foregoing general and specific objections, Respondent
4 responds as follows: The only PRA 1 REQUESTED EMAIL ADDRESS included in the applicable
5 documents is @douglasemmett.com.

6 **SPECIAL INTERROGATORY NO. 48:**

7 Separately state for each of the NPR LOG — CARLSON SUPPORTER UNAFFILIATED ENTITY
8 DOCUMENTS each and all of the CONTEXTS in which the PRA 1 REQUESTED EMAIL
9 ADDRESS ENDINGS appear in such DOCUMENT.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 48:**

11 Respondent incorporates its general objections as though set forth in full. Respondent further
12 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
13 that it requests Respondent to provide additional information relating to documents that are not Public
14 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University
15 with limited resources, and should not be made to spend University time and resources to respond to
16 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
17 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
18 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
19 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
20 information beyond the scope of permissible discovery in a writ proceeding under Government Code
21 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
22 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
23 other privilege or protection from disclosure, or any other basis for withholding information set forth
24 in the California Public Records Act.

25 Subject to and without waiving the foregoing general and specific objections, Respondent
26 responds as follows: A search reasonably designed to produce documents responsive to the PRA
27 request was conducted, and that search returned these documents.

28

1 **SPECIAL INTERROGATORY NO. 49:**

2 Separately state as to each of the NPR LOG — CARLSON SUPPORTER UNAFFILIATED ENTITY
3 DOCUMENTS all facts which support, or upon which YOU base, YOUR contention that such
4 DOCUMENT is not a public record subject to disclosure under the Public Records Act, with the
5 exception of any facts which YOU have determined YOU will not rely on in connection with the trial
6 of this matter in support of, or as a basis for, that contention.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 49:**

8 Respondent incorporates its general objections as though set forth in full. Respondent further
9 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
10 that it requests Respondent to provide additional information relating to documents that are not Public
11 Records, and therefore not subject to disclosure under the CPRA. Responding party is a public
12 University with limited resources, and should not be made to spend University time and resources to
13 respond to overreaching and unwarranted discovery. Respondent further objects that the request is
14 impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further
15 objects to this interrogatory on the grounds that it seeks information that is not relevant to the subject
16 matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and
17 seeks information beyond the scope of permissible discovery in a writ proceeding under Government
18 Code § 6252 in these circumstances. Respondent also objects to the extent the request seeks
19 information protected from disclosure by the attorney client privilege, the attorney work product
20 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
21 information set forth in set forth in the California Public Records Act.

22 Subject to and without waiving the foregoing general and specific objections, Respondent
23 responds as follows: the information set forth in Respondent's NPR LOG, to the extent the Court
24 determines it would be helpful to conduct an in-camera review, the face of the document, and
25 declarations supporting the validity of Respondent's position. This matter is pending, discovery is
26 ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
27 Respondent specifically reserves the right to edit or supplement its response at a later date should
28 circumstances warrant it.

1 **SPECIAL INTERROGATORY NO. 50:**

2 Separately state as to each of the NPR LOG — CARLSON/EMMETT BOARD MEMBER
3 UNAFFILIATED ENTITY DOCUMENTS the name of the private entity referenced in the
4 Explanation provided in the NPR LOG regarding that DOCUMENT.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 50:**

6 Respondent incorporates its general objections as though set forth in full. Respondent further
7 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
8 that it requests Respondent to provide additional information relating to documents that are not Public
9 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
10 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
11 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
12 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
13 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
14 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
15 extent the request seeks information protected from disclosure by the attorney client privilege, the
16 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
17 for withholding information set forth in the California Public Records Act.

18 Subject to and without waiving the foregoing general and specific objections, Respondent
19 responds as follows: The private entity referenced in the applicable NPR LOG —
20 CARLSON/EMMETT BOARD MEMBER UNAFFILIATED ENTITY DOCUMENTS is Los
21 Angeles Waterkeeper.

22 **SPECIAL INTERROGATORY NO. 51:**

23 Separately state as to each of the NPR LOG — CARLSON/EMMETT BOARD MEMBER
24 UNAFFILIATED ENTITY DOCUMENTS whether the DOCUMENT was LOCATED ON
25 CARLSON's UCLA email account.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 51:**

27 Respondent incorporates its general objections as though set forth in full. Respondent further
28 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent

1 that it requests Respondent to provide additional information relating to documents that are not Public
2 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
3 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
4 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
5 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
6 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
7 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
8 extent the request seeks information protected from disclosure by the attorney client privilege, the
9 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
10 for withholding information set forth in the California Public Records Act.

11 Subject to and without waiving the foregoing general and specific objections, Respondent
12 responds as follows: Yes.

13 **SPECIAL INTERROGATORY NO. 52:**

14 Separately state as to each of the NPR LOG — CARLSON/EMMETT BOARD MEMBER
15 UNAFFILIATED ENTITY DOCUMENTS which one or more of the PRA 1 REQUESTED EMAIL
16 ADDRESS ENDINGS was included in such DOCUMENT.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 52:**

18 Respondent incorporates its general objections as though set forth in full. Respondent further
19 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
20 that it requests Respondent to provide additional information relating to documents that are not Public
21 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
22 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
23 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
24 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
25 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
26 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
27 extent the request seeks information protected from disclosure by the attorney client privilege, the
28

1 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
2 for withholding information set forth in the California Public Records Act.

3 Subject to and without waiving the foregoing general and specific objections, Respondent
4 responds as follows: The only PRA 1 REQUESTED EMAIL ADDRESS included in the applicable
5 documents is @douglasemmett.com.

6 **SPECIAL INTERROGATORY NO. 53:**

7 Separately state for each of the NPR LOG — CARLSON/EMMETT BOARD MEMBER
8 UNAFFILIATED ENTITY DOCUMENTS each and all of the CONTEXTS in which the PRA 1
9 REQUESTED EMAIL ADDRESS ENDINGS appear in such DOCUMENT.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 53:**

11 Respondent incorporates its general objections as though set forth in full. Respondent further
12 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
13 that it requests Respondent to provide additional information relating to documents that are not Public
14 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University
15 with limited resources, and should not be made to spend University time and resources to respond to
16 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
17 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
18 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
19 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
20 information beyond the scope of permissible discovery in a writ proceeding under Government Code
21 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
22 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
23 other privilege or protection from disclosure, or any other basis for withholding information set forth
24 in the California Public Records Act.

25 Subject to and without waiving the foregoing general and specific objections, Respondent
26 responds as follows: A search reasonably designed to produce documents responsive to the PRA
27 request was conducted, and that search returned these documents.

28

1 **SPECIAL INTERROGATORY NO. 54:**

2 Separately state as to each of the NPR LOG — CARLSON/EMMETT BOARD MEMBER
3 UNAFFILIATED ENTITY DOCUMENTS all facts which support, or upon which YOU base, YOUR
4 contention that such DOCUMENT is not a public record subject to disclosure under the Public Records
5 Act, with the exception of any facts which YOU have determined YOU will not rely on in connection
6 with the trial of this matter in support of, or as a basis for, that contention.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 54:**

8 Respondent incorporates its general objections as though set forth in full. Respondent further
9 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
10 that it requests Respondent to provide additional information relating to documents that are not Public
11 Records, and therefore not subject to disclosure under the CPRA. Responding party is a public
12 University with limited resources, and should not be made to spend University time and resources to
13 respond to overreaching and unwarranted discovery. Respondent further objects that the request is
14 impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further
15 objects to this interrogatory on the grounds that it seeks information that is not relevant to the subject
16 matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and
17 seeks information beyond the scope of permissible discovery in a writ proceeding under Government
18 Code § 6252 in these circumstances. Respondent also objects to the extent the request seeks
19 information protected from disclosure by the attorney client privilege, the attorney work product
20 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
21 information set forth in set forth in the California Public Records Act.

22 Subject to and without waiving the foregoing general and specific objections, Respondent
23 responds as follows: the information set forth in Respondent's NPR LOG, to the extent the Court
24 determines it would be helpful to conduct an in-camera review, the face of the document, and
25 declarations supporting the validity of Respondent's position. This matter is pending, discovery is
26 ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
27 Respondent specifically reserves the right to edit or supplement its response at a later date should
28 circumstances warrant it.

1 **SPECIAL INTERROGATORY NO. 55:**

2 Separately state as to each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
3 UNAFFILIATED ENTITY DOCUMENTS the name of the private entity referenced in the
4 Explanation provided in the NPR LOG regarding that DOCUMENT.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 55:**

6 Respondent incorporates its general objections as though set forth in full. Respondent further
7 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
8 that it requests Respondent to provide additional information relating to documents that are not Public
9 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
10 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
11 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
12 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
13 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
14 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
15 extent the request seeks information protected from disclosure by the attorney client privilege, the
16 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
17 for withholding information set forth in the California Public Records Act.

18 Subject to and without waiving the foregoing general and specific objections, Respondent
19 responds as follows: The private entity referenced in the applicable NPR LOG —
20 HOROWITZ/CARLSON BOARD MEMBER UNAFFILIATED ENTITY DOCUMENTS is Los
21 Angeles Waterkeeper.

22 **SPECIAL INTERROGATORY NO. 56:**

23 Separately state as to each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
24 UNAFFILIATED ENTITY DOCUMENTS whether the DOCUMENT was LOCATED ON
25 HOROWITZ' s UCLA email account.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 56:**

27 Respondent incorporates its general objections as though set forth in full. Respondent further
28 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent

1 that it requests Respondent to provide additional information relating to documents that are not Public
2 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
3 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
4 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
5 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
6 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
7 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
8 extent the request seeks information protected from disclosure by the attorney client privilege, the
9 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
10 for withholding information set forth in the California Public Records Act.

11 Subject to and without waiving the foregoing general and specific objections, Respondent
12 responds as follows: To the extent Horowitz was included on a specific email, yes.

13 **SPECIAL INTERROGATORY NO. 57:**

14 Separately state as to each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
15 UNAFFILIATED ENTITY DOCUMENTS whether the DOCUMENT was LOCATED ON
16 CARLSON's UCLA email account.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 57:**

18 Respondent incorporates its general objections as though set forth in full. Respondent further
19 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
20 that it requests Respondent to provide additional information relating to documents that are not Public
21 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
22 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
23 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
24 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
25 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
26 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
27 extent the request seeks information protected from disclosure by the attorney client privilege, the
28

1 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
2 for withholding information set forth in the California Public Records Act.

3 Subject to and without waiving the foregoing general and specific objections, Respondent
4 responds as follows: To the extent Carlson was included on a specific email, yes.

5 **SPECIAL INTERROGATORY NO. 58:**

6 Separately state as to each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
7 UNAFFILIATED ENTITY DOCUMENTS which one or more of the PRA 1 REQUESTED EMAIL
8 ADDRESS ENDINGS was included in such DOCUMENT.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 58:**

10 Respondent incorporates its general objections as though set forth in full. Respondent further
11 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
12 that it requests Respondent to provide additional information relating to documents that are not Public
13 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
14 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
15 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
16 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
17 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
18 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
19 extent the request seeks information protected from disclosure by the attorney client privilege, the
20 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
21 for withholding information set forth in the California Public Records Act.

22 Subject to and without waiving the foregoing general and specific objections, Respondent
23 responds as follows: The only PRA 1 REQUESTED EMAIL ADDRESS included in the applicable
24 documents is @douglasemmett.com.

25 **SPECIAL INTERROGATORY NO. 59:**

26 Separately state for each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
27 UNAFFILIATED ENTITY DOCUMENTS each and all of the CONTEXTS in which the PRA 1
28 REQUESTED EMAIL ADDRESS ENDINGS appear in such DOCUMENT.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 59:**

2 Respondent incorporates its general objections as though set forth in full. Respondent further
3 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
4 that it requests Respondent to provide additional information relating to documents that are not Public
5 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University
6 with limited resources, and should not be made to spend University time and resources to respond to
7 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
8 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
9 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
10 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
11 information beyond the scope of permissible discovery in a writ proceeding under Government Code
12 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
13 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
14 other privilege or protection from disclosure, or any other basis for withholding information set forth
15 in the California Public Records Act.

16 Subject to and without waiving the foregoing general and specific objections, Respondent
17 responds as follows: A search reasonably designed to produce documents responsive to the PRA
18 request was conducted, and that search returned these documents.

19 **SPECIAL INTERROGATORY NO. 60:**

20 Separately state as to each of the NPR LOG — HOROWITZ/CARLSON BOARD MEMBER
21 UNAFFILIATED ENTITY DOCUMENTS all facts which support, or upon which YOU base, YOUR
22 contention that such DOCUMENT is not a public record subject to disclosure under the Public Records
23 Act, with the exception of any facts which YOU have determined YOU will not rely on in connection
24 with the trial of this matter in support of, or as a basis for, that contention.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 60:**

26 Respondent incorporates its general objections as though set forth in full. Respondent further
27 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
28 that it requests Respondent to provide additional information relating to documents that are not Public

1 Records, and therefore not subject to disclosure under the CPRA. Responding party is a public
2 University with limited resources, and should not be made to spend University time and resources to
3 respond to overreaching and unwarranted discovery. Respondent further objects that the request is
4 impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further
5 objects to this interrogatory on the grounds that it seeks information that is not relevant to the subject
6 matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and
7 seeks information beyond the scope of permissible discovery in a writ proceeding under Government
8 Code § 6252 in these circumstances. Respondent also objects to the extent the request seeks
9 information protected from disclosure by the attorney client privilege, the attorney work product
10 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
11 information set forth in set forth in the California Public Records Act.

12 Subject to and without waiving the foregoing general and specific objections, Respondent
13 responds as follows: The information set forth in Respondent's NPR LOG, to the extent the Court
14 determines it would be helpful to conduct an in-camera review, the face of the document, and
15 declarations supporting the validity of Respondent's position. This matter is pending, discovery is
16 ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
17 Respondent specifically reserves the right to edit or supplement its response at a later date should
18 circumstances warrant it.

19 **SPECIAL INTERROGATORY NO. 61:**

20 Separately state as to each of the NPR LOG — PURELY PERSONAL DOCUMENTS whether the
21 DOCUMENT was LOCATED ON CARLSON's UCLA email account.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 61:**

23 Respondent incorporates its general objections as though set forth in full. Respondent further
24 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
25 that it requests Respondent to provide additional information relating to documents that are not Public
26 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
27 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
28 Respondent further objects to this interrogatory on the grounds that it seeks information that is not

1 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
2 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
3 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
4 extent the request seeks information protected from disclosure by the attorney client privilege, the
5 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
6 for withholding information set forth in the California Public Records Act.

7 Subject to and without waiving the foregoing general and specific objections, Respondent
8 responds as follows: To the extent Carlson was included on a specific email, yes.

9 **SPECIAL INTERROGATORY NO. 62:**

10 Separately state as to each of the NPR LOG — PURELY PERSONAL DOCUMENTS whether the
11 DOCUMENT was sent from or received on HOROWITZ' s UCLA email account.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 62:**

13 Respondent incorporates its general objections as though set forth in full. Respondent further
14 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
15 that it requests Respondent to provide additional information relating to documents that are not Public
16 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
17 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
18 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
19 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
20 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
21 proceeding under Government Code § 6252 in these circumstances. Respondent further objects to this
22 interrogatory on the grounds that it is vague, ambiguous, and unintelligible, including but not limited
23 to the undefined terms “sent from or received on.” Respondent also objects to the extent the request
24 seeks information protected from disclosure by the attorney client privilege, the attorney work product
25 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
26 information set forth in the California Public Records Act.

27 Subject to and without waiving the foregoing general and specific objections, Respondent
28 responds as follows: To the extent Horowitz was included on a specific email, yes.

1 **SPECIAL INTERROGATORY NO. 63:**

2 Separately state as to each of the NPR LOG — PURELY PERSONAL DOCUMENTS which one or
3 more of the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS was included in such DOCUMENT.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 63:**

5 Respondent incorporates its general objections as though set forth in full. Respondent further
6 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
7 that it requests Respondent to provide additional information relating to documents that are not Public
8 Records, and therefore not subject to disclosure under the CPRA. Respondent further objects that the
9 request is impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f).
10 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
11 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
12 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
13 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
14 extent the request seeks information protected from disclosure by the attorney client privilege, the
15 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
16 for withholding information set forth in the California Public Records Act.

17 Subject to and without waiving the foregoing general and specific objections, Respondent
18 responds as follows: The PRA 1 REQUESTED EMAIL ADDRESS ENDINGS included in the
19 applicable documents are @douglasemmett.com and @nextenergytech.com.

20 **SPECIAL INTERROGATORY NO. 64:**

21 Separately state for each of the NPR LOG — PURELY PERSONAL DOCUMENTS each and all of
22 the CONTEXTS in which the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS appear in such
23 DOCUMENT.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 64:**

25 Respondent incorporates its general objections as though set forth in full. Respondent further
26 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
27 that it requests Respondent to provide additional information relating to documents that are not Public
28 Records, and therefore not subject to disclosure under the CPRA. Respondent is a public University

1 with limited resources, and should not be made to spend University time and resources to respond to
2 overreaching and unwarranted discovery. Respondent further objects that the request is impermissibly
3 compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further objects to
4 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
5 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
6 information beyond the scope of permissible discovery in a writ proceeding under Government Code
7 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
8 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
9 other privilege or protection from disclosure, or any other basis for withholding information set forth
10 in the California Public Records Act.

11 Subject to and without waiving the foregoing general and specific objections, Respondent
12 responds as follows: A search reasonably designed to produce documents responsive to the PRA
13 request was conducted, and that search returned these documents.

14 **SPECIAL INTERROGATORY NO. 65:**

15 Separately state as to each of the NPR LOG — PURELY PERSONAL DOCUMENTS all facts which
16 support, or upon which YOU base, YOUR contention that such DOCUMENT is not a public record
17 subject to disclosure under the Public Records Act, with the exception of any facts which YOU have
18 determined YOU will not rely on in connection with the trial of this matter in support of, or as a basis
19 for, that contention.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 65:**

21 Respondent incorporates its general objections as though set forth in full. Respondent further
22 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
23 that it requests Respondent to provide additional information relating to documents that are not Public
24 Records, and therefore not subject to disclosure under the CPRA. Responding party is a public
25 University with limited resources, and should not be made to spend University time and resources to
26 respond to overreaching and unwarranted discovery. Respondent further objects that the request is
27 impermissibly compound in that it violates Code of Civil Procedure § 2030.060(f). Respondent further
28 objects to this interrogatory on the grounds that it seeks information that is not relevant to the subject

1 matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and
2 seeks information beyond the scope of permissible discovery in a writ proceeding under Government
3 Code § 6252 in these circumstances. Respondent also objects to the extent the request seeks
4 information protected from disclosure by the attorney client privilege, the attorney work product
5 doctrine, any other privilege or protection from disclosure, or any other basis for withholding
6 information set forth in set forth in the California Public Records Act.

7 Subject to and without waiving the foregoing general and specific objections, Respondent
8 responds as follows: The information set forth in Respondent's NPR LOG, to the extent the Court
9 determines it would be helpful to conduct an in-camera review, the face of the document, and
10 declarations supporting the validity of Respondent's position. This matter is pending, discovery is
11 ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
12 Respondent specifically reserves the right to edit or supplement its response at a later date should
13 circumstances warrant it.

14 **SPECIAL INTERROGATORY NO. 66:**

15 State whether YOU contend that the DAN A. EMMETT CHARITABLE DONORS have not made
16 charitable donations in excess of \$5,000,000.00 to or for the benefit of YOU, the EMMETT
17 INSTITUTE, and/or the CARLSON DISCRETIONARY FUND since on or after January 1, 2005.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 66:**

19 Respondent incorporates its general objections as though set forth in full. Respondent further
20 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive, and seeks
21 information that is available from public information such as press releases. Responding party is a
22 public University with limited resources, and should not be made to spend University time and
23 resources to respond to overreaching and unwarranted discovery. Respondent further objects to this
24 interrogatory on the grounds that it seeks information that is not relevant to the subject matter of this
25 action or reasonably calculated to lead to the discovery of admissible evidence, and seeks information
26 beyond the scope of permissible discovery in a writ proceeding under Government Code § 6252 in
27 these circumstances. Respondent further objects to this interrogatory on the grounds that it is vague,
28 ambiguous, and uncertain, including as to the undefined terms "charitable donations" and "for the

1 benefit.” Respondent also objects to the extent the request seeks information protected from disclosure
2 by the attorney client privilege, the attorney work product doctrine, any other privilege or protection
3 from disclosure, or any other basis for withholding information set forth in the California Public
4 Records Act.

5 Subject to and without waiving the foregoing general and specific objections, Respondent
6 responds as follows: On information and belief, and based on publicly available sources, no.

7 **SPECIAL INTERROGATORY NO. 67:**

8 If YOU contend that the DAN A. EMMETT CHARITABLE DONORS have not made charitable
9 donations in excess of \$5,000,000.00 to or for the benefit of YOU, the EMMETT INSTITUTE AND
10 the CARLSON DISCRETIONARY FUND since on or after January 1, 2005, state the total amount
11 of charitable donations which the DAN A. EMMETT CHARITABLE DONORS have made to or for
12 the benefit of YOU, the EMMETT INSTITUTE AND the CARLSON DISCRETIONARY FUND
13 since on or after January 1, 2005.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 67:**

15 Respondent incorporates its general objections as though set forth in full. Respondent further
16 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive. Responding
17 party is a public University with limited resources, and should not be made to spend University
18 resources to respond to overreaching and unwarranted discovery. Respondent further objects to this
19 interrogatory on the grounds that it seeks information that is not relevant to the subject matter of this
20 action or reasonably calculated to lead to the discovery of admissible evidence, and seeks information
21 beyond the scope of permissible discovery in a writ proceeding under Government Code § 6252 in
22 these circumstances. Respondent further objects to this interrogatory on the grounds that it is vague,
23 ambiguous, and uncertain, including as to the undefined terms “charitable donations” and “for the
24 benefit.” Respondent also objects to the extent the request seeks information protected from
25 disclosure by the attorney client privilege, the attorney work product doctrine, any other privilege or
26 protection from disclosure, or any other basis for withholding information set forth in the California
27 Public Records Act.

1 Subject to and without waiving the foregoing general and specific objections, Respondent
2 responds as follows: On information and belief, and based on publicly available sources, The DAN
3 A. EMMETT CHARITABLE DONORS have made charitable donations in excess of \$5,000,000.00
4 since January 1, 2005.

5 **SPECIAL INTERROGATORY NO. 68:**

6 State whether YOU contend that the manner and means by which CARLSON MANAGED her
7 relationship with DAN A. EMMETT during the period April 25, 2016 through November 14, 2019,
8 inclusive, is not related to the CONDUCT OF THE PUBLIC'S BUSINESS.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 68:**

10 Respondent incorporates its general objections as though set forth in full. Respondent further
11 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive. Respondent
12 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
13 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
14 and seeks information beyond the scope of permissible discovery in a writ proceeding under
15 Government Code § 6252 in these circumstances. Respondent further objects to this interrogatory on
16 the grounds that it is vague, ambiguous, and unintelligible, including but not limited to for the
17 following reasons: the defined term "MANAGED" used in the phrase "CARLSON MANAGED her
18 relationship," and defined as "means fostered, maintained, or strengthened" is vague, ambiguous and
19 unintelligible in the context of this interrogatory, as is the term "relationship." The phrase "CARLSON
20 MANAGED" also assumes facts about Professor Carlson's and Mr. Emmett's relationship.
21 Respondent further objects that the incorporation of the defined term "DAN A. EMMETT" which
22 means "the Chairman of the EMMETT INSTITUTE Advisory Board" makes the request vague,
23 ambiguous and unintelligible, because it is unclear whether the request refers only to Mr. Emmett
24 acting in his advisory board capacity or to this individual more generally. Respondent further objects
25 that the term "related" is vague, ambiguous and unintelligible and makes this interrogatory vague,
26 ambiguous and unintelligible. Respondent further objects to this interrogatory on the grounds that it
27 appears to assume that Professor Carlson's relationships and interactions with Dan A. Emmett were a
28 monolith and either wholly did, or wholly did not, relate to the conduct of the public's business during

1 a more than three year period. Respondent also objects to the extent the request seeks information
2 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
3 other privilege or protection from disclosure, such as the right to privacy, or any other basis for
4 withholding information set forth in The California Public Records Act.

5 Subject to and without waiving the foregoing general and specific objections, Respondent
6 responds as follows: Respondent does not contend that the manner and means by which Professor
7 Carlson fostered, maintained or strengthened her relationship with Dan A. Emmett during the period
8 April 25, 2016 through November 14, 2019, inclusive, if that in fact happened, is necessarily related
9 to the CONDUCT OF THE PUBLIC'S BUSINESS. Rather, whether specific interactions between
10 Professor Carlson and Mr. Emmett related to the conduct of the public business would depend on the
11 substance and context of those interactions. For instance, if Professor Carlson and Mr. Emmett were
12 interacting about the work she was doing for the EMMETT INSTITUTE or UCLA Law School
13 programming, that might relate to the conduct of the public's business. If the two were interacting
14 regarding personal interests or activities, such as Professor Carlson's activities with nonprofits outside
15 of her role at UCLA, those interactions would not relate to the conduct of the public's business. See
16 *City of San Jose v. Superior Court*, 2 Cal. 5th 608, 618 (2017) ("[T]o qualify as a public record under
17 CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's
18 business.")

19 Respondent reserves the right to amend, change or supplement its response, including but not
20 limited to because it has responded based on its understanding and interpretation of the interrogatory,
21 which may differ from Propounding Party's interpretation. Further, this matter is pending, discovery
22 is ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
23 Respondent specifically reserves the right to edit or supplement its response at a later date should
24 circumstances warrant it.

25 **SPECIAL INTERROGATORY NO. 69:**

26 If YOU contend that the manner and means by which CARLSON MANAGED her relationship with
27 DAN A. EMMETT during the period April 25, 2016 through November 14, 2019, inclusive, is not
28

1 related to the CONDUCT OF THE PUBLIC'S BUSINESS, state all facts upon which YOU base, or
2 which support, that contention.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 69:**

4 Respondent incorporates its general objections as though set forth in full. Respondent further
5 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive. Respondent
6 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
7 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
8 and seeks information beyond the scope of permissible discovery in a writ proceeding under
9 Government Code § 6252 in these circumstances. Respondent further objects to this interrogatory on
10 the grounds that it is vague, ambiguous, and unintelligible, including but not limited to for the
11 following reasons: the defined term "MANAGED" used in the phrase "CARLSON MANAGED her
12 relationship," and defined as "means fostered, maintained, or strengthened" is vague, ambiguous and
13 unintelligible in the context of this interrogatory, as is the term "relationship." The phrase "CARLSON
14 MANAGED" also assumes facts about Professor Carlson's and Mr. Emmett's relationship.
15 Respondent further objects that the incorporation of the defined term "DAN A. EMMETT" which
16 means "the Chairman of the EMMETT INSTITUTE Advisory Board" makes the request vague,
17 ambiguous and unintelligible, because it is unclear whether the request refers only to Mr. Emmett
18 acting in his advisory board capacity or to this individual more generally. Respondent further objects
19 that the term "related" is vague, ambiguous and unintelligible and makes this interrogatory vague,
20 ambiguous and unintelligible. Respondent further objects to this interrogatory on the grounds that it
21 appears to assume that Professor Carlson's relationships and interactions with Dan A. Emmett were a
22 monolith and either wholly did, or wholly did not, relate to the conduct of the public's business during
23 a more than three year period. Respondent also objects to the extent the request seeks information
24 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
25 other privilege or protection from disclosure, such as the right to privacy, or any other basis for
26 withholding information set forth in The California Public Records Act.

27 Subject to and without waiving the foregoing general and specific objections, Respondent
28 responds as follows: Legal authority. *See, e.g. City of San Jose v. Superior Court*, 2 Cal. 5th 608, 618

1 (2017) (“[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in some
2 substantive way to the conduct of the public's business.”) CARLSON and EMMETT have known one
3 another for some time, have become friendly, share a number of interests, and have interacted on
4 subjects that do not relate in a substantive way to the conduct of the public’s business on multiple
5 occasions.

6 Respondent reserves the right to amend, change or supplement its response, including but not
7 limited to because it has responded based on its understanding and interpretation of the interrogatory,
8 which may differ from Propounding Party’s interpretation. Further, this matter is pending, discovery
9 is ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
10 Respondent specifically reserves the right to edit or supplement its response at a later date should
11 circumstances warrant it.

12 **SPECIAL INTERROGATORY NO. 70:**

13 State whether YOU contend that the manner and means by which HOROWITZ MANAGED her
14 relationship with DAN A. EMMETT during the period April 25, 2016 through November 14, 2019,
15 inclusive, is not related to the CONDUCT OF THE PUBLIC'S BUSINESS.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 70:**

17 Respondent incorporates its general objections as though set forth in full. Respondent further
18 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive. Respondent
19 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
20 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
21 and seeks information beyond the scope of permissible discovery in a writ proceeding under
22 Government Code § 6252 in these circumstances. Respondent further objects to this interrogatory on
23 the grounds that it is vague, ambiguous, and unintelligible, including but not limited to for the
24 following reasons: the defined term “MANAGED” used in the phrase “HOROWITZ MANAGED her
25 relationship,” and defined as “means fostered, maintained, or strengthened” is vague, ambiguous and
26 unintelligible in the context of this interrogatory, as is the term “relationship.” The phrase
27 “HOROWITZ MANAGED” also assumes facts about Professor Horowitz’s and Mr. Emmett’s
28 relationship. Respondent further objects that the incorporation of the defined term “DAN A.

1 EMMETT” which means “the Chairman of the EMMETT INSTITUTE Advisory Board” makes the
2 request vague, ambiguous and unintelligible, because it is unclear whether the request refers only to
3 Mr. Emmett acting in his advisory board capacity or to this individual more generally. Respondent
4 further objects that the term “related” is vague, ambiguous and unintelligible and makes this
5 interrogatory vague, ambiguous and unintelligible. Respondent further objects to this interrogatory
6 on the grounds that it appears to assume that Professor Horowitz’s relationships and interactions with
7 Dan A. Emmett were a monolith and either wholly did, or wholly did not, relate to the conduct of the
8 public’s business during a more than three year period. Respondent also objects to the extent the
9 request seeks information protected from disclosure by the attorney client privilege, the attorney work
10 product doctrine, any other privilege or protection from disclosure, such as the right to privacy, or any
11 other basis for withholding information set forth in The California Public Records Act.

12 Subject to and without waiving the foregoing general and specific objections, Respondent
13 responds as follows: Respondent does not contend that the manner and means by which Professor
14 Horowitz fostered, maintained or strengthened her relationship with Dan A. Emmett during the period
15 April 25, 2016 through November 14, 2019, inclusive, if that in fact happened, is necessarily related
16 to the CONDUCT OF THE PUBLIC'S BUSINESS. Rather, whether specific interactions between
17 Professor Horowitz and Mr. Emmett related to the conduct of the public business would depend on
18 the context of those interactions. For instance, if Professor Horowitz and Mr. Emmett were interacting
19 about the EMMETT INSTITUTE OR UCLA Law School programming, that would likely relate to
20 the conduct of the public’s business. If the two were interacting regarding personal interests or
21 activities not directly related to UCLA, such as Professor Horowitz’s activities with nonprofits outside
22 of her role at UCLA, then those interactions would not relate to the conduct of the public’s business.
23 *See City of San Jose v. Superior Court*, 2 Cal. 5th 608, 618 (2017) (“[T]o qualify as a public record
24 under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the
25 public's business.”)

26 Respondent reserves the right to amend, change or supplement its response, including but not
27 limited to because it has responded based on its understanding and interpretation of the interrogatory,
28 which may differ from Propounding Party’s interpretation. Further, this matter is pending, discovery

1 is ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
2 Respondent specifically reserves the right to edit or supplement its response at a later date should
3 circumstances warrant it.

4 **SPECIAL INTERROGATORY NO. 71:**

5 If YOU contend that the manner and means by which HOROWITZ MANAGED her relationship with
6 DAN A. EMMETT during the period April 25, 2016 through November 14, 2019, inclusive, is not
7 related to the CONDUCT OF THE PUBLIC'S BUSINESS, state all facts upon which YOU base, or
8 which support, that contention.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 71:**

10 Respondent incorporates its general objections as though set forth in full. Respondent further
11 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive. Respondent
12 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
13 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
14 and seeks information beyond the scope of permissible discovery in a writ proceeding under
15 Government Code § 6252 in these circumstances. Respondent further objects to this interrogatory on
16 the grounds that it is vague, ambiguous, and unintelligible, including but not limited to for the
17 following reasons: the defined term "MANAGED" used in the phrase "HOROWITZ MANAGED her
18 relationship," and defined as "means fostered, maintained, or strengthened" is vague, ambiguous and
19 unintelligible in the context of this interrogatory, as is the term "relationship." The phrase
20 "HOROWITZ MANAGED" also assumes facts about Professor Horowitz's and Mr. Emmett's
21 relationship. Respondent further objects that the incorporation of the defined term "DAN A.
22 EMMETT" which means "the Chairman of the EMMETT INSTITUTE Advisory Board" makes the
23 request vague, ambiguous and unintelligible, because it is unclear whether the request refers only to
24 Mr. Emmett acting in his advisory board capacity or to this individual more generally. Respondent
25 further objects that the term "related" is vague, ambiguous and unintelligible and makes this
26 interrogatory vague, ambiguous and unintelligible. Respondent further objects to this interrogatory
27 on the grounds that it appears to assume that Professor Horowitz's relationships and interactions with
28 Dan A. Emmett were a monolith and either wholly did, or wholly did not, relate to the conduct of the

1 public's business during a more than three year period. Respondent also objects to the extent the
2 request seeks information protected from disclosure by the attorney client privilege, the attorney work
3 product doctrine, any other privilege or protection from disclosure, such as the right to privacy, or any
4 other basis for withholding information set forth in The California Public Records Act.

5 Subject to and without waiving the foregoing general and specific objections, Respondent
6 responds as follows: Legal authority. *See, e.g. City of San Jose v. Superior Court*, 2 Cal. 5th 608,
7 618 (2017) (“[T]o qualify as a public record under CPRA, at a minimum, a writing must relate in
8 some substantive way to the conduct of the public's business.”) HOROWITZ and EMMETT have
9 known one another for some time, have become friendly, share a number of interests, and have
10 interacted on subjects that do not relate in a substantive way to the conduct of the public's business
11 on multiple occasions.

12 Respondent reserves the right to amend, change or supplement its response, including but not
13 limited to because it has responded based on its understanding and interpretation of the interrogatory,
14 which may differ from Propounding Party's interpretation. Further, this matter is pending, discovery
15 is ongoing, there may be other rulings by the Court before trial and trial is not set until Fall 2021.
16 Respondent specifically reserves the right to edit or supplement its response at a later date should
17 circumstances warrant it.

18 **SPECIAL INTERROGATORY NO. 72:**

19 Separately state as to each of the EXEMPTION LOG — FERPA DOCUMENTS which one or more
20 of the PRA 1 REQUESTED EMAIL ADDRESS ENDINGS was included in such DOCUMENT.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 72:**

22 Respondent incorporates its general objections as though set forth in full. Respondent further
23 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the extent
24 that it requests Respondent to provide additional information relating to documents that are not subject
25 to disclosure under the CPRA. Respondent further objects to this interrogatory on the grounds that it
26 seeks information that is not relevant to the subject matter of this action or reasonably calculated to
27 lead to the discovery of admissible evidence, and seeks information beyond the scope of permissible
28 discovery in a writ proceeding under Government Code § 6252 in these circumstances. Respondent

**REQUEST UNDER CALIFORNIA'S PUBLIC RECORDS ACT**

September 15, 2020

Records Management & Information Practices
10920 Wilshire Boulevard
Suite 530
Los Angeles, CA 90024-6541

BY ELECTRONIC MAIL — records@ucla.edu

RE: PRA Request for certain Agency records —Carlson/discretionary fund/CCI

On behalf of Government Accountability & Oversight, P.C. (GAO), and pursuant to the California Government Code §§ 6250 *et seq.*, I request that that the custodian of University records produce, or provide me or my representative, within 10 business days, the opportunity to inspect or obtain, copies of the following public records¹:

1) with respect to that fund or account that Prof. Ann Carlson refers to as the “Carlson discretionary fund” in the October 7, 2018 email from Prof. Carlson to Dan Emmett and Rae Emmet (a copy of which produced by the University to GAO on page 946 of 1031 in the University’s August 31, 2020 production in response to Public Records Request - PRR # 19-7464 is attached hereto for your reference and convenience): a) all records memorializing, discussing or effecting (i) the creation of the fund or account, including but not limited to documents used to establish any account at any banking institution and the legal title such account is held in, (ii)

¹ This includes public records, and associated public information, see discussion of Data Delivery Standards, *infra*.

documents reflecting the fund's proposed and/or approved rationale, function and purpose, and (iii) its intended and proper (and any proscribed) use(s); b) records recording or reflecting the names of all donors and the amounts donated by each donor from the account's inception through September 15, 2020; and c) records recording or reflecting all expenditures from the Carlson discretionary fund from its inception through September 15, 2020²; and

2) all emails dated during the four-month period of May 1, 2019 through August 31, 2019, inclusive, and any attachments to such emails, that (1) were sent by or to (including copying, whether as cc: or bcc:) UCLA law faculty member Ann Carlson and (2) which include, anywhere in the email, i) Center for Climate Integrity, ii) @climateintegrity.org and/or iii) CCI.³

The stated purpose of this request within the meaning of California Government Code § 6253.1 is to further illuminate the participation of the University and its faculty, including outside funding of faculty and the use of the faculty position, to assist private activist and tort litigation campaigns targeting private parties. On information and belief, this fund is related to that important issue of public policy and use of public institutions and resources.

This request is being made in the public interest, and furnishing this information will benefit the public's understanding of public institutions and their role in coordinating with activist and litigation campaigns. The requested information is of importance to the nonprofit policy advocacy groups engaged on these relevant issues, news media covering the issues, and any others concerned with government activities on this subject, or as the United States Supreme

² In the event the Carlson discretionary fund is merely an accounting distribution or function within, e.g., the Dean's Discretionary Fund, then records reflecting that this is the case also are responsive as well as records pertaining solely to dedicated donations and expenditures associated with the Carlson fund.

³ We request the entire thread in which any email responsive to these descriptions appears regardless if portions of the thread(s) pre-date the stated time parameter.

Court once noted in the context of the federal FOIA, what their government, which under open records laws includes publicly funded academic institutions, is up to.

We request a rolling production for item #1; regarding item #2, the very restricted parameters of this request suggest there should be so few responsive documents there is no reason to believe all responsive records could not be produced at one time.

We do not demand your Office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.⁴ The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

We reserve the right to inspect or assign a representative to inspect any records if for any reason the Office cannot or will not provide copies.

The covered information we seek is electronic information, this includes electronic records, and other public information. To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any

⁴ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>

unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided if there are different custodians of the information requested.

In the event that necessity requires your Office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, and accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

In the context of our experience with responsive agencies taking the effort to physically print, then (often, poorly) scan electronic mail into (typically, non-searchable) PDF files, we note that production of electronic records necessitates no such additional time, effort or other resources, and no photocopying expense. Any such effort as described is most reasonably viewed as an effort to frustrate the requester's use of the public information.

If the records are not currently in your possession, please notify me in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office. Given the

nature of the records responsive to this request, all should be in electronic format, and therefore there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately.

We understand we owe the office the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$150.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs. This information is not, however, being sought for commercial purposes. If for any reason, our request for information cannot be satisfied without cost, then prior to any copying, please notify us immediately with the reasons for the denial and the cost that will be involved. Please produce these records electronically if possible to avoid unnecessary fees and otherwise conserve resources.

The undersigned do not seek the information for a commercial purpose. Therefore, in accordance with generally accepted policy, if there are any costs associated with this request, we request a waiver or reduction of any fees connected with this request as disclosure of these requested records are for the public purpose. GAO is organized and recognized by the Internal Revenue Service as a 501(c)3 educational organization with research, legal, investigative journalism and publication functions, as well as a transparency initiative seeking public records relating to environmental and energy policy and how policymakers use public resources, all of which include broad dissemination of public information obtained under open records and freedom of information laws. As such, it has no commercial interest possible in these records and the Office is permitted to and does exercise discretion in waiving or reducing fees on that basis.

If you deny any part of this request or withhold any documents responsive to this request, please describe the material withheld and specify in detail the statutory or administrative basis

for withholding it. Please cite each specific exemption to the California Government Code that you have determined justifies the refusal to produce the records. All segregable, non-exempt parts of the documents should be provided.

If you have any questions, or require clarification of this request, please feel free contact me at any time using the contact information listed with this request. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CHH', with a long horizontal stroke extending to the right.

Christopher C. Horner
chris@govoversight.org
1489 Kinross Lane
Keswick, VA 22947
202.262.4458



From: [Carlson, Ann](#)
To: demmett@douglasemmett.com; [Rae Emmett](#)
Subject: I'm overwhelmed
Date: Sunday, October 7, 2018 8:09:07 AM

Dear Dan and Rae,

Jennifer let me know the incredible news that you are matching a gift from the Shapiros to the Carlson discretionary fund. Thank you so, so much. I continue to be humbled by the faith you have shown in the Emmett team and in me and am so, so grateful for all you do. We will continue to fight the good fight to protect our planet, inspired by you and your leadership.

All best,

Ann

Ann Carlson
Shirley Shapiro Professor of Environmental Law
Faculty Co-Director, Emmett Institute on Climate Change and the Environment
UCLA School of Law
(310) 206-9496


REQUEST UNDER CALIFORNIA'S PUBLIC RECORDS ACT

April 7, 2021

Records Management & Information Practices
 10920 Wilshire Boulevard
 Suite 530
 Los Angeles, CA 90024-6541

BY ELECTRONIC MAIL — records@ucla.edu

RE: PRA Request for certain Agency records — Carlson CCI correspondence

On behalf of Government Accountability & Oversight (GAO), and pursuant to the California Government Code §§ 6250 *et seq.*, I request that that the custodian of University records produce, or provide me or my representative, within 10 business days, the opportunity to inspect or obtain, copies of all emails (1) sent by or to (including copying, whether as cc: or bcc:) UCLA law faculty member (presently on leave since late January 2021) Ann Carlson, (2) which email includes, anywhere in the email, i) Center for Climate Integrity, ii) @climateintegrity.org and/or iii) CCI¹, 3) which were sent or received by Prof. Carlson i) during the four-month period of January 1, 2019 through April 30, 2019, inclusive, or ii) during the period of September 1, 2019 through January 21, 2021, inclusive.²

All responsive communications are presumptively public records not only for their being

¹ This includes public records, and associated public information, see discussion of Data Delivery Standards, *infra*. We request the entire thread in which any email responsive to these descriptions appears.

² These time parameters intentionally do not include the time period covered by PRR 20-8371.

by a correspondent's choice on UCLA's system³ but also by virtue of, e.g., Prof. Carlson's professional relationship with CCI, speaking for them, participating in their events, and otherwise assisting and working with them in her capacity as UCLA Professor of Law. See, e.g., pp. 29-44 and 149-169 of Regents' production in response to PRR 20-8371.

We understand it is IP's practice of having the principal, as custodian, locate and initially process PRA requests. That is not appropriate in this instance. Since Prof. Carlson is on leave without pay and serving as Chief Counsel to NHTSA, involving her in processing would simply obstruct and cause interminable delays in processing, with no obvious propriety but with that obvious and inevitable downside. As such, the sole reason for requesting Prof. Carlson sort potentially responsive records or otherwise participate would be delay, and IP/Regents should have someone other than Prof. Carlson process this request.

The stated purpose of this request within the meaning of California Government Code § 6253.1 is to further illuminate the participation of the University and its faculty, including outside funding of faculty and the use of the faculty position, to assist private activist and tort litigation campaigns targeting private parties. On information and belief, this fund is related to that important issue of public policy and use of public institutions and resources.

This request is being made in the public interest, and furnishing this information will benefit the public's understanding of public institutions and their role in coordinating with activist and litigation campaigns. The requested information is of importance to the nonprofit policy advocacy groups engaged on these relevant issues, news media covering the issues, and any others concerned with government activities on this subject, or as the United States Supreme

³ This request only contemplates emails on the official account(s) provided by the University/Regents to Prof. Carlson.

³ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf> As such, you should not involve the Professor, who is "on leave without pay," in sorting or otherwise processing these records and thereby delay matters.

Court once noted in the context of the federal FOIA, what their government, which under open records laws includes publicly funded academic institutions, is up to.

We do not demand your Office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.⁴ The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

We reserve the right to inspect or assign a representative to inspect any records if for any reason the Office cannot or will not provide copies.

The covered information we seek is electronic information, this includes electronic records, and other public information. To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

⁴ <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided if there are different custodians of the information requested.

In the event that necessity requires your Office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, and accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

In the context of our experience with responsive agencies taking the effort to physically print, then (often, poorly) scan electronic mail into (typically, non-searchable) PDF files, we note that production of electronic records necessitates no such additional time, effort or other resources, and no photocopying expense. Any such effort as described is most reasonably viewed as an effort to frustrate the requester's use of the public information.

If the records are not currently in your possession, please notify me in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office. Given the nature of the records responsive to this request, all should be in electronic format, and therefore

there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately.

We understand we owe the office the cost of material, required to satisfy this request. We agree to pay legitimate expenses up to \$150.00. If you estimate costs will exceed that please notify us immediately and break down the expected costs. This information is not, however, being sought for commercial purposes. If for any reason, our request for information cannot be satisfied without cost, then prior to any copying, please notify us immediately with the reasons for the denial and the cost that will be involved. Please produce these records electronically if possible to avoid unnecessary fees and otherwise conserve resources.

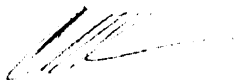
The undersigned do not seek the information for a commercial purpose. Therefore, in accordance with generally accepted policy, if there are any costs associated with this request, we request a waiver or reduction of any fees connected with this request as disclosure of these requested records are for the public purpose. GAO is organized and recognized by the Internal Revenue Service as a 501(c)3 educational organization with research, legal, investigative journalism and publication functions, as well as a transparency initiative seeking public records relating to environmental and energy policy and how policymakers use public resources, all of which include broad dissemination of public information obtained under open records and freedom of information laws. As such, it has no commercial interest possible in these records and the Office is permitted to and does exercise discretion in waiving or reducing fees on that basis.

If you deny any part of this request or withhold any documents responsive to this request, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. Please cite each specific exemption to the California Government Code that you have determined justifies the refusal to produce the records. All segregable, non-exempt

parts of the documents should be provided.

If you have any questions, or require clarification of this request, please feel free contact me at any time using the contact information listed with this request. Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Horner', with a stylized flourish at the end.

Christopher C. Horner
chris@govoversight.org
1489 Kinross Lane
Keswick, VA 22947
202.262.4458

Faculty Resource Guide for California Public Records Requests

What is this guide, why do I need it, and how do I use it?

Because UCLA is a state institution, its public records, including the public records of its faculty, are subject to the California Public Records Act ("CPRA"). The CPRA was enacted to ensure that the citizens of the state, in essence, know how the state conducts its business. Sometimes, requests for records are made of UCLA or individual faculty members. This guide: (1) provides information on the CPRA; (2) explains what public records are, what types of records are exempt from disclosure under the CPRA, and how UCLA faculty should respond to CPRA requests for records; (3) suggests how faculty should manage their electronic records in light of the CPRA; and (4) is organized as an FAQ page. Just click on a link below to be taken to the appropriate explanatory section. In addition to the information provided on this page, links to other sources of information and guidance may also be found below.

[What is a Public Records Request?](#)

[What should I do if I receive a public records request?](#)

[Are records of the faculty considered to be public records?](#)

[Are records of the faculty required to be disclosed in response to a public records request?](#)

[How should I respond to notice from the Records Management and Information Practices Office \(RMIP\) that my records have been requested?](#)

[What happens if there is a dispute with the requestor as to whether the records are subject to disclosure?](#)

[What happens if the requestor files a lawsuit to compel production of the records?](#)

[How should I manage my electronic communications in light of the potential obligation to disclose public records in the future?](#)

[How are the Federal Freedom Of Information Act procedures different?](#)

1. What is a Public Records Request?

The California Public Records Act ("CPRA"), "mindful of the right of individuals to privacy," declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270>. Unless an exemption applies, when a request for a copy of records is submitted to a state agency, the agency is required to make the records available to the requestor promptly.

2. What should I do if I receive a public records request?

[Do not respond to a records request yourself.](#) As requests for public records must generally be acknowledged within 10 days of receipt, immediately forward the request to [Public](#)

Records Request Services or contact the Records Management and Information Practices Office at (310) 794-8741. If you have concerns or questions about the request, you may also contact the Office of the Campus Counsel at (310) 206-6985. No records responsive to the request should be destroyed while the request is pending.

3. Are records of the faculty considered to be public records?

UCLA, as a State of California public institution, is subject to the CPRA and must disclose records “relating to the conduct of the public’s business” when requests for specific records are submitted to the campus, unless an exemption applies that protects the records from disclosure.

A “public record” is broadly defined to include any “writing” (which includes any tangible recording such as hard-copy or electronic records, photographs, audio recording, handwritten notes, etc.) that relates “to the conduct of the public’s business,” and which is “prepared, owned, used, or retained” by the University.

Certain types of records of the faculty are likely to be deemed to be related to the “conduct of the public’s business” and hence “public records.” These records include: (i) communications with third parties not encompassed in the faculty member’s research programs or independently scholarly activities; (ii) participation in shared governance; (iii) service on University committees; (iv) conduct in the separate capacity as departmental Chair or other University administrator, and other similar activities.

Communications relating to a faculty member’s individual research or development of individual courses arguably should not be deemed to “relate to the conduct of the public’s business” as these communications are deemed to be the independent scholarly effort of the faculty member. See *Report by Senate-Administration Taskforce on Academic Freedom* [link to be provided]. This issue, however, has not been decided by a California court.

Records of personal communications: Email communications that are wholly personal in nature do not relate to the conduct of university business and, thus, are not “public records.” Thus, any communications deemed wholly personal in nature are not subject to disclosure. For example, non-University-related communications with a faculty member’s healthcare provider, or communications with a sibling who is not a colleague, would be deemed wholly personal and not a “public record,” even if stored on a University network or computer. However, please see guidance on recommended practices for use of University networks and computers.

Although a record may be a “public record,” there are exemptions to the disclosure requirement. See [link to FAQ 4(d)].

4. Are records of the faculty required to be disclosed in response to a public records request?

The types of records requested must be individually assessed to determine first whether they

are public records, and second whether there are any exemptions that apply. [See link to 5(a) below for an explanation of who conducts this assessment]. If a public record is subject to an exemption, disclosure is not required.

There are many exemptions in the CPRA, [see Cal. Gov. Code Section 6253, <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=06001-07000&file=6250-6270>], but the categories of most common “public records” of faculty that may be exempt from disclosure are as follows:

- a. **Student Records:** The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and 34 CFR Part 99, requires the university to keep confidential all personally identifiable information in education records related to students. This prohibition on disclosure by federal law exempts such records from disclosure under the CPRA. Cal. Gov. Code § 6254(k). Records, including emails, relating to students or student work are generally exempt, in whole or in part.
- b. **Personnel matters and records protected by personal privacy:** Records containing personnel, medical, or other information are exempt from disclosure *when disclosure would constitute an unwarranted invasion of personal privacy*. Cal. Gov. Code §6254(c) and (k). Records that are protected by personal privacy interests must be balanced against the public interest in disclosure. If disclosure would result in an unwarranted invasion of privacy that is not outweighed by the public interest in disclosure, the records would be exempt from disclosure.
 - i. **Example:** Communications about faculty evaluations, merit, and promotion are considered to be personnel records that may be subject to exemption when disclosure would constitute an unwarranted invasion of personal privacy. However, records of faculty compensation, including salary history, are required to be disclosed. See UC policy on public disclosure of Compensation information.
<http://policy.ucop.edu/doc/4000383/CompPublicDisclosure>
- c. **Information Protected by Other Laws:** Records that contain confidential, proprietary, or other privileged information that is protected from disclosure pursuant to federal or state law are exempt from disclosure. Cal. Gov. Code §6254(k). Examples: Attorney-client privileged communications, records containing trade secrets, patient information protected under HIPAA, etc.
- d. **Communications as Scholars:** Communication with colleagues, students, staff, or other collaborators about research or relating to the development of courses may be exempt from disclosure, pursuant to federal and state law, because the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure, see Cal. Gov. Code §§ 6254(k), 6255. Specifically, disclosure of such records could impair the academic research process by impeding candid and informal communications. Such a chilling effect would result in significant harm to the public

interest—a more significant harm than any potential benefit to the public in disclosure. As reflected in the Report of the Senate-Administration Taskforce on Academic Freedom, [include link here], the UCLA Senate has explicitly set forth the rationale for exemption of these records, which includes the recognition that scholars must be afforded privacy in their communications to pursue knowledge, develop lines of argument without fear of reprisal for controversial findings, and without the premature disclosure of those ideas and theories. The protection of academic freedom is the fundamental foundation of the University of California. See, University of California Academic Personnel Manual 010, <http://www.ucop.edu/acadpersonnel/apm/apm-010.pdf>. Thus, scholarly communications could be exempt from disclosure.

5. How should I respond to notice from the Records Management and Information Practices Office (RMIP) that my records have been requested?

RMIP is the office responsible for managing and responding to public records requests, so you are required to respond to its request.

- a. When RMIP informs you that your records have been requested, you should carefully review the request to determine if you have the records and to raise any concerns you may have as to the appropriateness of disclosing such records. If you believe the records sought are not “public records,” (add link to question 2) or are exempt from disclosure (add link to question 3), you should immediately notify RMIP. RMIP will consult with the Office of the Campus Counsel, you, the Chair of your Department, and as appropriate, with the Vice Chancellor for Academic Personnel and Chair of the Academic Senate to assess whether the records are subject to disclosure.
- b. If a determination is made that the records are public records that are not protected by any exemption, you should immediately begin searching for the responsive records. Importantly, the obligation to disclose records rests with the University, not with the faculty or staff whose records are sought. Thus, it is the University administration, through the RMIP after appropriate consultation, that makes the determination of whether and what records must be disclosed. Once that determination is made, you must assist in obtaining the responsive records.
- c. Notify the RMIP whether you have the requested disclosable records.
- d. Forward copies of the requested records to RMIP. Do not provide RMIP with your original records. Send the records to RMIP (a) as email attachments to [Public Records Request Services](#), or (b) via intercampus mail to 10920 Wilshire Boulevard, Suite 530, Los Angeles, CA 90024-6541.
- e. You are not required to, and should not create records that do not otherwise exist in hardcopy, electronic or some other form. Note: the Campus may be required to

compile data or to construct a computer report to extract data that is only maintained electronically, such as in a database. Should that be required in order to produce the requested information, you should notify RMIP of this requirement and the estimated time and effort that you expect would be involved in extracting this type of record.

6. What happens if there is a dispute with the requestor as to whether the records are subject to disclosure?

The University administration, after due consultation see [link to FAQ 5(a)], determines whether a record must be produced in response to a public records request. If the requestor disagrees with that determination it may seek a supplemental response, or file a court action seeking to compel the University to produce the requested records.

7. What happens if the requestor files a lawsuit to compel production of the records?

In any court action to compel compliance with the California Public Records Act, the University, not the faculty member, is the party to the lawsuit. The cost of litigating such a lawsuit is not covered by any liability insurance program, so the UCLA campus would be responsible for the litigation defense costs. Importantly, in any such lawsuit, if the requestor is deemed to be the prevailing party, the University may be required to pay for the reasonable attorney's fees incurred *by the requestor*. This additional expense would also be borne by the UCLA campus. Because of the strong campus interest in protecting academic freedom and supporting UCLA faculty, the Chancellor's Office has agreed to be responsible for all of the legal expenses.

8. How should I manage my electronic communications in light of the potential obligation to disclose public records in the future?

Although electronic resources may be used for incidental personal use, it is best not to include any personal communications on a University email account or to store personal records on a University system. Use a personal email account for personal matters. If you use a personal email account or computer for University-related activities, the records are still considered to be "public records" and are subject to disclosure.

When communicating by electronic communications consider the following:

A. Limit Addressees:

- **To:** Only those who need to take action or are leading the effort.
- **Cc:** Only people who need to be informed.
- **Remember:** If people are included on the email address list, their records may be subject to CPRA requests.
- **Caution:** "Reply All" – Don't use this without first deciding all recipients need the response.

B. Use a Descriptive Subject Line.

- If the email dialogue changes into another subject matter, start a new email with a new subject line.
- If the email string is relevant to the new subject, modify the subject line to reflect the new subject.
- If the email is attorney-client privileged, included that in the subject line. Merely copying a University attorney is not sufficient to make a communication attorney-client privileged. To be privileged, the communication must seek or provide legal advice.

C. Limit the Scope of the Content.

- Keep all messages short and on point.
- Only include relevant portions of prior emails in new emails to prevent lengthy email strings. This has the following effects.
 - Easier for recipients to read.
 - Aids review and redaction.

D. Limit Personal and Sensitive Information.

- Don't include names, addresses, phone numbers, email addresses or other identifying information in the body of the email.

E. Remember that other electronic devices are subject to the same obligations.

- Voice messages
- Calendar entries
- Emails copied to calendars.
- Department websites
- Text messages
- Social networking sites and YouTube

F. Have a retention and disposal practice that makes good business, educational, or research sense.

- If you need to keep a communication for legitimate reasons, keep it.
- If you do not need to keep communications, routinely dispose of those records.
- If you have drafts that are intended to be replaced by a final report, routinely dispose of any unneeded drafts.
- Remember that special rules for preservation of records apply when a *notice to preserve evidence* has been received. The duty to preserve evidence arises when there is pending litigation or such litigation is reasonably anticipated. Any routine disposal practice must be halted when evidence preservation is required. For more information, see <http://www.campuscounsel.ucla.edu/discovery.html>.

9. How are the Federal Freedom Of Information Act procedures different?

The Freedom of Information Act ("FOIA"), 5 U.S.C. §552, et seq., is a Federal law that applies to Federal – not state – agencies. It requires federal agencies to make documents available to the public, including documents that federal agencies may have obtained from UCLA. The law provides certain exemptions set forth in 5 U.S.C. § 552 (b), <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section552&num=0&edition=prelim>. Because UCLA is not a federal agency, it is not subject to FOIA requests, but UCLA's records may be disclosed by a federal agency that holds such records.

Some of the exemptions that may apply to faculty records held by a federal agency include records that are specifically exempted by statute, trade secrets and proprietary information, personnel, medical and other records the disclosure of which would be an invasion of personal privacy, and information compiled for law enforcement where release could affect health and safety. Unlike the California Public Records Act, however, there is no exemption to disclosure obligations if the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure. If a federal agency receives a FOIA request that includes records that UCLA's faculty might deem proprietary, the agency will typically notify the affected faculty member of the request so that the faculty member can provide input. The decision as to disclosure, however, remains with the federal agency. If a faculty member receives such notice from a federal agency, he or she may seek assistance from the Office of the Campus Counsel at (310) 206-6985.

Academic Personnel

[Home](#) / [Policies & Forms](#)

Academic Freedom

From the joint Senate-Administration Task Force on Academic Freedom

Statement on the Principles of Scholarly Research and Public Records Requests

September 2012

Preamble

Robust, frequent, and frank intellectual exchange is essential to research and teaching at the university level. It is therefore a matter of great concern that faculty at public universities throughout the country are increasingly the objects of requests through state (California Public Records Act, or PRA) and federal (Freedom of Information Act, or FOIA) public records acts for emails, notes, drafts, and other documents. Public access laws are an important component of the democratic process in our society, and scholars themselves frequently benefit from this legal framework. However, faculty scholarly communications must be protected from PRA and FOIA requests to guard the principle of academic freedom, the integrity of the research process and peer review, and the broader teaching and research mission of the university. Moreover, these requests have increasingly been used for political purposes or to intimidate faculty working on controversial issues. These onerous, politically motivated, or frivolous requests may inhibit the very communications that nourish excellence in research and teaching, threatening the long-established principles of scholarly research.

The Principles of Scholarly Research

Faculty at UCLA carry out a triple mission of teaching, service, and research. The three parts of this mission are not identical: our service to the institution is by definition something that concerns the shared governance, operation, and decision-making here at UCLA and UC wide. By contrast, our research and teaching are often conducted in collaboration with others in our discipline at institutions around the world, and serve the general advancement of knowledge.

Sound, high-quality scholarship is a collective process of trial and error, peer review, and questioning that happens in classrooms, laboratories, offices, conferences, workshops, at work and at home, day and night, in the university and in the field. Through this collective process,

scholarship is scrutinized, questioned, improved, and ultimately accepted or rejected by the community. There are a number of principles that underlie this process and are accepted across the disciplines, including the following:

Frank exchange among scholars is essential to advancing knowledge. Scholars frequently test ideas in extreme form, explore possibilities through hypotheticals, or play "devil's advocate," making claims they may not themselves believe in edgy, casual language not intended for public circulation or publication. These communications are frequent and diverse in nature because scholarship is a competitive and fast-paced process, requiring intensive communication among a diverse array of participants.

Peer review is built into the academic enterprise at every level. Review and contestation is a nearly constant feature of the exploration of scholarly problems, and that review comes from peers at every stage, from the initial identification of a problem to the publication of scholarly work on the problem. Publications are the final tangible result of scholarly exploration. A published work articulates in detail the methods, materials, and modes of research that led to the findings reported or the narrative constructed. Publications are written with the expectation that they will contribute new knowledge to a field and spur deeper examination of the problems addressed within them. In essence, peer review never ends.

Faculty often choose research topics that are highly relevant to society and therefore may generate strong reactions. These topics may be controversial and highly politicized (e.g., global warming), deal with illegal or criminal behavior, or focus directly on contentious social questions (e.g., ethnicity, sexual orientation). Faculty must be free to work on these important topics without fear of retribution, threats, or interference.

Faculty members regularly collaborate with colleagues at other institutions. Faculty within the UC system require, and deserve to have, the same freedom of communication with people at other universities and corporations, public and private. Faculty at private universities who perform equivalent research need not fear interference through state public records act requests pertaining to their scholarly contributions; neither should faculty at public universities such as UCLA.

Teaching and research are conducted and governed by the generally accepted professional and ethical commitments specific to each academic discipline. University policies generally incorporate, rather than supersede, those requirements and expectations. Thus, university faculty members already are held to very high professional and ethical standards in the conduct of their scholarly work.

The Potential Harms of Public Records Requests for Scholarly Records

Frank, honest exchange depends on the maximum protection of the informal and everyday work, personal email, drafts, and records related to research and teaching. It is essential that regular and frequent communications among faculty within UCLA and with colleagues in other institutions remain within faculty control. Public records requests can lead to unnecessary and unwarranted increased time commitments necessary to monitor all that is written or said in case of potential public disclosure. A lack of protection from such requests can directly impinge on academic freedom (the "chilling effect") by causing faculty to avoid investigating controversial issues.

Principles Endorsed to Protect Scholarly Communications

Clarity concerning what is considered a public record by the university is essential to the success of faculty research and teaching endeavors. The university must do its utmost to protect those records not subject to public records oversight and to prevent the chilling effect of public records requests on frank scholarly exchange. These principles are consistent with the letter and intent of the open records laws:

Protect the system of peer review at all levels. Public records requests are neither a substitute for nor an effective check on peer review by the scholarly community, but instead damage the process by threatening scholars into silence when they should be speaking truthfully and frankly about their concerns. The published record is the gold standard on which scholarship rests and it is readily available to the public. Public records requests of private, draft, or pre-publication materials only serve to confound the peer review process, rather than leading to an improvement or check on this process.

Protect the right of faculty to choose topics and research areas based on intrinsic criteria. Research that is politically or socially controversial should be subject to the same protections as any other kind of research. If the scholarly process is to function correctly, it must be protected from political, social, religious or other non-academic criteria of evaluation.

Provide the same protections to UCLA faculty that colleagues in private universities or corporations enjoy. Scholarship is inherently collaborative and extends beyond the bounds of a single lab or office or university. Hence, faculty at UCLA should be afforded the same kinds of protection offered elsewhere, including at private universities. Maximum protection of UCLA faculty also is necessary to ensure that our colleagues at other institutions do not experience "second-order" chilling effects, *i.e.*, a fear of collaborating with UC faculty due to concern about potential public disclosure of private materials.

Reiterate the value of the longstanding traditions of ethical and professional codes of conduct. Disciplines possess necessary and effective standards that govern the ethics of research. It is this time-tested oversight that ensures accountability. Public records requests should not be allowed to undermine these traditions.

Conclusion

The academic enterprise is intrinsically different from other enterprises conducted for the benefit of the public. Its product, *knowledge*, is intangible, yet it informs all of society in countless tangible ways, including technology, medical care, ecology, and art. Academia can only make these tremendous contributions to the quality of our lives if it operates according to the standards that *have* ensured its freedom from bias and its unwavering devotion to truth, whatever that truth may be. The threat to faculty of forced disclosure of scholarly communication through PRA/FOIA requests can damage intellectual freedom and interfere with robust scholarly communication. The proper forum for evaluating and vetting academic research is through the time-honored and rigorous process of peer review. The world's academic community, including its faculties and administrative leaders, must protect itself from these requests if it is to continue to function and contribute *to* society in the highly valuable manner that it has for centuries.

Related Links

Faculty Guide to Public Records Requests

NAVIGATION

APM

The UCLA Call

UCOP

Faculty Code of Conduct

Union Contracts

Visiting Scholars

Sexual Harassment Prevention/Title IX Office

Academic Freedom

Staff Training

Deadlines

Forms

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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

18 GOVERNMENT ACCOUNTABILITY
19 & OVERSIGHT, P.C.,

20 Petitioner,

21 v.

22 THE REGENTS OF THE UNIVERSITY OF
23 CALIFORNIA,

24 Respondent.

Case No.: 20STCP01226

**THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA'S SUPPLEMENTAL
RESPONSES TO PETITIONER'S EIGHTH
SET OF SPECIAL INTERROGATORIES**

Petition Filed: April 1, 2020

25 PROPOUNDING PARTY: PETITIONER GOVERNMENT ACCOUNTABILITY &
OVERSIGHT, P.C.

26 RESPONDING PARTY: RESPONDENT THE REGENTS OF THE UNIVERSITY OF
27 CALIFORNIA

28 SET NO.: EIGHT

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA'S SUPPLEMENTAL
RESPONSES TO PETITIONER'S EIGHTH SET OF SPECIAL INTERROGATORIES

1 **SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES**

2 **SPECIAL INTERROGATORY NO. 242**

3 Since August 31, 2020, have YOU had CARLSON's email account searched utilizing the
4 PRA 1 SEARCH PARAMETERS by someone other than CARLSON or CARLSON'S
5 ASSISTANT?

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 242**

7 Respondent incorporates its general objections as though set forth in full. Respondent further
8 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
9 because this Request seeks to require Respondent to conduct an additional search that is
10 substantively identical to PRA 1. Respondent is a public University with limited resources, and
11 should not be made to spend University resources to respond to redundant, overreaching and
12 unwarranted discovery. Respondent further objects to this interrogatory on the grounds that it seeks
13 information that is not relevant to the subject matter of this action or reasonably calculated to lead to
14 the discovery of admissible evidence, and seeks information beyond the scope of permissible
15 discovery in a writ proceeding under Government Code § 6252 in these circumstances. Respondent
16 also objects to the extent the request seeks information protected from disclosure by the attorney
17 client privilege, the attorney work product doctrine, any other privilege or protection from
18 disclosure, or any other basis for withholding information set forth in the California Public Records
19 Act.

20 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 242**

21 Subject to and without waiving the foregoing objections, Respondent responds as follows:
22 No. Respondent conducted a diligent and reasonable search upon initial receipt of PRA 1.

23 **SPECIAL INTERROGATORY NO. 243**

24 If YOU have had CARLSON's email account searched utilizing the PRA 1 SEARCH
25 PARAMETERS by someone other than CARLSON or CARLSON'S ASSISTANT since August 31,
26 2020, did that search locate any DOCUMENTS which satisfy the PRA 1 SEARCH PARAMETERS
27 besides the CURRENTLY DISCOVERED PRA 1 DOCUMENTS?

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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

21 GOVERNMENT ACCOUNTABILITY &
22 OVERSIGHT, P.C.,

23 Petitioner,

24 v.

24 THE REGENTS OF THE UNIVERSITY OF
25 CALIFORNIA,

26 Respondent.

) Case No. 20STCP01226

) **THE REGENTS OF THE UNIVERSITY OF**
) **CALIFORNIA'S OBJECTIONS AND**
) **FURTHER RESPONSES TO**
) **PETITIONER'S SIXTH SET OF SPECIAL**
) **INTERROGATORIES**

1 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
2 proceeding under Government Code § 6252 in these circumstances. Respondent further objects that
3 the request is vague, ambiguous and unintelligible in its use of the phrase "individual who first
4 discovered" because it is not clear whether it refers to who located the document or who was
5 handling the review of documents to respond to the referenced California Public Records Act
6 request. Respondent also objects to the extent the request seeks information protected from
7 disclosure by the attorney client privilege, the attorney work product doctrine, any other privilege or
8 protection from disclosure, or any other basis for withholding information set forth in the California
9 Public Records Act.

10 Subject to and without waiving the foregoing general and specific objections, Respondent
11 responds as follows: The BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION -PAGE 150
12 was located in the documents produced to Information Practices in response to PRR 20-8371.

13 **SPECIAL INTERROGATORY NO. 88:**

14 Provide a detailed description of how the individual who first discovered BALDRIDGE 2/15/21
15 SUPPLEMENTAL PRODUCTION - PAGE 150 in the "course of responding to another California
16 Public Records Act ... request" as referenced in the first paragraph of the BALDRIDGE 2/15/21
17 EMAIL RE PRR # 19-7464 discovered it (i.e., doing a word search of CARLSON's UCLA email
18 account for all documents during the four-month period of May 1, 2019 through August 31, 2019,
19 inclusive, that (1) were sent by or to (including copying, whether as cc: or bcc:) UCLA law faculty
20 member Ann Carlson and (2) which include, anywhere in the email, i) Center for Climate Integrity,
21 ii) @climateintegrity.org and/or iii) CCI).

22 **RESPONSE TO INTERROGATORY NO. 88:**

23 Respondent incorporates its general objections as though set forth in full. Respondent further
24 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive.
25 Respondent is a public University with limited resources, and should not be made to spend
26 University resources to respond to redundant, overreaching and unwarranted discovery. Respondent
27 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
28 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,

1 and seeks information beyond the scope of permissible discovery in a writ proceeding under
2 Government Code § 6252 in these circumstances. Respondent further objects that the request is
3 vague, ambiguous and unintelligible in its use of the phrase “individual who first discovered”
4 because it is not clear whether it refers to who located the document or who was handling the review
5 of documents to respond to the referenced California Public Records Act request. Respondent also
6 objects to the extent the request seeks information protected from disclosure by the attorney client
7 privilege, the attorney work product doctrine, any other privilege or protection from disclosure, or
8 any other basis for withholding information set forth in the California Public Records Act.

9 Subject to and without waiving the foregoing general and specific objections, Respondent
10 responds as follows: In light of the COVID-19 pandemic, many UCLA employees have been
11 working remotely for the past year. Because Professor Carlson and Professor Carlson’s assistant
12 were both working remotely, Professor Carlson’s assistant requested that UCLA’s Information
13 Technology Department run a search within Professor Carlson’s email account based on the 20-8371
14 PRA Request terms. The BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION - PAGE 150
15 was included in the results of that search and delivered to the Information Practices Office. In the
16 course of reviewing the results, the Information Practices Office determined that BALDRIDGE
17 2/15/21 SUPPLEMENTAL PRODUCTION - PAGE 150 was responsive to both PRR 20-8371 and
18 PRR 19-7464, and had in fact been produced by Professor Carlson during the course of responding
19 to PRR 19-7464.

20 **SPECIAL INTERROGATORY NO. 89:**

21 State whether YOU contend that CARLSON did not provide the original or a copy of BALDRIDGE
22 2/15/21 SUPPLEMENTAL PRODUCTION - PAGE 150 to IP in response to PRA 1 or otherwise on
23 or before August 31, 2020.

24 **RESPONSE TO INTERROGATORY NO. 89:**

25 Respondent incorporates its general objections as though set forth in full. Respondent further
26 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive.
27 Respondent is a public University with limited resources, and should not be made to spend
28 University resources to respond to redundant, overreaching and unwarranted discovery. Respondent

1 State where the BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION -PAGES 151- 154 was
2 located when the individual who first discovered BALDRIDGE 2/15/21 SUPPLEMENTAL
3 PRODUCTION - PAGES 151-154 in the "course of responding to another California Public Records
4 Act ... request" as referenced in the first paragraph of the BALDRIDGE 2/15/21 EMAIL RE PRR #
5 19-7464 discovered it.

6 **RESPONSE TO INTERROGATORY NO. 111:**

7 Respondent incorporates its general objections as though set forth in full. Respondent further
8 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
9 extent that Respondent is a public University with limited resources, and should not be made to
10 spend University resources to respond to redundant, overreaching and unwarranted discovery.
11 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
12 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
13 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
14 proceeding under Government Code § 6252 in these circumstances. Respondent further objects that
15 the request is vague, ambiguous and unintelligible in its use of the phrase "individual who first
16 discovered" because it is not clear whether it refers to who located the document or who was
17 handling the review of documents to respond to the referenced California Public Records Act
18 request. Respondent also objects to the extent the request seeks information protected from
19 disclosure by the attorney client privilege, the attorney work product doctrine, any other privilege or
20 protection from disclosure, or any other basis for withholding information set forth in the California
21 Public Records Act.

22 Subject to and without waiving the foregoing general and specific objections, Respondent
23 responds as follows: BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION -PAGES 151- 154
24 were located in the documents produced to Information Practices in response to PRA 20-8371.

25 **SPECIAL INTERROGATORY NO. 112:**

26 Provide a detailed description of how the individual who first discovered BALDRIDGE 2/15/21
27 SUPPLEMENTAL PRODUCTION - PAGES 151-154 in the "course of responding to another
28

1 California Public Records Act ... request" as referenced in the first paragraph of the BALDRIDGE
2 2/15/21 EMAIL RE PRR # 19-7464 discovered it.

3 **RESPONSE TO INTERROGATORY NO. 112:**

4 Respondent incorporates its general objections as though set forth in full. Respondent further
5 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
6 extent that Respondent is a public University with limited resources, and should not be made to
7 spend University resources to respond to redundant, overreaching and unwarranted discovery.
8 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
9 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
10 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
11 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
12 extent the request seeks information protected from disclosure by the attorney client privilege, the
13 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
14 for withholding information set forth in the California Public Records Act.

15 Subject to and without waiving the foregoing general and specific objections, Respondent
16 responds as follows: In light of the COVID-19 pandemic, many UCLA employees have been
17 working remotely for the past year. Because Professor Carlson and Professor Carlson's assistant
18 were both working remotely, Professor Carlson's assistant requested that UCLA's Information
19 Technology Department run a search within Professor Carlson's email account based on the 20-8371
20 PRA Request terms. The BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION - PAGES 151
21 – 154, as well as pages 155-168, were included in the results of that search and delivered to the
22 Information Practices Office. In the course of reviewing the results, an individual from the
23 Information Practices Office determined that BALDRIDGE 2/15/21 SUPPLEMENTAL
24 PRODUCTION - PAGES 151-154, as well as pages 155-168, were responsive to both PRR 20-8371
25 and PRR 19-7464, but had been inadvertently omitted from the documents produced in PRA 1. In
26 response, Respondent promptly produced these additional documents to Petitioner.

27 **SPECIAL INTERROGATORY NO. 113:**

1 State whether YOU contend that CARLSON did not provide the original or a copy of BALDRIDGE
2 2/15/21 SUPPLEMENTAL PRODUCTION -PAGES 151-154 to IP in response to PRA 1 or
3 otherwise on or before August 31, 2020.

4 **RESPONSE TO INTERROGATORY NO. 113:**

5 Respondent incorporates its general objections as though set forth in full. Respondent further
6 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
7 extent that Respondent is a public University with limited resources, and should not be made to
8 spend University resources to respond to redundant, overreaching and unwarranted discovery.
9 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
10 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
11 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
12 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
13 extent the request seeks information protected from disclosure by the attorney client privilege, the
14 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
15 for withholding information set forth in the California Public Records Act.

16 Subject to and without waiving the foregoing general and specific objections, Respondent
17 responds as follows: To the best of the Regents knowledge formed after reasonable inquiry, IP has
18 no record of receiving an original or a copy of BALDRIDGE 2/15/21 SUPPLEMENTAL
19 PRODUCTION -PAGES 151-154 on or before August 31, 2020.

20 **SPECIAL INTERROGATORY NO. 114:**

21 If YOU contend that CARLSON did not provide the original or a copy of BALDRIDGE 2/15/21
22 SUPPLEMENTAL PRODUCTION -PAGES 151-154 to IP in response to PRA 1 or otherwise on or
23 before August 31, 2020, do YOU further contend that CARLSON had not located BALDRIDGE
24 2/15/21 SUPPLEMENTAL PRODUCTION -PAGES 151-154 on or before August 31, 2020 in the
25 course of her efforts to respond to PRA 1.

26 **RESPONSE TO INTERROGATORY NO. 114:**

27 Respondent incorporates its general objections as though set forth in full. Respondent further
28 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the

1 extent that Respondent is a public University with limited resources, and should not be made to
2 spend University resources to respond to redundant, overreaching and unwarranted discovery.
3 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
4 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
5 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
6 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
7 extent the request seeks information protected from disclosure by the attorney client privilege, the
8 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
9 for withholding information set forth in the California Public Records Act.

10 Subject to and without waiving the foregoing general and specific objections, Respondent
11 responds as follows: The Regents contend that notwithstanding a good faith effort by Professor
12 Carlson and her administrative assistant who searched for documents potentially responsive to PRA
13 1 at Professor Carlson's direction, the document at BALDRIDGE 2/15/21 SUPPLEMENTAL
14 PRODUCTION -PAGES 151-154 was not located on or before August 31, 2020 as a document
15 potentially responsive to PRA 1.

16 **SPECIAL INTERROGATORY NO. 115:**

17 If YOU contend that CARLSON had not located BALDRIDGE 2/15/21 SUPPLEMENTAL
18 PRODUCTION -PAGES 151-154 on or before August 31, 2020 in the course of her efforts to
19 respond to PRA 1, do YOU have any information or explanation as to why CARLSON did not
20 locate BALDRIDGE 2/15/21 SUPPLEMENTAL PRODUCTION -PAGES 151-154 on or before
21 August 31, 2020 in the course of her efforts to respond to PRA 1?

22 **RESPONSE TO INTERROGATORY NO. 115:**

23 Respondent incorporates its general objections as though set forth in full. Respondent further
24 objects to the request on the grounds it is overbroad, unduly burdensome and oppressive to the
25 extent that Respondent is a public University with limited resources, and should not be made to
26 spend University resources to respond to redundant, overreaching and unwarranted discovery.
27 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
28 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of

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 26 THE REGENTS OF THE UNIVERSITY
 27 OF CALIFORNIA

28 SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

GOVERNMENT ACCOUNTABILITY
 & OVERSIGHT, P.C.,

Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA,

Respondent.

Case No.: 20STCP01226

**THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA'S OBJECTIONS AND
 RESPONSES TO PETITIONER'S EIGHTH
 SET OF SPECIAL INTERROGATORIES**

Petition Filed: April 1, 2020

PROPOUNDING PARTY: PETITIONER GOVERNMENT ACCOUNTABILITY &
 OVERSIGHT, P.C.

RESPONDING PARTY: RESPONDENT THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA

SET NO.: EIGHT

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 235**

2 Respondent incorporates its general objections as though set forth in full. Respondent further
3 objects to the request on the grounds it is overbroad, unduly burdensome and harassing. Respondent
4 is a public University with limited resources, and should not be made to spend University resources
5 to respond to redundant, overreaching and unwarranted discovery. Respondent further objects to
6 this interrogatory on the grounds that it seeks information that is not relevant to the subject matter of
7 this action or reasonably calculated to lead to the discovery of admissible evidence, and seeks
8 information beyond the scope of permissible discovery in a writ proceeding under Government Code
9 § 6252 in these circumstances. Respondent also objects to the extent the request seeks information
10 protected from disclosure by the attorney client privilege, the attorney work product doctrine, any
11 other privilege or protection from disclosure, or any other basis for withholding information set forth
12 in the California Public Records Act. Respondent further objects to this interrogatory on the ground
13 that it violates Code of Civil Procedure section 2030.060 in that it is not complete in and of itself in
14 that it requires Respondent to refer to an additional document to answer the interrogatory.

15 Subject to and without waiving its general and specific objections, Respondent responds as
16 follows: A single email from a private citizen concerning a donation the private citizen made to a
17 private entity that is not a part of the University is not necessarily transformed into a public record
18 simply by virtue of being sent to someone who is a public employee.

19 **SPECIAL INTERROGATORY NO. 236**

20 Do YOU dispute that on two separate occasions, subsequent searches of CARLSON's email
21 account by UCLA'S IT DEPARTMENT in response to two subsequent PRA requests by GAO
22 discovered DOCUMENTS that were within the PRA 1 SEARCH PARAMETERS but were not
23 produced by CARLSON to IP prior to August 31, 2020?

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 236**

25 Respondent incorporates its general objections as though set forth in full. Respondent further
26 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
27 because this Request seeks information that Respondent has already provided to Petitioner.
28 Respondent is a public University with limited resources, and should not be made to spend

1 University resources to respond to redundant, overreaching and unwarranted discovery, particularly
2 discovery seeking to harass Respondent by deliberately miscasting Respondent's good-faith actions.
3 Respondent further objects to this interrogatory on the grounds that it seeks information that is not
4 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of
5 admissible evidence, and seeks information beyond the scope of permissible discovery in a writ
6 proceeding under Government Code § 6252 in these circumstances. Respondent also objects to the
7 extent the request seeks information protected from disclosure by the attorney client privilege, the
8 attorney work product doctrine, any other privilege or protection from disclosure, or any other basis
9 for withholding information set forth in the California Public Records Act.

10 Subject to and without waiving its general and specific objections, Respondent responds as
11 follows: Respondent conducted a diligent and reasonable search in response to PRA 1. The existence
12 of a miniscule number of records that fall within the PRA 1 SEARCH PARAMETERS but were not
13 initially located is not indicative of bad faith or unreasonableness on the part of Respondent.
14 Further, Respondent has promptly notified Petitioner of the existence of additional documents,
15 evidencing Respondent's good faith.

16 **SPECIAL INTERROGATORY NO. 237**

17 If YOU dispute that on two separate occasions, subsequent searches of CARLSON's email
18 account by UCLA'S IT DEPARTMENT in response to two subsequent PRA requests by GAO
19 discovered DOCUMENTS that were within the PRA 1 SEARCH PARAMETERS but were not
20 produced by CARLSON to IP prior to August 31, 2020, provide a detailed explanation of why and
21 on what specific factual bases YOU dispute that on two separate occasions, subsequent searches of
22 CARLSON's email account by UCLA'S IT DEPARTMENT in response to two subsequent PRA
23 requests by GAO discovered DOCUMENTS that were within the PRA 1 SEARCH PARAMETERS
24 but were not produced by CARLSON to IP prior to August 31, 2020.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 237**

26 Respondent incorporates its general objections as though set forth in full. Respondent further
27 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
28 because this Request seeks information that Respondent has already provided to Petitioner.

1 Respondent is a public University with limited resources, and should not be made to spend
2 University resources to respond to redundant, overreaching and unwarranted discovery. Respondent
3 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
4 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
5 and seeks information beyond the scope of permissible discovery in a writ proceeding under
6 Government Code § 6252 in these circumstances. Respondent also objects to the extent the request
7 seeks information protected from disclosure by the attorney client privilege, the attorney work
8 product doctrine, any other privilege or protection from disclosure, or any other basis for
9 withholding information set forth in the California Public Records Act.

10 Subject to and without waiving its general and specific objections, Respondent responds as
11 follows: Not applicable, see Response to Special Interrogatory number 236.

12 **SPECIAL INTERROGATORY NO. 238**

13 Do YOU contend that (1) CARLSON'S ASSISTANT searched CARLSON's email account
14 utilizing the PRA 1 SEARCH PARAMETERS and (2) CARLSON turned over to IP prior to
15 August 31, 2020, all of the DOCUMENTS that CARLSON'S ASSISTANT had located as a result
16 of that search?

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 238**

18 Respondent incorporates its general objections as though set forth in full. Respondent further
19 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
20 because this Request seeks information that Respondent has already provided to Petitioner.

21 Respondent is a public University with limited resources, and should not be made to spend
22 University resources to respond to redundant, overreaching and unwarranted discovery. Respondent
23 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
24 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
25 and seeks information beyond the scope of permissible discovery in a writ proceeding under
26 Government Code § 6252 in these circumstances. Respondent also objects to the extent the request
27 seeks information protected from disclosure by the attorney client privilege, the attorney work
28 product doctrine, any other privilege or protection from disclosure, or any other basis for

1 withholding information set forth in the California Public Records Act. Respondent further objects
2 of the basis that this request is impermissibly compound.

3 Subject to and without waiving its general and specific objections, Respondent responds as
4 follows: On information and belief, yes.

5 **SPECIAL INTERROGATORY NO. 239**

6 If YOU contend that (1) CARLSON'S ASSISTANT searched CARLSON's email account
7 utilizing the PRA 1 SEARCH PARAMETERS and (2) CARLSON turned over to IP prior to
8 August 31, 2020, all of the DOCUMENTS that CARLSON'S ASSISTANT had located as a result
9 of that search, provide a detailed explanation (if YOU have one) of how and why on two separate
10 occasions, subsequent searches of CARLSON's email account by UCLA'S IT DEPARTMENT in
11 response to two subsequent PRA requests by GAO discovered DOCUMENTS that were within the
12 PRA 1 SEARCH PARAMETERS but were not produced by CARLSON to IP prior to August 31,
13 2020.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 239**

15 Respondent incorporates its general objections as though set forth in full. Respondent further
16 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
17 because this Request seeks information that Respondent has already provided to Petitioner.
18 Respondent is a public University with limited resources, and should not be made to spend
19 University resources to respond to redundant, overreaching and unwarranted discovery. Respondent
20 further objects to this interrogatory on the grounds that it seeks information that is not relevant to the
21 subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence,
22 and seeks information beyond the scope of permissible discovery in a writ proceeding under
23 Government Code § 6252 in these circumstances. Respondent also objects to the extent the request
24 seeks information protected from disclosure by the attorney client privilege, the attorney work
25 product doctrine, any other privilege or protection from disclosure, or any other basis for
26 withholding information set forth in the California Public Records Act.

27 Subject to and without waiving its general and specific objections, Respondent responds as
28 follows: Despite diligent searches, a single additional document was discovered that contained the

1 search terms of PRA 1 but was nevertheless not responsive to PRA 1 because it was not a record
2 relating to the conduct of the public's business. However, it was provided out of an abundance of
3 caution and as further evidence of Respondent's good faith in this matter despite ongoing harassment
4 by Petitioner.

5 **SPECIAL INTERROGATORY NO. 240**

6 Does CARLSON's email account contain any DOCUMENTS besides the CURRENTLY
7 DISCOVERED PRA 1 DOCUMENTS which satisfy the PRA 1 SEARCH PARAMETERS?

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 240**

9 Respondent incorporates its general objections as though set forth in full. Respondent further
10 objects to the request on the grounds it is overbroad, unduly burdensome and harassing, particularly
11 because this Request seeks to require Respondent to conduct an additional search that is
12 substantively identical to PRA 1. Respondent is a public University with limited resources, and
13 should not be made to spend University resources to respond to redundant, overreaching and
14 unwarranted discovery. Respondent further objects to this interrogatory on the grounds that it seeks
15 information that is not relevant to the subject matter of this action or reasonably calculated to lead to
16 the discovery of admissible evidence, and seeks information beyond the scope of permissible
17 discovery in a writ proceeding under Government Code § 6252 in these circumstances. Respondent
18 also objects to the extent the request seeks information protected from disclosure by the attorney
19 client privilege, the attorney work product doctrine, any other privilege or protection from
20 disclosure, or any other basis for withholding information set forth in the California Public Records
21 Act.

22 Subject to and without waiving its general and specific objections, Respondent responds as
23 follows: On information and belief, Respondent has provided all nonexempt, responsive documents
24 located in CARLSON'S email account. All of the emails that Respondent has previously provided
25 presumably still reside in Professor Carlson's email account.

26 ///

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28 ///

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

RESPONDENT.

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CASE NO. 20STCP01226

VIDEOTAPED DEPOSITION OF ANN CARLSON, ESQ.
TAKEN ON JUNE 9, 2021



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AR 00430

1 Information Practices that you felt one or more of
2 the documents that have been located should not be
3 produced because they, in fact, were not public
4 records, but were purely personal records?

5 A. No, not that I recall.

6 Q. Did you ever discuss with anyone at
7 Information Practices UCLA's September 2012 Statement
8 on the Principles of Scholarly Research and Public
9 Records Request?

10 A. No, not that I recall.

11 MR. HUNTER: I would like to have stamped and
12 submitted document H as Exhibit 5. And Ms. Mok will
13 let me know when she has that before her.

14 MS. MOK: I do have it. Thank you.

15 (Plaintiff's Exhibit No. 5 was
16 marked for identification.)

17 MR. HUNTER: Q. Exhibit 5 is the UCLA
18 Statement on the Principles of Scholarly Research and
19 Public Records Requests.

20 Do you see that before you,
21 Professor Carlson?

22 A. Yes, I do.

23 Q. In the preamble, which is on page 1 of that,
24 states toward the end the following: "Moreover,
25 these requests have increasingly been used for



1 political purposes or to intimidate faculty working
2 on controversial issues."

3 Do you believe the Public Record Act that's
4 at issue in this lawsuit is being used for political
5 purposes or to intimidate faculty working on the
6 issue of global warming?

7 MS. MOK: Objection. Beyond the scope.

8 THE WITNESS: Should I go ahead and answer?

9 MS. MOK: Go ahead and answer.

10 THE WITNESS: Yes, I do.

11 MR. HUNTER: Q. Turning to page 2 of
12 Exhibit 5, it states that in the third full
13 paragraph, the first two sentences state, "Faculty
14 often choose research topics that are highly relevant
15 to society, and therefore may generate strong
16 reactions. These topics may be controversial and
17 highly politicized," paren, "e.g., global warming,"
18 close parens, and I will stop there.

19 Do you agree the topic of global warming is
20 controversial and highly politicized?

21 MS. MOK: Objection. Vague.

22 THE WITNESS: That's a really, really broad
23 question. So under some circumstances and some
24 topics, yes, I do.

25 MR. HUNTER: Q. Do you believe that, as it