

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC RECORDS - CALIFORNIA

Sukumar v. City of San Diego

Court of Appeal, Fourth District, Division 1, California - August 15, 2017 - Cal.Rptr.3d - 2017 WL 3483653

Records requester filed petition for writ of mandate under Public Records Act (PRA), challenging city's production of documents and seeking additional documents.

The Superior Court dismissed petition and subsequently denied requester's attorney-fee motion.

The Court of Appeal held that requester's writ petition motivated city to produce material responsive documents, and thus requester was prevailing plaintiff entitled to attorney fees under PRA.

Records requester's writ petition challenging city's compliance with records requests motivated city to produce material responsive documents, and thus requester was prevailing plaintiff entitled to attorney fees under Public Records Act (PRA), though there was no indication city acted in bad faith or intentionally withheld known responsive documents. Prior to requester filing suit, city expressed firm belief that it had already produced all responsive documents, city produced, among other things, five responsive photographs and 146 pages of e-mails directly as a result of court-ordered depositions in requester's PRA litigation, and city's delay in producing documents was not due to uncertainty over scope of request or absence of key personnel to process request.