

1 **Parties**

2 2. In answer to paragraph 2, Respondent lacks sufficient information and knowledge to
3 form a belief as to the truth of the allegations contained therein, and on that basis denies each such
4 allegation.

5 3. In answer to paragraph 3, Respondent admits the allegations.

6 4. In answer to paragraph 4, with respect to the first sentence, Respondent lacks sufficient
7 information and knowledge to form a belief as to the truth of the allegations contained therein, and on
8 that basis denies each such allegation. With respect to the second sentence, Respondent denies the
9 allegations (without constituting a negative pregnant).

10 5. Paragraph 5 contains only conclusions of law to which no response is required. But to the
11 extent a response is required by law, deny.

12 **Jurisdiction and Venue**

13 6. Paragraph 6 contains only conclusions of law to which no response is required. But to the
14 extent a response is required, Respondent admits that the above-entitled court – a court of general
15 jurisdiction – has jurisdiction over this action.

16 7. In answer to paragraph 7, Respondent admits that venue is proper in the above-entitled
17 court. The remainder of the paragraph consists only of conclusions of law to which no response is
18 required, but to the extent a response is required by law, deny.

19 8. In answer to paragraph 8, the paragraph consists only of conclusions of law to which no
20 response is required, but to the extent a response is required by law, Respondent denies them (including,
21 but not limited to, due to the vagueness of the allegations).

22 **FIRST CAUSE OF ACTION**

23 **Violation of Open-Government Laws**

24 9. Respondent incorporates by reference its above responses to paragraphs 1 through 8 of
25 the Petition, as though fully set forth herein.

26 10. A. In answer to paragraph 10(A), Respondent admits the allegations.

27 B. In answer to paragraph 10(B), Respondent admits the allegations.

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1 C. In answer to paragraph 10(C), Respondent admits the allegations, with the
2 clarification that requests were received from law-enforcement agencies and fire agencies.

3 D. In answer to paragraph 10(D), with respect to the first sentence, Respondent
4 admits that at the time the Petition was filed (but not served), a meeting of the UAWG was
5 scheduled for December 16, 2020 (but by the time service of process was effected, no such
6 meeting was scheduled for the future, and the December 16, 2020, meeting had been taken off
7 calendar and did not go forward). With respect to the second sentence, as the meeting did not
8 take place (and, in fact, as the subject meeting date alleged in the Petition – December 16, 2020 –
9 had already passed by the time service of process in this action was effected), Respondent lacks
10 sufficient information and knowledge to form a belief as to the truth of the allegations contained
11 therein, and on that basis denies the allegations.

12 E. In answer to paragraph 10(E), Respondent denies the allegations, as there
13 presently is no such referenced “upcoming meeting” on calendar.

14 11. In answer to paragraph 11, the paragraph contains legal conclusions and
15 characterizations, to which no response is required. But to the extent a response is required by law,
16 Respondent denies the allegations (including, but not limited to, the fact that this action does not
17 properly include any “backwards-looking” Brown Act claim, such as seeking a determination of the
18 applicability of the Brown Act to past actions of a legislative body of a local agency, or to challenge the
19 validity of a past action of a legislative body of a local agency, in light of the prerequisites as specified
20 by Government Code §§ 54960.1 and/or 54960.2 having not been satisfied).

21 **SECOND CAUSE OF ACTION**

22 **Declaratory Relief under Code of Civil Procedure Section 1060, et seq.**

23 12. Respondent incorporates by reference its above responses to paragraphs 1 through 11 of
24 the Petition, as though fully set forth herein.

25 13. In answer to paragraph 13, Respondent denies the allegations. (Further, to the extent any
26 of the allegations are “backwards looking,” this action does not properly include any such Brown Act
27 claim, such as seeking a determination of the applicability of the Brown Act to past actions of a
28 legislative body of a local agency, or to challenge the validity of a past action of a legislative body of a

1 local agency, in light of the prerequisites as specified by Government Code §§ 54960.1 and/or 54960.2
2 having not been satisfied).

3 14. In answer to paragraph 14, the paragraph consists only of conclusions of law to which no
4 response is required, but to the extent a response is required by law, Respondent denies them.

5 **AFFIRMATIVE DEFENSES**

6 As separate, distinct, and affirmative defenses to the Petition filed in this matter, Respondent
7 alleges as follows:

8 **FIRST AFFIRMATIVE DEFENSE**

9 The Petition fails to state facts sufficient to constitute a cause of action upon which relief can be
10 granted, and otherwise fails to satisfy the pleading requirements for a petition for writ of administrative
11 mandamus under C.C.P. § 1094.5. [C.C.P. § 430.10(e)]

12 **SECOND AFFIRMATIVE DEFENSE**

13 The Petition is uncertain, unintelligible, and/or ambiguous.

14 **THIRD AFFIRMATIVE DEFENSE**

15 To the extent the Petition alleges or includes any “backwards-looking” claim under the Brown
16 Act, such as seeking a determination of the applicability of the Brown Act to past actions of a legislative
17 body of a local agency, or to challenge the validity of a past action of a legislative body of a local
18 agency, the Petition fails to allege compliance with the statutory prerequisites of any such claim,
19 including those specified under Government Code §§ 54960.1 and/or 54960.2.

20 **FOURTH AFFIRMATIVE DEFENSE**

21 One or more of the claims or causes of action asserted in the Petition is not ripe for adjudication.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 The Petition, including the claims asserted therein and/or the relief requested, is barred by the
24 applicable statute of limitations, including, but not necessarily limited to, Government Code § 54960,
25 54960.1, and/or 54960.2.

26 **SIXTH AFFIRMATIVE DEFENSE**

27 One or more of the claims or causes of action asserted in the Petition is moot.

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1 **SEVENTH AFFIRMATIVE DEFENSE**

2 Respondent presently has insufficient knowledge or information upon which to form a belief as
3 to whether it may have additional as yet unstated affirmative defenses available. Respondent therefore
4 reserves herein the right to assert additional affirmative defenses in the event discovery or further
5 investigation indicate such additional defenses would be appropriate.

6 **PRAYER FOR RELIEF**

7 Wherefore, Respondent prays:

- 8 1. That the relief sought in the Petition be denied;
- 9 2. That Petitioner take nothing by way of this action;
- 10 3. That judgment be entered against Petitioner and in favor of Respondent;
- 11 4. That Respondent be awarded its recoverable costs of suit; and
- 12 5. For such other relief as the Court deems just and proper.

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14 Dated: February 1, 2021

OFFICE OF COUNTY COUNSEL

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17 By:



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19 Unified San Diego County Emergency Services Organization
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