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Department of Corrections and Rehabilitation and
8 *Jeffrey Beard, Secretary of California Department of*
Corrections and Rehabilitation

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO
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14 **California Families Against Solitary**
Confinement, et al.,

15 Plaintiffs/Petitioners,

16 v.

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18 **California Department of Corrections and**
Rehabilitation, et al.,

19 Defendants/Respondents.
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Case No. 34-2014-80001886

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION AND JEFFREY
BEARD'S ANSWER TO PETITION FOR
ALTERNATIVE AND PEREMPTORY
WRITS OF MANDATE AND FIRST
AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF

Dept: 29

Judge: Hon. Timothy M. Frawley

Trial Date: None Set

Action Filed: July 8, 2014
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24 Defendants/Respondents California Department of Corrections and Rehabilitation and
25 Jeffrey Beard, the Secretary of California Department of Corrections and Rehabilitation
26 (hereinafter collectively CDCR) in response to the verified petition and first amended complaint
27 on file herein admit, deny and aver as follows:
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1 9. In answer to paragraph 9, CDCR admits that Families To Amend California's Three
2 Strikes is a plaintiff in this action. Except as so expressly admitted, CDCR is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained in that
4 paragraph and on that basis denies each and every allegation therein.

5 10. In answer to paragraph 10, CDCR admits that California Prison Focus is a plaintiff in
6 this action. Except as so expressly admitted, CDCR is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations contained in that paragraph and on
8 that basis denies each and every allegation therein.

9 11. In answer to paragraph 11, CDCR admits that Fair Chance Project is a plaintiff in this
10 action. Except as so expressly admitted, CDCR is without sufficient knowledge or information to
11 form a belief as to the truth of the allegations contained in that paragraph and on that basis denies
12 each and every allegation therein.

13 12. In answer to paragraph 12, CDCR admits that Justice For Families is a plaintiff in this
14 action. Except as so expressly admitted, CDCR is without sufficient knowledge or information to
15 form a belief as to the truth of the allegations contained in that paragraph and on that basis denies
16 each and every allegation therein.

17 13. In response to paragraph 13, CDCR admits that Real Cost Of Prisons Project is a
18 plaintiff in this action. Except as so expressly admitted, CDCR is without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained in that paragraph and on
20 that basis denies each and every allegation therein.

21 14. In answer to paragraph 14, CDCR admits that Community Futures Collective is a
22 plaintiff in this action. Except as so expressly admitted, CDCR is without sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained in that paragraph and on
24 that basis denies each and every allegation therein.

25 15. In response to paragraph 15, CDCR admits that Center For Prisoner Health and
26 Human Rights is a plaintiff in this action. Except as so expressly admitted, CDCR is without
27 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
28 that paragraph and on that basis denies each and every allegation therein.

1 16. In response to paragraph 16, CDCR admits that California Prison Moratorium Project
2 is a plaintiff in this action. Except as so expressly admitted, CDCR is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained in that
4 paragraph and on that basis denies each and every allegation therein.

5 17. In response to paragraph 17, CDCR admits that Ronnie Dewberry, also known as
6 Sitawa Nantambu Jamaa, is a prisoner in CDCR's custody and a plaintiff in this matter. CDCR
7 denies that inmate Dewberry is housed in the Security Housing Unit at Pelican Bay State Prison.
8 CDCR denies that inmate Dewberry has been held in isolated segregation since approximately
9 1985. Except as expressly admitted, CDCR is without sufficient knowledge or information to
10 form a belief as to the truth of the remaining allegations contained in that paragraph and on that
11 basis denies each and every allegation therein.

12 18. In response to paragraph 18, CDCR admits that Todd Ashker is a prisoner in CDCR's
13 custody and a plaintiff in this matter. CDCR admits that inmate Ashker is currently housed in the
14 Security Housing Unit at Pelican Bay State Prison. CDCR denies that plaintiff Ashker has been
15 held in isolated segregation since approximately 1987. Except as expressly admitted, CDCR is
16 without sufficient knowledge or information to form a belief as to the truth of the remaining
17 allegations contained in that paragraph and on that basis denies each and every allegation therein.

18 19. In response to paragraph 19, CDCR admits that Antonio Guillen is a prisoner in
19 CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Guillen is currently
20 housed in the Security Housing Unit at Pelican Bay State Prison. Except as expressly admitted,
21 CDCR is without sufficient knowledge or information to form a belief as to the truth of the
22 remaining allegations contained in that paragraph and on that basis denies each and every
23 allegation therein.

24 20. In response to paragraph 20, CDCR admits that Derrick Carbajal is a prisoner in
25 CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Carbajal is currently
26 housed in the Security Housing Unit at Pelican Bay State Prison. CDCR denies that inmate
27 Carbajal has been held in isolated segregation since 2003. Except as expressly admitted, CDCR
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1 is without sufficient knowledge or information to form a belief as to the truth of the remaining
2 allegations contained in that paragraph and on that basis denies each and every allegation therein.

3 21. In response to paragraph 21, CDCR admits that Walter Coto is a plaintiff in this
4 matter. CDCR denies that Mr. Coto is a prisoner in CDCR's custody. CDCR denies that Mr.
5 Coto is housed in the Security Housing Unit at California State Prison, Corcoran. CDCR denies
6 that Mr. Coto has been held in isolated segregation since 2009. Except as expressly admitted,
7 CDCR is without sufficient knowledge or information to form a belief as to the truth of the
8 remaining allegations contained in that paragraph and on that basis denies each and every
9 allegation therein.

10 22. In response to paragraph 22, CDCR admits that Shannon Lemar Denham is a prisoner
11 in CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Denham is currently
12 housed in the Security Housing Unit at California State Prison, Corcoran. CDCR denies that
13 inmate Denham has been held in isolated segregation since 2000. Except as expressly admitted,
14 CDCR is without sufficient knowledge or information to form a belief as to the truth of the
15 remaining allegations contained in that paragraph and on that basis denies each and every
16 allegation therein.

17 23. In response to paragraph 23, CDCR admits that Michael Dorrough is a prisoner in
18 CDCR's custody and a plaintiff in this matter. CDCR is without sufficient knowledge or
19 information to form a belief as to the truth of inmate Dorrough's current housing assignment and
20 on that basis denies that he is housed in the Security Housing Unit at California State Prison,
21 Corcoran. CDCR denies that inmate Dorrough has been held in isolated segregation since 1988.
22 Except as expressly admitted, CDCR is without sufficient knowledge or information to form a
23 belief as to the truth of the remaining allegations contained in that paragraph and on that basis
24 denies each and every allegation therein.

25 24. In response to paragraph 24, CDCR admits that Christopher Flores is a prisoner in
26 CDCR's custody and plaintiff in this matter. CDCR is without sufficient knowledge or
27 information to form a belief as to the truth of inmate Flores' current housing assignment and on
28 that basis denies that he is housed in the Security Housing Unit at California State Prison,

1 Sacramento. CDCR denies that inmate Flores has been held in isolated segregation since 2009.
2 Except as expressly admitted, CDCR is without sufficient knowledge or information to form a
3 belief as to the truth of the remaining allegations contained in that paragraph and on that basis
4 denies each and every allegation therein.

5 25. In response to paragraph 25, CDCR admits that Phil Fortman is a prisoner in CDCR's
6 custody and a plaintiff in this matter. CDCR admits that inmate Fortman is currently housed in
7 the Security Housing Unit at Pelican Bay State Prison. CDCR denies that inmate Fortman has
8 been held in isolated segregation since 1986. Except as expressly admitted, CDCR is without
9 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
10 contained in that paragraph and on that basis denies each and every allegation therein.

11 26. In response to paragraph 26, CDCR admits that Adam Pritchard is a prisoner in
12 CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Pritchard is currently
13 housed in the Security Housing Unit at California State Prison, Sacramento. CDCR denies that
14 inmate Pritchard has been held in isolated segregation since 2009. Except as expressly admitted,
15 CDCR is without sufficient knowledge or information to form a belief as to the truth of the
16 remaining allegations contained in that paragraph and on that basis denies each and every
17 allegation therein.

18 27. In response to paragraph 27, CDCR admits that Robbie Riva is a prisoner in CDCR's
19 custody and a plaintiff in this matter. CDCR admits that inmate Riva is currently housed in the
20 Security Housing Unit at California Correctional Institute, Tehachapi. CDCR denies that inmate
21 Riva has been held in isolated segregation since 2011. Except as expressly admitted, CDCR is
22 without sufficient knowledge or information to form a belief as to the truth of the remaining
23 allegations contained in that paragraph and on that basis denies each and every allegation therein.

24 28. In response to paragraph 28, CDCR admits that Carlos Robledo is a prisoner in
25 CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Robledo is currently
26 housed in the Security Housing Unit at California State Prison, Corcoran. CDCR denies that
27 inmate Robledo has been held in isolated segregation since 1988. Except as expressly admitted,
28 CDCR is without sufficient knowledge or information to form a belief as to the truth of the

1 remaining allegations contained in that paragraph and on that basis denies each and every
2 allegation therein.

3 29. In response to paragraph 29, CDCR admits that Alfred Sandoval is a prisoner in
4 CDCR's custody and a plaintiff in this matter. CDCR is without sufficient knowledge or
5 information to form a belief as to the truth of inmate Flores' current housing assignment and on
6 that basis denies that he is housed in the Security Housing Unit at Pelican Bay State Prison.
7 CDCR denies that inmate Sandoval has been held in isolated segregation since 1987. Except as
8 expressly admitted, CDCR is without sufficient knowledge or information to form a belief as to
9 the truth of the remaining allegations contained in that paragraph and on that basis denies each
10 and every allegation therein.

11 30. In response to paragraph 30, CDCR admits that Punafo Tilei is a prisoner in
12 CDCR's custody and a plaintiff in this matter. CDCR admits that inmate Tilei is currently housed
13 at California State Prison, Los Angeles County. CDCR denies that inmate Tilei is confined in
14 isolated segregation. CDCR denies that inmate Tilei has been held in isolated segregation since
15 2011. Except as expressly admitted, CDCR is without sufficient knowledge or information to
16 form a belief as to the truth of the remaining allegations contained in that paragraph and on that
17 basis denies each and every allegation therein.

18 31. In response to paragraph 31, CDCR admits that (a) it is an agency of the State of
19 California established pursuant to Government Code section 12838 to operate state prisons; (b) it
20 is required to comply with the California Public Records Act; and (c) it maintains offices in
21 Sacramento County. Except as expressly admitted, CDCR denies each and every allegation of
22 this paragraph.

23 32. CDCR admits the allegations of paragraph 32.

24 33. In answer to paragraph 33, CDCR is without sufficient knowledge or information to
25 form a belief as to the truth of the allegations contained in that paragraph and on that basis denies
26 each and every allegation therein.

1 34. In answer to paragraph 34, CDCR is without sufficient knowledge or information to
2 form a belief as to the truth of the allegations contained in that paragraph and on that basis denies
3 each and every allegation therein.

4 35. In answer to paragraph 35, CDCR denies each and every allegation of paragraph 35.

5 **FACTUAL ALLEGATIONS**

6 36. In answer to paragraph 36, CDCR admits that the plaintiffs/petitioners on behalf of
7 themselves and other prisoners mailed a letter to CDCR dated February 8, 2013 requesting to
8 inspect public records pursuant to the California Public Records Act. Except as expressly
9 admitted, CDCR avers that the letter speaks for itself.

10 37. In answer to paragraph 37, CDCR denies that (a) the request to inspect public records
11 reasonably described the public records sought; and (b) a complete copy of the request, including
12 its referenced Attachment A, is attached to the petition/complaint. Except as expressly denied,
13 CDCR admits the remaining allegations in paragraph 37.

14 38. In answer to paragraph 38, CDCR denies that the request sought records that were
15 neither personal nor confidential, or if they were personal or confidential, that the personal or
16 confidential information could be segregated from the non-confidential information without
17 undue burden to CDCR. Except as expressly denied, CDCR is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations contained in that paragraph and on
19 that basis denies each and every allegation therein.

20 39. In answer to paragraph 39, CDCR avers that the document speaks for itself.

21 40. In answer to paragraph 40, CDCR avers that due to the large volume of non-specific
22 documents and the burden associated with segregating confidential information from the
23 documents, it did not determine by March 7, 2013 whether the requested records could be
24 publicly disclosed without undue burden.

25 41. In answer to paragraph 41, CDCR avers that the document speaks for itself.

26 42. In answer to paragraph 42, CDCR avers that the document speaks for itself. CDCR
27 avers that on July 23, August 4 and August 7, 2014, it communicated with plaintiffs/petitioners
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1 regarding the public records request. Between July 22, 2013 and July 22, 2014, CDCR admits it
2 did not communicate with plaintiffs/petitioners regarding the request.

3 43. In answer to paragraph 43, CDCR avers that there are no administrative remedies
4 required to be exhausted. Therefore, CDCR is without sufficient knowledge or information to
5 form a belief as to the truth of the allegations contained in that paragraph and on that basis denies
6 each and every allegation therein.

7 44. In answer to paragraph 44, CDCR denies each and every allegation of this paragraph
8 for lack of sufficient information or belief.

9 45. In answer to paragraph 45, CDCR denies each and every allegation of this paragraph
10 for lack of sufficient information or belief.

11 CAUSE OF ACTION

12 46. In answer to paragraph 46, CDCR denies each and every allegation of this paragraph.
13 CDCR avers that the request for public records dated February 8, 2013 seeks voluminous records
14 that are not reasonably identifiable and specific causing undue burden. To the extent that
15 responsive records are identifiable, the burden of segregating exempt information from the
16 records outweighs plaintiffs/petitioners' interest in disclosure of the records.

17 47. In answer to paragraph 47, CDCR denies each and every allegation of this paragraph.
18 CDCR avers that exemptions from disclosure set forth in Government Code section 6254 and
19 6255 excuse any failure to disclose the public records sought by the petitioners/petitioners.

20 48. In answer to paragraph 48, CDCR denies each and every allegations of this paragraph.

21 49. In answer to paragraph 49, CDCR denies each and every allegation of this paragraph
22 for lack of sufficient information or belief.

23 50. In answer to paragraph 50, CDCR denies each and every allegation of this paragraph.

24 SEPARATE AND ADDITIONAL DEFENSES

25 FIRST SEPARATE AND ADDITIONAL DEFENSE

26 52. The petition/complaint fails to state facts sufficient to constitute a cause of action
27 against CDCR.

28 SECOND SEPARATE AND ADDITIONAL DEFENSE

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53. The entire lawsuit is barred by the doctrine of laches and/or estoppel.

THIRD SEPARATE AND ADDITIONAL DEFENSE

54. The organizational plaintiffs lack standing to assert any claims on behalf of the individual plaintiffs or any other third persons.

FOURTH SEPARATE AND ADDITIONAL DEFENSE

55. The CDCR asserts a reservation of rights to amend should any further defenses become apparent in the course of this action

FIFTH SEPARATE AND ADDITIONAL DEFENSE

WHEREFORE, CDCR prays for judgment as follows:

- 1. That the Court deny the alternative and peremptory petition for writ of mandate;
- 2. That the Court deny declaratory relief;
- 3. That the Court deny injunctive relief;
- 4. That the Court deny the plaintiffs/petitioners' attorneys' fees and costs,
- 5. That the Court not award any other or further relief;
- 6. That the plaintiffs/petitioners take nothing by this lawsuit;

Dated: August 29, 2014

Respectfully Submitted,
 KAMALA D. HARRIS
 Attorney General of California
 MARC A. LEFORESTIER
 Supervising Deputy Attorney General



S. MICHELE INAN
 Deputy Attorney General
*Attorneys for Defendants/Respondents
 California Department of Corrections and
 Rehabilitation and Jeffrey Beard, Secretary
 of California Department of Corrections and
 Rehabilitation*

SA2014313825

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **California Families Against Solitary Confinement v. CDCR**
No.: **34-2014-80001886**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 29, 2014, I served the attached

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION AND
JEFFREY BEARD'S ANSWER TO PETITION FOR ALTERNATIVE AND
PEREMPTORY WRITS OF MANDATE AND FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

See Service List Attached

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 29, 2014, at San Francisco, California.

B. Zuniga
Declarant



Signature

Service List

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