

**Request**

This form is used to ask the court to make an order before or after the trial in a small claims case. The court will notify all plaintiffs and defendants in this case about its decision by mail, at the trial, or at a hearing (depending on when the request is filed).

**If you are the person asking the court to make an order**, ask the Small Claims Advisor if this is the right form for the kind of order you want. If so, follow these steps:

- Fill out page 1 of this form and file it at the clerk's office.
- If you are making this request *before* your trial, you must mail (or deliver in person) a copy of this form to all other plaintiffs and defendants in your case. *Exception:* If the plaintiff's claim has not been served, you do not have to serve this request on the other plaintiffs and defendants in your case.
- If you are making this request *after* the judge has decided your case, the clerk will mail a copy of this form to all other plaintiffs and defendants in your case. The court will give the other plaintiffs and defendants at least 10 days to answer this *Request*.

**If you receive this form**, read below, then fill out ⑦–⑩ on page 2.

To keep other people from seeing what you entered on your form, please press the **Clear This Form** button at the end of the form when finished.

Fill in court name and street address:

Superior Court of California, County of  
Harbor Justice Center  
Newport Beach Facility  
4601 Jamboree Road  
Newport Beach, CA 92660

Fill in your case number and case name below:

**Case Number:**

30-2017-00936029-SC-SC-HNB

**Case Name:**

Glenn v. City of Newport Beach

① **The person asking the court to make an order is:**

Name: City of Newport Beach, Diane Dixon & Jennifer Nelson

Address: 100 Civic Center Dr., Newport Beach, CA 92660

Check one: ☒ A defendant in this case ☐ A plaintiff in this case  
☐ Other (explain): \_\_\_\_\_

② **Notice to:** (List names and addresses of all other defendants and plaintiffs in your case.)

a. 

Name	Address
Michael Glenn	111 E. Edgewater, Newport Beach, CA 92661

b. \_\_\_\_\_

c. \_\_\_\_\_

☐ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 2" on top.

If your request is made before the trial and after the claim was served, fill out below:

I ☒ mailed ☐ delivered in person a copy of this form to everyone listed in ② on (date): 10.26.17

③ **I ask the court to make the following order** (specify):

Strike Plaintiff's claim in its entirety pursuant to Code of Civil Procedure Section 425.16 (the "Anti-SLAPP Statute"). Please see attached.

☒ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 3" on top.

④ **I ask for this order because** (explain and give facts of your case here):

Plaintiff's claim (slander and libel per se) arises from Defendants' protected First Amendment right to comment upon a matter of public concern (use of taxpayer dollars), and Plaintiff cannot meet his burden of demonstrating a probability of prevailing on the claim. Please see attached.

☒ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 4" on top.

⑤ In making its order, I ask the court to consider the information on this form, any records on file, and, if the court holds a hearing, the evidence presented at that hearing.

⑥ I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: 10.26.17

Leilani I. Brown, City Clerk

Type or print your name

▶ Leilani I. Brown  
Sign your name

**Answer**

The person listed in ① on page 1 of this form has asked the court to make an order in your small claims case.

Follow these steps to tell the court what you want to do about this request:

- Read page 1 to see what the person in ① is asking for.
- Fill out ⑦–⑩ below.
- Mail your completed form to the court right away.
- Mail a copy of this form to each plaintiff and defendant listed in ① and ② on page 1 of this form.

The court will mail its decision to all plaintiffs and defendants in this case or will make a decision at a court hearing or trial.

If you do nothing, the court may make the order without hearing from you.

**⑦ The person filing this answer is:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Check one: ☐ A defendant in this case ☐ A plaintiff in this case

**⑧ Tell the court what you want to do about this request.**

(Check all that apply):

- a. ☐ I agree to the order requested in ③.
- b. ☐ I do not agree to the order requested in ③. (Explain below:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Check here if you need more space. Use Form MC-031 or a plain sheet of paper. Write "SC-105, Item 8" on top.

c. ☐ I ask the court to have a hearing to decide this matter.

**⑨** I mailed a copy of this form to everyone listed in ① and ② of this form on (date): \_\_\_\_\_

**⑩** I declare under penalty of perjury under California state law that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

If the request on page 1 was made after the hearing,  
the clerk fills out below.

— Clerk's Certificate of Mailing —

I certify that I am not involved in this case and (check one):

☐ A Certificate of Mailing is attached.

☐ The Request for Court Order and Answer was mailed first class, postage paid, to all parties at the addresses listed in ②.

On (date): \_\_\_\_\_

From (city): \_\_\_\_\_, California

Clerk, by \_\_\_\_\_, Deputy

Fill in court name and street address:

Superior Court of California, County of  
Harbor Justice Center  
Newport Beach Facility  
4601 Jamboree Road  
Newport Beach, CA 92660

Fill in your case number and case name below.

Case Number:

30-2017-00936029-SC-SC-HNB

Case Name:

Glenn v. City of Newport Beach

**Need help?**

For free help, contact your county's Small Claims Advisor:

Or, go to "County-Specific Court Information" at  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

SC-105, Items 3 & 4

1 CITY OF NEWPORT BEACH

Leilani I. Brown, City Clerk

2 lbrown@newportbeachca.gov

100 Civic Center Drive

3 Newport Beach, CA 92660

Telephone: (949) 644-3005

4 Facsimile: (949) 644-3039

Non-Attorney Representative for Defendants

5 CITY OF NEWPORT BEACH, DIANE DIXON, AND

JENNIFER NELSON

EXEMPT FROM FILING FEES PURSUANT  
TO GOVERNMENT CODE § 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ORANGE, HARBOR JUSTICE CENTER

10 SMALL CLAIMS DIVISION

11 MICHAEL GLENN, an individual,

12 Plaintiff,

13 vs.

14 CITY OF NEWPORT BEACH, a California  
municipal corporation, DIANE DIXON, a City  
15 official and JENNIFER NELSON, a City  
employee,

16 Defendants.

Case No. 30-2017-00936029-SC-SC-HNB

**DEFENDANTS' NOTICE OF SPECIAL  
MOTION TO STRIKE CLAIMS  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 425.16;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREON;  
DECLARATION OF LEILANI I. BROWN  
IN SUPPORT THEREOF**

[Submitted pursuant to Rule 3.2107(a) of the  
California Rules of Court]

**Hearing on Claim:**

Date: December 18, 2017

Time: 8:30 a.m.

Dept.: H10

Date Action Filed: August 4, 2017

22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD, IF ANY:

23 PLEASE TAKE NOTICE THAT on or before December 18, 2017, at 8:30 a.m., or as soon  
24 thereafter as the matter may be heard in Department H10 of the Orange County Superior Court,  
25 Harbor Justice Center, Newport Beach Facility, located at 4601 Jamboree Road, Newport Beach,  
26 California 92660, Defendants City of Newport Beach (the "City"), Diane Dixon ("Councilmember  
27 Dixon"), and Jennifer Nelson ("Ms. Nelson") (collectively, the "City Defendants") will, and  
28 hereby do, request this Court enter an order striking all of the claims in the Claim filed by Plaintiff



1 Michael Glenn ("Plaintiff") in this matter, pursuant to California Code of Civil Procedure section  
2 425.16. This request is made pursuant to Rule 3.2107(a) of the California Rules of Court.

3 This special motion to strike (the "Motion") is made on the grounds that (1) Plaintiff's  
4 slander and libel *per se* claims arise from the City Defendants' protected First Amendment right to  
5 comment upon a matter of public concern (use of taxpayer dollars); and (2) Plaintiff cannot  
6 demonstrate a probability of prevailing on any of those claims for at least three reasons: all of the  
7 statements that Plaintiff claims are defamatory are substantially true, all of the statements are  
8 absolutely privileged under Civil Code Section 47(a) and (b) both because they were made "[i]n  
9 the proper discharge of an official duty" and because they were made in an "official proceeding  
10 authorized by law" (a City Council meeting), and Plaintiff consented to the publication of the  
11 statements by posting them on his YouTube page. As such, all of Plaintiff's claims must be  
12 stricken under California Code of Civil Procedure section 425.16.

13 The Motion is based upon this Notice of Motion, the accompanying Memorandum of  
14 Points and Authorities in support thereof, and the City's Compendium of Evidence in Support of  
15 the Motion (which includes the Declaration of City Clerk, Leilani I. Brown and various Exhibits),  
16 each of which has been filed concurrently herewith.

17 Dated: October 26, 2017

CITY OF NEWPORT BEACH

18 By: Leilani I. Brown  
19 Leilani I. Brown  
20 Non-Attorney Representative for Defendants  
21 CITY OF NEWPORT BEACH, DIANE  
22 DIXON, and JENNIFER NELSON  
23  
24  
25  
26  
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28





1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff Michael Glenn's ("Plaintiff") slander and libel *per se* claims against Defendants  
4 City of Newport Beach ("City"), Councilmember Diane Dixon ("Councilmember Dixon"), and  
5 Assistant City Clerk Jennifer Nelson ("Ms. Nelson") (collectively, the "City Defendants") must be  
6 stricken pursuant to Code of Civil Procedure Section 425.16 (the "Anti-SLAPP Statute") because  
7 they are based on a statement Councilmember Dixon made during the April 11, 2017 City Council  
8 meeting on a matter of public concern — use of taxpayer dollars. Councilmember Dixon's  
9 statements are both true and absolutely privileged under Civil Code Section 47(a) and (b).<sup>1</sup>  
10 Moreover, Plaintiff consented to the publication of these statements by posting them on YouTube.  
11 This lawsuit is a meritless attack that, if allowed to proceed, threatens to chill the City Defendants'  
12 valid exercise of the constitutional rights of freedom of speech. The Court has the authority to  
13 strike Plaintiff's claim prior to the hearing on the claim pursuant to Rule 3.2107(a) of the  
14 California Rules of Court.

15 **II. BRIEF FACTUAL BACKGROUND**

16 Plaintiff's Claim alleges "Slander" and "Libel per se" causes of action based on an  
17 undisclosed event that occurred on "4/11/2017." (Brown Decl., Ex. 1 [p. 2, § 3.a].) At the April  
18 11<sup>th</sup> City Council meeting, Plaintiff strenuously opposed a proposed trolley service that — in his  
19 view — would be a waste of City resources and taxpayer dollars. (Brown Decl., Ex. 3 [pp. 1-2].)  
20 As a direct response to Plaintiff's comments, Councilmember Dixon reminded Plaintiff that he  
21 owes approximately \$600 to the City for copying costs associated with his time- and labor-  
22 intensive requests under the California Public Records Act ("PRA") and suggested that "before  
23 you start talking about efficiency and taxpayer money, please pay your bills to the City of  
24 Newport Beach." (*Id.*, at pp. 2-3.)

25 Plaintiff does not dispute that he submitted PRA requests that resulted in the City incurring  
26 approximately \$25,000 in staff time (~500 hours) and more than \$600 in copying costs. (Brown  
27

28 <sup>1</sup> For ease of reference, the Anti-SLAPP Statute and Civil Code Section 47 are included as Exhibits 5 and 6 to the Declaration of Leilani I. Brown ("Brown Decl.") filed with this brief.

1 Decl., ¶¶ 3-4.) Nevertheless, he claims Councilmember Dixon’s statement is partially untrue  
2 because he never came to City Hall to pick up the copies of the documents he requested. (Brown  
3 Decl., Ex. 3 [p. 3, lines 12-14].) In other words, Plaintiff requested a vast quantity of documents  
4 from the City. (Brown Decl., ¶ 3, Ex. 4.) City staff spent approximately 500 hours gathering  
5 those documents (as they were required to do under the PRA) and more than \$600 making copies  
6 of those documents for Plaintiff, and Plaintiff — in his own words — “declined to come in and  
7 pay because I said I do not want to go through that.” (Brown Decl., ¶¶ 3-4, Ex. 3 [p. 3, lines 12-  
8 14].) When Plaintiff came to the April 11<sup>th</sup> City Council meeting and accused the City Council of  
9 wasting taxpayer resources, Councilmember Dixon merely pointed out that Plaintiff’s past actions  
10 undermined his stated concerns regarding “efficiency and taxpayer money.” (Brown Decl., Ex. 3  
11 [p. 3, lines 7-9].)

12 Although Plaintiff has limited this claim to Councilmember Dixon’s comments during the  
13 April 11<sup>th</sup> City Council meeting (*see* Exhibit 1 [p. 2, § 3.a]), the government claim Plaintiff  
14 initially submitted to the City also sought damages arising from: (1) a follow-up quote  
15 Councilmember Dixon gave to a local news website (published April 12<sup>th</sup>) about her comments at  
16 the April 11<sup>th</sup> City Council meeting; and (2) an email Ms. Nelson sent Plaintiff on April 17<sup>th</sup>  
17 responding to his inquiry about how much money he owed the City in copying costs. Neither of  
18 these events occurred on April 11<sup>th</sup>, so they are both outside the scope of this litigation.  
19 Nevertheless, even if claims based on these events were properly before the Court, they must also  
20 be stricken as meritless claims arising from protected activities.

### 21 **III. LEGAL ARGUMENT**

22 The Anti-SLAPP Statute ensures the unfettered exercise of the constitutional right to free  
23 speech by providing a mechanism to strike lawsuits targeting the exercise of that right as a basis  
24 for liability. (*See also Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 18-19.) By its own terms,  
25 the Statute must be “construed broadly” to protect its covered rights. (Code Civ. Proc.,  
26 § 425.16(a); *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53, 60.) The Statute  
27 protects private citizens and governmental entities and their officials alike — “the government has  
28 an interest in speaking out on issues of public concern and in being free of the costs of defending

1 meritless lawsuits aimed at infringing the government’s free speech activities.” (*Vargas v. City of*  
2 *Salinas* (2011) 200 Cal.App.4th 1331, 1350.)

3 The Anti-SLAPP Statute mandates that “[a] cause of action against a person arising from  
4 any act of that person in furtherance of the person’s right of petition or free speech under the  
5 United States Constitution or the California Constitution in connection with a public issue shall be  
6 subject to a special motion to strike, unless the court determines that the plaintiff has established  
7 that there is a probability that the plaintiff will prevail on the claim.” (Code Civ. Proc. §  
8 425.16(b)(1).) In other words, the Statute creates a two-step test for whether a claim (or part of a  
9 claim) must be stricken:

10 First, the court decides whether the defendant has made a threshold  
11 showing that the challenged cause of action is one arising from  
12 protected activity .... If the court finds such a showing has been made,  
it then determines whether the plaintiff has demonstrated a probability  
of prevailing on the claim.

13 (*Vargas, supra*, 46 Cal.4th at 16 (quotations omitted); *see also* Code Civ. Proc.,  
14 § 425.16(b)(1).) As set forth below, application of this process demonstrates that Plaintiff’s  
15 slander and libel *per se* claims must be stricken in their entirety.

16 A. **Step 1 of the Anti-SLAPP Analysis: Plaintiff’s Slander and Libel *Per Se***  
17 **Claims Arise from a Protected Activity**

18 With respect to the first step of the Anti-SLAPP test, the Statute defines an “act in  
19 furtherance of a person’s right of petition or free speech” to include any *one* of the following  
20 communications: (1) “any written or oral statement or writing made before a legislative, executive,  
21 or judicial proceeding, or any other official proceeding authorized by law”; (2) “any written or oral  
22 statement or writing made in connection with an issue under consideration or review by a  
23 legislative, executive, or judicial body, or any other official proceeding authorized by law”; (3)  
24 “any written or oral statement or writing made in a place open to the public or a public forum in  
25 connection with an issue of public interest”; or (4) “any other conduct in furtherance of the  
26 exercise of ... the constitutional right of free speech in connection with a public issue or an issue of  
27 public interest.” (Code Civ. Proc. § 425.16(e).)

28 All four criteria are satisfied here — “[t]he public meetings, at which council members



1 discuss matters of public interest and legislate, are conduct in furtherance of the council members'  
2 constitutional right of free speech in connection with public issues and issues of public interest."  
3 (*Holbrook v. City of Santa Monica* (2006) 144 Cal.App.4th 1242, 1248.) "'Under the First  
4 Amendment, legislators are "given the widest latitude to express their views" and there are no  
5 "stricter 'free speech' standards on [them] than on the general public." [Citation.]" (*Ibid.*, quoting  
6 *Levy v. City of Santa Monica* (2004) 114 Cal.App.4th 1252, 1261.) Councilmember Dixon's  
7 statements during the April 11<sup>th</sup> City Council meeting responding to Plaintiff's stated concerns  
8 about "efficiency and taxpayer money" undeniably qualify as a "protected activity" under the  
9 Anti-SLAPP Statute. (See, e.g., *City of Montebello v. Vasquez* (2016) 1 Cal.5th 409, 422 ["the  
10 councilmembers' ... statements made in the course of their deliberations at the city council  
11 meeting where the votes were taken, qualify as 'any written or oral statement or writing made  
12 before a legislative ... proceeding.'"].)

13 Although they are outside the scope of this litigation, Councilmember Dixon's follow-up  
14 quote to a local news website and Ms. Nelson's direct response to Plaintiff's inquiry about how  
15 much money he owed the City in copying costs are also "protected activities." (See, e.g., *City of*  
16 *Costa Mesa v. D'Alessio Investments, LLC* (2013) 214 Cal.App.4th 358, 375 [city employees'  
17 statements about suspected illegal activity on plaintiff's property were protected activities under  
18 subdivision (e)(2) of the Anti-SLAPP Statute]; *McGarry v. University of San Diego* (2007) 154  
19 Cal.App.4th 97, 111 [university officials' statements to newspaper about reasons for firing head  
20 football coach "was speech in connection with a public issue or a matter of public interest within  
21 the meaning of section 425.16, subdivision (e)(4)"].)

22 **B. Step 2 of the Anti-SLAPP Analysis: Plaintiff's Cannot Establish a Probability**  
23 **of Prevailing on His Slander and Libel Per Se Claims**

24 Once a defendant has satisfied its burden of demonstrating that the challenged cause of  
25 action arises from activity protected under the anti-SLAPP statute, as the City Defendants have  
26 done here, the "plaintiffs then [bear] the burden, under the second step of the SLAPP analysis, of  
27 establishing a *prima facie* case on the merits." (*Vargas, supra*, 46 Cal.4th at 19.) For at least  
28 three reasons, Plaintiff cannot meet that burden.

1                   **1.       The Statements Are True**

2           First, Plaintiff cannot establish that the statements he claims were libelous or slanderous  
3 are actually false. (*Carver v. Bonds* (2005) 135 Cal.App.4th 328, 344 [“Plaintiff ... bears the  
4 burden of proving that the statements are false, even if he is not considered a public figure for  
5 purposes of this suit.”].) In response to a defamation claim (which includes slander and libel  
6 claims), “‘California law permits the defense of substantial truth,’ and thus a defendant is not  
7 liable “‘if the substance of the charge be proved true....’” (*Ibid.*, quoting *Masson v. New Yorker*  
8 *Magazine* (1991) 501 U.S. 496, 516–517.) In other words, “‘the statement is not considered false  
9 unless it “‘would have a different effect on the mind of the reader from that which the ... truth  
10 would have produced.’” (*Id.*, at 344-345, quoting *Masson, supra*, at 516–517.)

11           Here, Councilmember Dixon’s statements about Plaintiff’s history of wasting City  
12 resources by submitting PRA requests and then not retrieving the documents or paying the City for  
13 copying costs are well-documented and more than “substantially” true. (Brown Decl., ¶¶ 3-4, Ex.  
14 4.) Plaintiff appears to dispute that he is responsible for paying copying costs if he never retrieved  
15 the documents he requested (*see* Brown Decl., Ex. 3 [p. 3, lines 12-14]), but that is — at best —  
16 debatable, and it does not change the truthfulness of Councilmember Dixon’s assertion that the  
17 City has actually spent over \$600 copying documents for Plaintiff. (Brown Decl., ¶¶ 3-4, Ex. 4.)  
18 Because Plaintiff cannot meet his burden of making a *prima facie* showing that any of the City  
19 Defendants made statements that were “substantially false,” he cannot establish a likelihood of  
20 prevailing on his slander and libel claims. (*Carver, supra*, 135 Cal.App.4th at 347.)

21                   **2.       The Statements are Absolutely Privileged**

22           Second, the statements are absolutely privileged under Code of Civil Procedure Section  
23 47(a) and (b) both because they were made “[i]n the proper discharge of an official duty” and  
24 because they were made in an “official proceeding authorized by law.” (*See, e.g., Maranatha*  
25 *Corrections, LLC v. Department of Corrections and Rehabilitation* (2008) 158 Cal.App.4th 1075,  
26 1088–89 [“a public official’s duty includes the duty to keep the public informed of his or her  
27 management of the public business”]; *Whelan v. Wolford* (1958) 164 Cal.App.2d 689, 694 [a city  
28 meeting is an “official proceeding authorized by law within the meaning of section 47”].) It is

1 well settled that “[i]n order for government to function effectively, [its] officials must have the  
2 freedom to make tough policy decisions and tell the public about the reasons behind those  
3 decisions, without fear that their statements will expose them to tort liability” and for that reason,  
4 “Civil Code section 47, subdivision (a) cloaks all acts in the proper discharge of an official’s duty  
5 with an absolute privilege.” (*Maranatha Corrections, LLC, supra*, at 1079.)

6 *Maranatha Corrections, LLC v. Department of Corrections and Rehabilitation* (2008) 158  
7 Cal.App.4th 1075 is instructive. There, state officials released a letter to the press accusing a state  
8 contractor of misappropriating public funds. (*Id.*, at 1079.) The contractor sued the state for libel  
9 and trade disparagement. (*Ibid.*) The trial court struck all of the defamation-based causes of  
10 action under the Anti-SLAPP Statute because “publication of the letter was protected by the  
11 absolute privilege for official acts within the meaning of Civil Code section 47, subdivision (a),”  
12 and the court of appeal determined that the trial court “got it right on all counts.” (*Ibid.*) The  
13 letter fit squarely within Civil Code 47(a)’s protection — “a public official’s duty includes the  
14 duty to keep the public informed of his or her management of the public business”, and the letter  
15 was written “in defense of a policy decision [the official] made.” (*Id.*, at 1089-90.)

16 The same is true here. Like the state official in *Maranatha Corrections*, Councilmember  
17 Dixon’s response to Plaintiff’s concerns about “efficiency and taxpayer money” undeniably falls  
18 within the scope of her duty as a public official to “keep the public informed of ... her management  
19 of the public business” and defend her policy decisions. As such, the statement is absolutely  
20 privileged under Civil Code Section 47(a). Moreover, Councilmember Dixon made the statement  
21 during a City Council meeting (*i.e.*, an “official proceeding”), so the statement is *also* absolutely  
22 privileged under Civil Code Section 47(b).

### 23 3. Plaintiff Consented to the Publication of the Statements

24 Third, Plaintiff’s libel and slander claims must fail because he consented to the publication  
25 of Councilmember Dixon’s statements by posting his exchange with Councilmember Dixon on  
26 YouTube. (*See* Brown Decl., Exs. 2 and 3, available online at  
27 <https://www.youtube.com/watch?v=R3RkM1VmYJ8>.) “One of the oldest and most widely  
28 recognized defenses to the publication of defamatory matter is the doctrine of consent, which has



1 been classified as a form of Absolute privilege.” (*Royer v. Steinberg* (1979) 90 Cal.App.3d 490,  
2 498.) At the very least, Plaintiff’s inclination to promptly post his exchange with Councilmember  
3 Dixon on YouTube seriously undermines any argument that he was damaged as a result of  
4 Councilmember Dixon’s comments.

5 Finally, although they are outside the scope of this litigation, Plaintiff cannot establish a  
6 probability of prevailing on any claims arising from Councilmember Dixon’s follow-up quote to a  
7 local news website or Ms. Nelson’s direct response to Plaintiff’s inquiry about how much money  
8 he owed the City in copying costs. Those statements are true and also “absolutely privileged”  
9 under Civil Code 47(a). Claims based on Ms. Nelson’s direct response to Plaintiff’s question  
10 about copying costs must also fail because, on its own, an email from City personnel (Ms. Nelson  
11 and two other representatives from the City Clerk’s Office) to Plaintiff is not a “publication.”  
12 (*Live Oak Publishing Co. v. Cohagan* (1991) 234 Cal.App.3d 1277, 1284 [“libelous statement is  
13 not actionable until it has been published to a third person”].)

#### 14 **IV. CONCLUSION**

15 Plaintiff’s slander and libel claims arises from protected activity (a City official’s statement  
16 during an official proceeding on an issue of public concern), and Plaintiff cannot meet his burden  
17 of demonstrating a probability of prevailing on such claims. Accordingly, the City requests that  
18 the Court grant this Special Motion to Strike all of Plaintiff’s claims in their entirety.

19 Dated: October 26, 2017

CITY OF NEWPORT BEACH

21 By: Leilani I. Brown

22 Leilani I. Brown  
23 Non-Attorney Representative for Defendants  
24 CITY OF NEWPORT BEACH, DIANE  
25 DIXON, and JENNIFER NELSON



**DECLARATION OF LEILANI I. BROWN**

I. Leilani I. Brown, declare as follows:

1. I am the City Clerk for the City of Newport Beach (the "City"). Plaintiff Michael Glenn ("Plaintiff") named the City, Newport Beach City Councilmember Dianne Dixon, and Assistant City Clerk Jennifer Nelson (collectively, the "City Defendants") as defendants in *Michael Glenn v. City of Newport Beach, et al.*, Orange County Superior Court Case No. 30-2017-00936029-SC-SC-HNB. I make this declaration in support of the City Defendants' Special Motion to Strike the Plaintiff's Claims Pursuant to Code of Civil Procedure Section 425.16 (the "Motion"). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I have been the City Clerk since November 22, 2008. In my capacity as the City Clerk, I regularly review requests the City receives under the California Public Records Act ("PRA"), and I supervise the City personnel who are responsible for responding to the requests.

3. Between June 22, 2015 and January 27, 2017, Plaintiff submitted at least seventeen PRA requests to the City. My office reviewed each of these requests and gathered and reviewed any and all potentially responsive documents. This is a time- and labor-intensive process that often requires coordination with numerous City departments. I conservatively estimate that my colleagues and I spent at least 500 hours searching for, identifying, gathering, and reviewing documents for Plaintiff's seventeen PRA requests. An average "fully loaded" administrative position costs the City more than \$50 per hour. As a result, I conservatively estimate that the City incurred at least \$25,000 in non-reimbursable administrative hours responding to the Plaintiff's seventeen requests.

4. The City also incurred over \$600 in copying costs, making copies of the documents that were responsive to Plaintiff's seventeen PRA requests. At the time of the requests, it was the City's standard practice to collect copying costs from requesters at the time they pick up their documents. Plaintiff did not pick up any of the documents the City gathered in response to his seventeen PRA requests, and he did not pay the City for the copy costs associated with any of those requests.

5. A true and correct conformed copy of Plaintiff's Claim in the above-referenced litigation is attached hereto as **Exhibit 1**.

6. I reviewed a YouTube video of an excerpt of the April 11, 2017 City Council meeting titled "Dixon Attacks Glenn." At least as of the date I signed this Declaration, this video was available online at <https://www.youtube.com/watch?v=R3RkM1VmYJ8>. The YouTube user who posted this video identifies himself as "Mike Glenn" and has a picture of Plaintiff (who also goes by "Mike Glenn"). A true and correct copy of screen grab of the YouTube page is attached hereto as **Exhibit 2**. A true and correct transcript of the video "Mike Glenn" posted on YouTube is attached hereto as **Exhibit 3**.

7. On or about April 12, 2017, Plaintiff sent an email to me (with a copy to the entire City Council and the City Attorney, Aaron Harp) requesting evidence of the “copying fees” Councilmember Dixon referenced at the April 11<sup>th</sup> City Council meeting. Under my supervision, my office responded to Plaintiff’s inquiry on April 13<sup>th</sup>. True and correct copies of a letter from me to Plaintiff (dated April 13<sup>th</sup>), as well as the transmittal email are attached hereto as **Exhibit 4**.

8. A true and correct copy of Code of Civil Procedure Section 425.16 is attached hereto as **Exhibit 5**.

9. A true and correct copy of Civil Code Section 47 is attached hereto as **Exhibit 6**.

Executed on October 24, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

*Lilani L. Brown*

Leilani I. Brown





**EXHIBIT 1**

AUG 08 2017

OFFICE OF THE  
CITY ATTORNEY

SC-100

Plaintiff's Claim and ORDER  
to Go to Small Claims Court

Clerk stamps date here when form is filed.

ELECTRONICALLY FILED  
Superior Court of California,  
County of Orange

08/04/2017 at 03:53:23 PM

Clerk of the Superior Court  
By Johanna Prado, Deputy Clerk

## Notice to the person being sued:

- You are the defendant if your name is listed in (2) on page 2 of this form. The person suing you is the plaintiff, listed in (1) on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

## Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of Orange

Harbor Justice Center  
Newport Beach Facility  
4601 Jamboree Road  
Newport Beach, CA 92660

Court fills in case number when form is filed.

Case Number:

30-2017-00938029-SC-SC-HNB

Case Name:

Glenn vs. City of Newport Beach

## Order to Go to Court

The people in (1) and (2) must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court, if different from above
1.	12/18/2017	08:30 AM	H10	
2.				
3.				

Date: 08/04/2017 Clerk, by Alvaro, Deputy  
Johanna Prado

## Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Plaintiff (list names):

Michael Glenn

Case Number:

30-2017-00936029-SC-SC-HNB

**1 The plaintiff (the person, business, or public entity that is suing) is:**

Name: Michael Glenn Phone: 949-229-0096

Street address: 111 E. Edgewater Newport Beach Ca 92661  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If more than one plaintiff, list next plaintiff here:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

- ☐ Check here if more than two plaintiffs and attach form SC-100A.  
☐ Check here if either plaintiff listed above is doing business under a fictitious name. If so, attach form SC-103.  
☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**2 The defendant (the person, business, or public entity being sued) is:**

Name: City of Newport Beach Phone: 949644-3005

Street address: 100 Civic Center Drive Newport Beach Ca 92660  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

**If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:**

Name: Leilani Brown Job title, if known: City Clerk

Address: 100 Civic Center Drive Newport Beach Ca 92660  
Street City State Zip

- ☒ Check here if your case is against more than one defendant, and attach form SC-100A.  
☐ Check here if any defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**3 The plaintiff claims the defendant owes \$ 5,000.00 . (Explain below):**

a. Why does the defendant owe the plaintiff money?

Slander, Libel per se

When did this happen? (Date): 4/11/2017

b. If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

Maximum damages for public entity in small claims venue

- ☐ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.





Plaintiff (list names):

Case Number:

30-2017-00936029-SC-SC-HNB

- ④ You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?
- ☒ Yes ☐ No If no, explain why not:

- ⑤ Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
- (2) Where the plaintiff's property was damaged.
- (3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim, is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ Code, § 2984.4.)
- e. ☐ Other (specify):

- ⑥ List the zip code of the place checked in ⑤ above (if you know): 92660

- ⑦ Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No
- If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

- ⑧ Are you suing a public entity? ☒ Yes ☐ No
- If yes, you must file a written claim with the entity first. ☒ A claim was filed on (date): 5/1/2017
- If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- ⑨ Have you filed more than 12 other small claims within the last 12 months in California?
- ☐ Yes ☒ No If yes, the filing fee for this case will be higher.

- ⑩ Is your claim for more than \$2,500? ☒ Yes ☐ No
- If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

- ⑪ I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 8/4/2017 Michael Glenn  
Plaintiff types or prints name here

Plaintiff signs here

Date: \_\_\_\_\_  
Second plaintiff types or prints name here

Second plaintiff signs here



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)

**"Small claims court"** is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.)\* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

**How do I get ready for court?** You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Be Prepared for Your Trial" at [www.courts.ca.gov/smallclaims/prepare](http://www.courts.ca.gov/smallclaims/prepare).

**What if I need an accommodation?** If you have a disability or are hearing impaired, fill out form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/Access Coordinator.

**What if I don't speak English well?** Ask the court clerk as soon as possible if your court has a court-provided interpreter available and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness or an attorney to interpret for you or ask the court for a list of interpreters for hire.

**Where can I get the court forms I need?** Go to any courthouse or your county law library, or print forms at [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).

**What happens at the trial?** The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

**What if I lose the case?** If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, *Notice of Appeal*. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form SC-200 or form SC-130, *Notice of Entry of Judgment*.
- If you were *not* at the trial, fill out and file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see [www.courts.ca.gov/smallclaims/appeals](http://www.courts.ca.gov/smallclaims/appeals).

### Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form CIV-110, *Request for Dismissal*, with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)

- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form SC-107 (*Small Claims Subpoena*) and have it served on the witness.

- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant's Claim* (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above titled "Small Claims Court."

- **Agree with the plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.

- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), or
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



### Need help?

Your county's Small Claims Advisor can help for free.

Or go to [www.courts.ca.gov/smallclaims/advisor](http://www.courts.ca.gov/smallclaims/advisor).

\* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.) El proceso es rápido y barato. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

**¿Necesito un abogado?** Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

**¿Cómo me preparo para ir a la corte?** No tiene que presentar ningunos papeles antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en [www.courts.ca.gov/reclamosmenores/preparesse](http://www.courts.ca.gov/reclamosmenores/preparesse).

**¿Qué hago si necesito una adaptación?** Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Request for Accommodations. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

**¿Qué pasa si no hablo bien inglés?** Pregúntele al secretario de la corte lo más pronto posible si en el juzgado habrá un intérprete disponible y cómo solicitarlo. No siempre están disponibles los intérpretes de la corte. Otra opción es llevar a un adulto que pueda interpretar para usted siempre que esa persona no sea un testigo ni un abogado. O puede pedir a la corte una lista de intérpretes particulares disponibles para contratar.

**¿Dónde puedo obtener los formularios de la corte que necesito?** Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms) (página está en inglés).

**¿Qué pasa en el juicio?** El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

**¿Qué pasa si pierdo el caso?** Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación* (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, *Aviso de publicación del fallo* (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea [www.courts.ca.gov/reclamosmenores/apelaciones](http://www.courts.ca.gov/reclamosmenores/apelaciones).

**¿Tengo otras opciones?** Si, Si lo están demandando, puede:

- Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso, el Demandante tiene que presentar el formulario CIV-110, *Solicitud de desestimación* (Request for Dismissal) ante el secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despidiera el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)

- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, *Citatorio de reclamos menores* (Small Claims Subpoena) y entrégueselo legalmente al testigo.

- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, *Reclamo del demandado* (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".

- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.

- No ir al juicio y aceptar el fallo por falta de comparecencia. Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

**¿Qué hago si necesito más tiempo?** Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite [www.courts.ca.gov/reclamosmenores/asesores](http://www.courts.ca.gov/reclamosmenores/asesores).

\* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).)

Revised January 1, 2017

**Reclamo del Demandante y ORDEN  
Para ir a la Corte de Reclamos Menores  
(Reclamos Menores)**

SC-100, Page 5 of 5

☐ This form is attached to form SC-100, item 1 or 2.

**1 If more than two plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

☐ Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

**2 If more than one defendant (person, business, or entity being sued), list their information below:**

Other defendant's name: Diane Dixon

Street address: 100 Civic Center Drive Phone: 949-644-3005

City: Newport Beach State: Ca Zip: 92663

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:

Name: Leilani Brown Job title, if known: City Clerk

Address: 100 Civic Center Drive

City: Newport Beach State: Ca Zip: 92663

☐ Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

**3 Is your claim for more than \$2,500? ☐ Yes ☐ No**

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

**4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

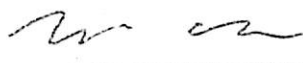
I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 7/30/2017

Michael Glenn  
Type or print your name

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

  
Sign your name

\_\_\_\_\_  
Sign your name



☐ This form is attached to form SC-100, item 1 or 2.

**1 If more than two plaintiffs (person, business, or entity suing), list their information below:**

Other plaintiff's name: \_\_\_\_\_ Phone: \_\_\_\_\_

Street address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

☐ Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

**2 If more than one defendant (person, business, or entity being sued), list their information below:**

Other defendant's name: Jennifer Nelson

Street address: 100 Civic Center Drive Phone: 949-644-3005

City: Newport Beach State: Ca Zip: 92663

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:

Name: Leilani Brown Job title, if known: City Clerk

Address: 100 Civic Center Drive

City: Newport Beach State: Ca Zip: 92663

☐ Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

**3 Is your claim for more than \$2,500? ☐ Yes ☐ No**

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

**4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.**

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 7/30/2017

Michael Glenn  
Type or print your name

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

Michael Glenn  
Sign your name

\_\_\_\_\_  
Sign your name



**EXHIBIT 2**

## Dixon Attacks Glenn



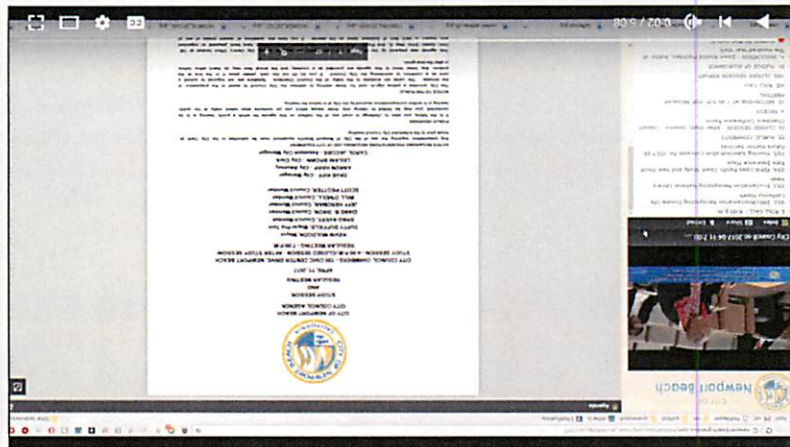
Mike Glenn

Subscribe 4

Published on Apr 13, 2017  
Tuesday 4/11/2017

Dixon accuses Glenn of "owing the city \$600" - but in a hilarious twist of irony, a Public Records Request proved that to be entirely fabricated

737 views




up next

**The Public Reports Accusations**  
by Dixon




(1 of 2) Oregon Township calls Police On Residents For

EMAIS C&C



Best City Council Meeting You'll



195

**Missing From the Public Record**

Tractors Stuck in Mud 2017



**EXHIBIT 3**

1                    **TRANSCRIPT OF EXCERPT OF APRIL 11, 2017 CITY COUNCIL MEETING**

2                    (Plaintiff posted online at <https://www.youtube.com/watch?v=R3RkM1VmYJ8>)

3                    **Plaintiff:** Hi. Mike Glenn, resident of Balboa Peninsula. I was there when the person from  
4 the Downtowner had the microphone shoved in their face and was asked directly, “Will this compete  
5 with your business?” He’s a timid guy and like most of us, he didn’t like public speaking and he  
6 certainly did not like to be put on the spot. The fastest way he could think of to get out of it was to  
7 say “no,” and that’s what he said. I spoke with him afterwards as some of you did as well. This  
8 does compete with him. He’s got a job to sell advertising on the sides of — his job is essentially a  
9 mobile billboard. That’s what he does. So he drives up and down and gives people free rides. The  
10 more people he gives rides to, the more cars he can get because that’s what he sells to advertisers.  
11 He’s an on demand service.

12                    This is a service that just runs whether or not people are on it or not. This is a service that  
13 will cause congestion. As staff already indicated on item number 6, when we have busses, snarls  
14 traffic. I completely agree with staff on this issue. Busses snarl traffic. Every fifteen minutes —  
15 you know there’s a reason we don’t have busses that are going to be staying on Balboa Peninsula.  
16 These busses that are run by OCTA, that take people from all over the county to Balboa Peninsula,  
17 are leaving because of poor ridership. Laguna Beach has their trolley system. They’re getting rid  
18 of that as well. They’re looking to outsource to Uber. It’s just not — it just doesn’t work when it  
19 comes to the money.

20                    I can take — it is true, you can look it up on the LA Times — I can take an Uber from the  
21 Wedge to PCH for about eight bucks. Each ride, each way, is going to take \$22. So if I go down  
22 the Peninsula on one of these and back, it costs the taxpayers \$22. When you average it all out, it’s  
23 \$44 for a two-way trip on Balboa Peninsula. Downtowner provides that for free. This doesn’t make  
24 sense. This doesn’t provide anything that the Downtowner doesn’t already provide in the free  
25 market costing both taxpayers and riders \$0.

26                    We’re going to spend about a quarter of a million dollars to gain 40 parking spots? And  
27 where those — we’re going to do a trip in the early morning to go to Catalina Flyer? Those are all  
28 going to be gone. They’ll be gone all weekend. So we’re going to subsidize Catalina Flyer’s parking

1 for a quarter million dollars for 40 spots? Is that what we're getting?

2 I'm on the Peninsula. I see who takes the busses. Nobody. That's why they're going away.  
3 We've got these free market solutions that are already in place. This all started about four years ago  
4 before the Downtowner was there. Downtowner has only been in operation for about 18 months.  
5 They've serviced 50,000 people themselves. They're looking for more. They want to grow their  
6 business. This will be directly competing with a business that will cost the taxpayers about a quarter  
7 of a million dollars. The ride — the cost per ride is outrageous. It would never fly in the free  
8 market, especially when you can get a ride for free.

9 **Councilmember Dixon:** Mayor? [inaudible]

10 **Mayor:** Yes.

11 **Councilmember Dixon:** Mr. Glenn, if you want to just come back up, I just want to address  
12 something. You're talking about taxpayer money. It gives me an opportunity now that you're here  
13 — are you aware that you owe the City about \$600 for your Public Record Act requests, and on top  
14 of that, over 500 hours of staff time has been devoted to procure those public records that you have  
15 never picked up? And there ...

16 **Plaintiff:** I never asked to pick those up.

17 **Councilmember Dixon:** Well you, but you've paid to have them copied, which you owe  
18 \$600 for.

19 **Plaintiff:** I never authorized that.

20 **Councilmember Dixon:** Well, I'll let the City Clerk comment on that or the City Attorney,  
21 but ...

22 **Plaintiff:** I'd be happy to hear that ...

23 **Councilmember Dixon:** The point is that you file ...

24 **Plaintiff:** ... especially since you're doing this in public right now.

25 **Councilmember Dixon:** Excuse me, I'm speaking. You have filed numerous Public Record  
26 Act requests, and you have not come in to pick them up or paid for them, and the public cost of the  
27 copying time is reimbursable. That's why you owe the City \$600 according to City records. And  
28 the staff time, that has been estimated over 500 hours. And by average on a fully loaded



1 administrative position to copy that, it's about \$25,000 of — that's just kind of a rough estimate.

2 **Plaintiff**: When was I ever notified of this?

3 **Councilmember Dixon**: I just know that's on the compan... the City's books ...

4 **Plaintiff**: Okay...

5 **Councilmember Dixon**: ... that you owe that ...

6 **Plaintiff**: I have never ...

7 **Councilmember Dixon**: ... so before you start, all I want to say, before you start talking  
8 about efficiency and taxpayer money, please pay your bills to the City of Newport Beach. Thank  
9 you.

10 **Plaintiff**: Ah, this is the first time I've heard about this. And it's regrettable that you  
11 decided to bring this up in a public forum because the City has never informed me that I owe them  
12 any money ever. In fact, the only time when they said, if I wanted to receive public records, I've  
13 declined to come in and pay because I said I do not want to go through that, so if they copied them  
14 on their own, that is their own decision. I think it is very out of line and very out of character for  
15 you to bring this up in a public setting. It's very unbecoming as well.

16 **Councilmember Dixon**: It's public information. Thank you.

17 **Plaintiff**: I would like to receive a copy of this because this is the first time I'm hearing of  
18 it.

19 **Councilmember Dixon**: Okay. Thank you.

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**EXHIBIT 4**

**Bryan, Eric**

---

**From:** City Clerk's Office  
**Sent:** Thursday, April 13, 2017 3:11 PM  
**To:** 'Mike Glenn'  
**Cc:** Brown, Leilani; Bryan, Eric; Nelson, Jennifer  
**Subject:** RE: Request for evidence  
**Attachments:** Mike Glenn PRAR letter 4-13-17.pdf; Mike Glenn 4-12-17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Mr. Glenn,

Per your request below, please see attached.

Thank you,  
Jennifer

***Jennifer Nelson***  
***Assistant City Clerk***  
***City of Newport Beach***  
***100 Civic Center Drive, Newport Beach, CA 92660***  
***949-644-3006***  
***[jnelson@newportbeachca.gov](mailto:jnelson@newportbeachca.gov)***

**From:** Mike Glenn [mailto:michael.glenn@devion.com]  
**Sent:** Thursday, April 13, 2017 12:12 PM  
**To:** City Clerk's Office <CityClerk@newportbeachca.gov>  
**Cc:** Dept - City Council <CityCouncil@newportbeachca.gov>; Harp, Aaron <aharp@newportbeachca.gov>  
**Subject:** RE: Request for evidence

Hello,

Pursuant to city policy introduced under Mayor Keith Curry, discussed at the Feb 19th 2010 in the State of the City Address, regarding 24 hour turn-around times on all emails from constituents, I want to make sure that you have received my email and that the request will be fulfilled in a timely fashion.

Since Councilwoman Dixon spoke at the meeting Tuesday about this subject, I can only imagine that this data is precompiled, easy to access, and will not require much time at all to locate.

I would appreciate a prompt response.

Thanks so much,

Mike

**From:** Mike Glenn [mailto:michael.glenn@devion.com]  
**Sent:** Wednesday, April 12, 2017 11:14 AM

**To:** 'CityClerk@newportbeachca.gov.'

**Subject:** FW: Request for evidence

Leilani is out of the office today—can you help me with this, please?

**From:** Mike Glenn [<mailto:michael.glenn@devion.com>]

**Sent:** Wednesday, April 12, 2017 11:13 AM

**To:** 'Brown, Leilani'

**Cc:** 'Harp, Aaron'; 'Dept - City Council'

**Subject:** Request for evidence

Hi Leilani,

Last night, Diane Dixon launched a public attack on me personally, outside of the rules of order. She accused me of owing \$600 in "copying fees".

Can you please provide evidence of these "copying fees" that she has proclaimed that I owe?

This was the first time that I had heard of these, which makes it extremely odd, since government is not exactly known for letting bills slide.

Thanks so much,

Mike



CITY OF NEWPORT BEACH  
100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

April 13, 2017

**DELIVERED VIA ELECTRONIC MAIL ONLY:** [Michael.Glenn@devion.com](mailto:Michael.Glenn@devion.com)

Mr. Michael Glenn  
111 E. Edgewater Ave.  
Newport Beach, CA 92661

RE: April 12, 2017 Public Records Act Request

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act ("Act") request dated Wednesday, April 12, 2017 for "evidence of these [\$600 in] 'copying fees' that [Council Member Dixon] has proclaimed that I owe." This response will serve as the City's notice of determination ("NOD") as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the Act. Please find enclosed with this letter the following documents responsive to your request, which show a total amount owed to the City of \$619.93:

- (1) NOD Responsive to your June 22, 2015 request (Quest No. 76001)--\$35.73;
- (2) NOD Responsive to your June 22, 2015 request (Quest No. 76002)--\$47.63;
- (3) NOD Responsive to your June 22, 2015 request (Quest No. 76591)--\$72.53;
- (4) NOD Responsive to your June 22, 2015 request (Quest No. 76592)--\$9.20;
- (5) NOD Responsive to your June 22, 2015 request (Quest No. 76870)--\$7.04;
- (6) NOD Responsive to your June 22, 2015 request (Quest No. 77242)--\$17.86;
- (7) NOD Responsive to your June 22, 2015 request (Quest No. 77386)--\$84.98;
- (8) NOD Responsive to your June 22, 2015 request (Quest No. 77492)--\$9.20;
- (9) NOD Responsive to your June 24, 2015 request (Quest No. 76604)--\$44.39;
- (10) NOD Responsive to your June 24, 2015 request (Quest No. 77887)--\$14.07;
- (11) NOD Responsive to your June 24, 2015 request (Quest No. 77670)--\$31.40;




- (12) NOD Responsive to your June 24, 2015 request (Quest No. 76605)—\$31.40;
- (13) NOD Responsive to your June 24, 2015 request (Quest No. 77250)—\$210.02;
- (14) NOD Responsive to your December 28, 2016 request (Quest No. 260638)—\$1.12;
- (15) January 20, 2017 NOD responsive to your January 9, 2017 request reminding you that you have responsive documents from prior requests awaiting your review—\$1.12;
- (16) January 20, 2017 NOD responsive to your other January 9, 2017 request reminding you that you have responsive documents from prior requests awaiting your review—\$1.12; and
- (17) January 27, 2017 NOD responsive to your January 17, 2017 request reminding you that you have responsive documents from prior requests awaiting your review—\$1.12.

While we believe that all relevant records have been located and produced with this NOD, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. At this time, the City does not have any plans to refer the amount owed by you to the City's outside debt collector. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

  
Lailani Brown  
City Clerk

Enclosures.



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 76001  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please let me know what circumstances may have led the California Coastal Commission to come under the impression that the Plan 17 was 'backed by the City of Newport Beach.'"

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. January 27, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. January 27, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01272015-881>
5. March 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. March 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/03102015-743>
7. June 9, 2015 City Council Video (SS2 – Budget part 2):  
<http://newportbeachca.swagit.com/play/06092015-1169>

Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are

calculated as follows: \$.10 per page for photocopying records (at 437 pages) and 0.66 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$3573, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in cursive script, reading "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 76002  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please release the details of all available communication between Diane Dixon and staff, or between Diane Dixon and the Coastal Commission since Jan 13th, in regards to the fire rings."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; (7) closed session communications; and (8) police records exemption.



In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. February 24, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
2. February 24, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02242015-914>

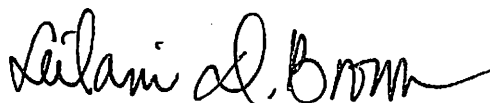
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 585 pages) and 0.88 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$47.63, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE



Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 76591  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please let me know which staff member(s) were/are in communication with the California Coastal Commission in regards to Plan 17, and from what dates that began and ended (or what dates it began, if it is ongoing).

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. March 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
2. March 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/03102015-743>
3. June 9, 2015 City Council Video (SS2 – Budget part 2):  
<http://newportbeachca.swagit.com/play/06092015-1169>

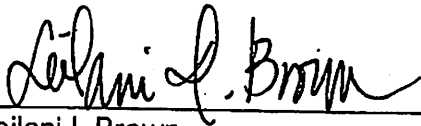
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 885 pages) and 1.34 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$72.53, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in cursive script, reading "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 76592  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please indicate all involvement each councilmember had -- itemized by councilmember name -- in supporting actions proposals which conflict with the Jan 13th vote to restore 60 wood burning fire rings."

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. January 27, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. January 27, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01272015-881>
5. February 24, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. February 24, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02242015-914>
7. March 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. March 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/03102015-743>
9. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>



10. June 23, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/06232015-1137>

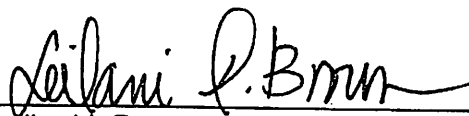
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 111 pages) and 0.17 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$9.20, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in black ink, appearing to read "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 76870  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please let me know who was in attendance in any closed session which took a stance in conflict with the Jan 13th vote for '60 woodburning fire rings.' Please also let me know what dates those were."

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. May 12, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. May 12, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05122015-993>
5. May 26, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. May 26, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05262015-1801>
7. June 9, 2015 City Council Video (SS2 – Budget part 2):  
<http://newportbeachca.swagit.com/play/06092015-1169>

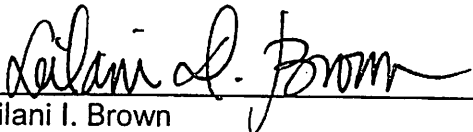
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 83 pages) and 0.13 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of ~~\$704~~ \$704, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 77242  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please release information about who authorized Staff to put plans online which were contrary to the Jan 13 vote by council. Specifically, the ones previously hosted at this address: [www.newportbeachca.gov/fireringsupdate](http://www.newportbeachca.gov/fireringsupdate)."

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. February 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. February 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02102015-796>
5. March 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. March 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/03102015-743>
7. May 26, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. May 26, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05262015-1801>
9. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>



10. June 23, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/06232015-1137>

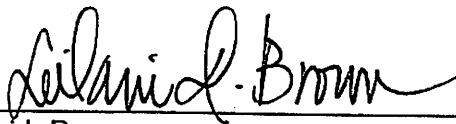
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 216 pages) and 0.33 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$17.86, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in black ink, reading "Leilani I. Brown". The signature is written in a cursive style with a horizontal line underneath.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 77386  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please release the details of all available communication between Diane Dixon and whoever the city deems 'interested parties' (in regards to the fire rings), in regards to the fire rings since Jan 13th."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; (7) closed session communications; and (8) the police records exemption.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. February 24, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
2. February 24, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02242015-914>

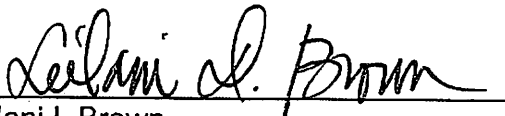
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 1,035 pages) and 1.57 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$84.98, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE



Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 22,  
2015, QUEST NO. 77492  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated and received by the City on June 22, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 22, 2015, you made the following request:

"Please let me know what date the 'Closed Meeting' occurred on which conflicted with the public session vote on Jan 13th (in regards to the '60 Woodburning Fire Rings')."

Under the Public Records Act, when a person makes a request that reasonably describes an identifiable record, the City has an obligation to produce non-exempt, non-privileged, disclosable public records to the person making the request. Here, your request poses a question to the City and does not describe or seek any identifiable records.

While the City does not have an obligation to respond to questions under the Public Records Act, in an effort to assist you, the City has gathered and shall produce to you records that we believe are responsive to your request.

Based on our review of records in possession of the City that we believe are responsive to the question you posed, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; and (6) drafts not retained in the ordinary course of business. In addition, the City does not have a duty to create a record that does not exist at the time of a request and will not be creating documents in response to your request.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. March 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. March 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/03102015-743>
5. April 14, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. April 14, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/04142015-1397>
7. May 12, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. May 12, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05122015-993>
9. May 26, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
10. May 26, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/05262015-1801>

11. June 9, 2015 City Council Video (SS2 – Budget part 2):

<http://newportbeachca.swagit.com/play/06092015-1169>

12. June 23, 2015 City Council Meeting Agenda and Packet:

<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>

13. June 23, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/06232015-1137>

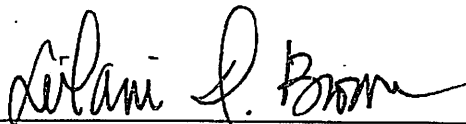
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 112 pages) and 0.17 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of ~~\$9.20~~, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE



Leilani I. Brown  
City Clerk





**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 24,  
2015, QUEST NO. 76604  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated June 24, 2015 and received by the City on June 25, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 24, 2015, you made the following request:

"I request all documents regarding Denys Oberman in regards to the fire rings, and whether or not she or the organization she represents filed a lawsuit with the city, ever threatened to file a lawsuit against the city, and also what that lawsuit was specifically regarding (which plans were objected to and why)."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications. Further, please know that we are providing

records regarding Denys Oberman, but please clarify if there is another organization in particular you are looking for.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 27, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
2. January 27, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01272015-881>
3. February 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. February 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02102015-796>
5. February 24, 2015 City Council Meeting Agenda and Packet:  
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8. March 10, 2015 City Council Video:  
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9. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
10. June 23, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/06232015-1137>

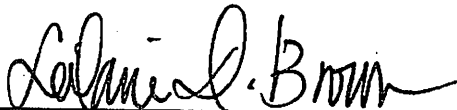
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 545 pages) and 0.82 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$44.39, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in black ink, appearing to read "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660

949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 27,  
2015, QUEST NO. 77887  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated June 27, 2015 and received by the City on June 29, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 24, 2015, you made the following request:

"There has been an official announcement about the settlement with Friends of the Fire Rings. I hereby request all documents in relationship to this settlement as well as the settlement documents themselves. Separately, I also request all documents that disclose the passing of Plan 17 as a contingent item of this settlement."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. April 14, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. April 14, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/04142015-1397>
5. May 12, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. May 12, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05122015-993>
7. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. June 23, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/06232015-1137>

Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

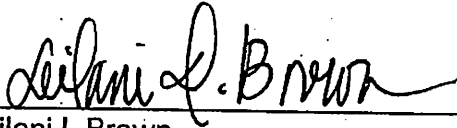
Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 171 pages) and 0.26 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$14.07 which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA

92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in black ink, reading "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk





**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 24, 2015,  
QUEST NO. 77670  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated June 24, 2015 and received by the City on June 25, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 24, 2015, you made the following request:

"I request all documents from City Attorney Aaron Harp City Manager Dave Kiff and/or any of their subordinates and/or any council people which contain information about myself (Mike Glenn), and/or which discuss the extent of how (and/or how not to converse) with me and/or converse about the voting controversy I brought up at the city council meeting on 6/23/2015, whether these documents be on, after, or before that date. I also request in any/all of the documents regarding any/all closed session discussions on fire rings in any capacity."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications.

process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. January 27, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
4. January 27, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01272015-881>
5. April 14, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. April 14, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/04142015-1397>
7. May 12, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. May 12, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05122015-993>
9. May 26, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
10. May 26, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05262015-1801>
11. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>

12. June 23, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/06232015-1137>

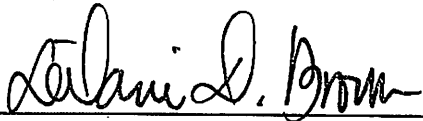
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 382 pages) and 0.58 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of ~~\$31.40~~, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE

A handwritten signature in black ink, appearing to read "Leilani I. Brown", written over a horizontal line.

Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 24,  
2015, QUEST NO. 76605  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated June 24, 2015 and received by the City on June 25, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 24, 2015, you made the following request:

"I request all documents regarding Friends of the Fire Rings and the details surrounding any agreements-- whether verbal or written—and pre-existing criteria that must be met to come to those agreements or begin negotiation. I request all documents including but not limited to 'acts of good faith,' 'concessions,' and 'starting points' for negotiation. I request all documents and information regarding the requested criteria for settling the lawsuit or threatened-lawsuit."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative

process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. January 27, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
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<http://newportbeachca.swagit.com/play/04142015-1397>
7. May 12, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
8. May 12, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05122015-993>
9. May 26, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
10. May 26, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05262015-1801>
11. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>

12. June 23, 2015 City Council Video:

<http://newportbeachca.swagit.com/play/06232015-1137>

Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 382 pages) and 0.58 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$31.40, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE



Leilani I. Brown  
City Clerk





**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660

949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

July 24, 2015

***Sent via Quest Only***

Mr. Mike Glenn  
111 E. Edgewater Avenue  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED JUNE 24,  
2015, QUEST NO. 77250  
NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated June 24, 2015 and received by the City on June 25, 2015. On July 2, 2015, the City responded explaining that all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request would be issued to you on a rolling basis by 5:00 p.m. on July 24, 2015. This response shall serve as the City's notice of determination as to whether the request, in whole or part, seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

On June 24, 2015, you made the following request:

"I request all documents regarding Friends of the Fire Rings in regards to the fire rings, and whether or not this organization filed a lawsuit with the city, ever threatened to file a lawsuit against the city, and also what that lawsuit was specifically regarding (which plans were objected to and why)."

Based on our review of records in possession of the City, all non-exempt, non-privileged, disclosable public records in possession of the City have been gathered and are ready to be produced. Records exempt from production, which will not be produced, include records subject to the following exemptions: (1) attorney-client privilege; (2) attorney work product doctrine; (3) deliberative process privilege; (4) the privileged or official information exemption; (5) pending litigation privilege; (6) drafts not retained in the ordinary course of business; and (7) closed session communications.

In addition to the records to be produced, please know that the following City Council meeting agendas, packets, and videos are also responsive to your request and are listed below with respect to what will be produced to you:

1. January 13, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings&dbid=0>
2. January 13, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/01132015-815>
3. January 27, 2015 City Council Meeting Agenda and Packet:  
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4. January 27, 2015 City Council Video:  
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5. February 10, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
6. February 10, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/02102015-796>
7. February 24, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
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13. May 12, 2015 City Council Meeting Agenda and Packet:  
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14. May 12, 2015 City Council Video:  
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16. May 26, 2015 City Council Video:  
<http://newportbeachca.swagit.com/play/05262015-1801>
17. June 23, 2015 City Council Meeting Agenda and Packet:  
<http://ecms.newportbeachca.gov/Web/Browse.aspx?startid=8604&cnb=CityCouncilMeetings>
18. June 23, 2015 City Council Video:  
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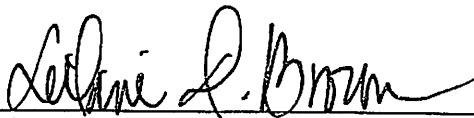
Please also visit the City's website for additional videos, agendas, minutes, and council packets and other information that may be responsive to your request at: <http://newportbeachca.gov/government/open-government/agendas-minutes> and [www.newportbeachca.gov](http://www.newportbeachca.gov).

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$.10 per page for photocopying records (at 2,563 pages) and 3.88 hours of duplication of records at \$54.13 per hour at the fully loaded hourly duplication rate, pursuant to the City's current Master Fee Schedule. The records responsive to your request are available upon payment of \$210.02, which represents the reimbursable costs of duplicating the records. Please make a check payable to the *City of Newport Beach*, reference your first and last name and Quest number, and mail or deliver the check to: City Clerk's Office, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

While we believe that all relevant records have been located, the City will continue to look for additional records and will produce any additional non-exempt, non-privileged, disclosable records found by the City on a rolling basis. Should you have any questions, please do not hesitate to contact me at (949) 644-3005.

Sincerely,

CITY CLERK'S OFFICE



Leilani I. Brown  
City Clerk



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

January 12, 2017

*Sent via Quest Only to (Quest Case No. 260638):*

Michael Glenn  
111 E Edgewater Ave  
Newport Beach, CA 92661

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED DECEMBER 28,  
2016 - NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act requests dated December 28, 2016 and received by the City on January 3, 2017. This response will serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

Based on your request, "I request all documents relating to all city signage near the Santa Ana River Jetties which references behavior with dogs on county land, often known as "Dog Beach". This includes documents about warning signs about dogs on Newport's land, signage about "Leash Up", sign replacement, and sign vandalism." for the following, all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request have been gathered and are being produced to you herewith.

Certain records were not produced or were redacted in part due to the following exemptions in accordance with the Act:

1. Personal Information: Personal contact information that would constitute an unwarranted invasion of personal privacy (*San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762; *Braun v. City of Taft* (1984) 154 Cal.App.3d 332; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136; *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal. App.4th 159; *Eskaton Monterey Hospital v. Myers* (1982) 134 Cal.App.3d 788)
2. Attorney-Client Privilege/ Attorney Work-Product: Records falling within the attorney-client privilege or attorney work-product are exempt from production

Mr. Michael Glenn  
January 12, 2017  
Page 2

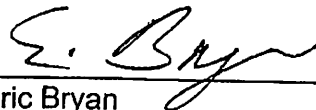
pursuant to California Government Code Section 6254(k). (See *City of Hemet v. Superior Court* (1995) 37 Cal. App. 4th 1411, 1422; Evid. Code §952 et seq. and Code Civ. Proc. § 2018.010 et seq)

Based on the foregoing, the City has granted your request in part. The City has retrieved and reviewed the records responsive to your request. The City anticipates that all nonexempt, disclosable public records will be produced on CD and available for pickup on or after 1/12/17.

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$1.12 per CD/DVD for photocopying records; responsive documents will require one DVD. The records responsive to your request are available upon payment of \$1.12, which represents the reimbursable costs of duplicating the records. Please make a check payable to the City of Newport Beach, reference your first and last name and mail or deliver the check to: City Clerk, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

Should you have any questions, please do not hesitate to contact me at (949)644-3005.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Bryan", is written over a horizontal line.

Eric Bryan  
Records Specialist



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660

949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

January 20, 2017

*Via: Quest*

Mr. Michael Glenn

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED  
January 9, 2017**

**NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated January 9, 2017 and received by the City on January 10, 2017. This response will serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

Specifically, in your January 9, 2017 request, you asked for "all emails to and from Carol Jacobs having anything to do with the flood control channel property and adjacent properties which are colloquially known as Dog Beach. This request covers the last 18 months." City staff conducted a review of City records and has determined all documents responsive to this request were previously made available in response to your request dated December 28, 2016, for which a Notice of Determination was sent on January 12, 2017.

According to our files, you have not reviewed the documents previously made available. The City is committed to working with you and, if after your review of the documents, you believe there are additional categories of documents you would like to review, the City will work with you to make sure the City has fully complied with the Public Records Act.

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$1.12 per CD/DVD for photocopying records; responsive documents will require one DVD. The records responsive to your request are available upon payment of \$1.12, which represents the reimbursable costs of duplicating the records. Please make a check payable to the City of Newport Beach, reference your first and last name and mail or deliver the check to: City Clerk, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

Mr. Michael Glenn  
January 20, 2017

Should you have any questions, please do not hesitate to contact me at 949-644-3005.

Sincerely,

  
Eric Bryan  
Records Specialist





**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

January 20, 2017

*Via: Quest*

Mr. Michael Glenn

RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED  
January 9, 2017

**NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated January 9, 2017 and received by the City on January 10, 2017. This response will serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

Specifically, in your January 9, 2017 request, you asked for "all emails to and from Carol Jacobs in regards to dogs on or near beaches. This request covers the last 18 months." City staff conducted a review of City records and has determined all documents responsive to this request were previously made available in response to your request dated December 28, 2016, for which a Notice of Determination was sent on January 12, 2017.

According to our files, you have not reviewed the documents previously made available. The City is committed to working with you and, if after your review of the documents, you believe there are additional categories of documents you would like to review, the City will work with you to make sure the City has fully complied with the Public Records Act.

Pursuant to the Act, the City shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs associated with your request are calculated as follows: \$1.12 per CD/DVD for photocopying records; responsive documents will require one DVD. The records responsive to your request are available upon payment of \$1.12, which represents the reimbursable costs of duplicating the records. Please make a check payable to the City of Newport Beach, reference your first and last name and mail or deliver the check to: City Clerk, City of Newport Beach, 100 Civic Center Drive, PO Box 1768, Newport Beach, CA 92658-8915.

Mr. Michael Glenn  
January 20, 2017

Should you have any questions, please do not hesitate to contact me at 949-644-3005.

Sincerely,

  
Eric Bryan  
Records Specialist



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949-644-3005 | 949-644-3039 FAX  
newportbeachca.gov

January 27, 2017

*Via: Quest*

Mr. Michael Glenn

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED  
January 17, 2017**

**NOTICE OF DETERMINATION**

Dear Mr. Glenn:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated January 17, 2017. This response will serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

Specifically, in your January 17, 2017 request, you asked for "all emails to and from Kimberly Brandt, Laura Detweiler, and Matt Cosylon having anything to do with the flood control channel property and adjacent properties which are colloquially known as Dog Beach, covering the last 18 months." City staff conducted a review of City records and has determined all documents responsive to this request were previously made available in response to your request dated December 28, 2016, for which a Notice of Determination was sent on January 12, 2017.

According to our files, you have not reviewed the documents previously made available. The City is committed to working with you and, if after your review of the documents, you believe there are additional categories of documents you would like to review, the City will work with you to make sure the City has fully complied with the Public Records Act.

Additionally, based on the second part of your request for "from the above three people, all communication to, from, and/or about a resident named Viven", City staff conducted a review of City records and has determined that the City is not in possession of any records responsive to your request.

The City has retrieved and reviewed the records responsive to your request. Pursuant to the Public Records Act, the City shall make the records promptly available for pick up in the City Clerk's Office at City Hall on a rolling basis to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. The reimbursable costs for duplicating the records associated with your request are calculated as follows: \$1.12 per CD/DVD. The records responsive to your request are available upon payment of \$1.12, which represents the reimbursable costs of duplicating the records.

Mr. Michael Glenn  
January 27, 2017

Should you have any questions, please do not hesitate to contact me at 949-644-3005.

Sincerely,

  
Eric Bryan  
Records Specialist

**EXHIBIT 5**

West's Annotated California Codes  
Code of Civil Procedure (Refs & Annos)  
Part 2. Of Civil Actions (Refs & Annos)  
Title 6. Of the Pleadings in Civil Actions  
Chapter 2. Pleadings Demanding Relief (Refs & Annos)  
Article 1. General Provisions (Refs & Annos)

West's Ann.Cal.C.C.P. § 425.16

§ 425.16. Anti-SLAPP motion

Effective: January 1, 2015  
Currentness

(a) The Legislature finds and declares that there has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. The Legislature finds and declares that it is in the public interest to encourage continued participation in matters of public significance, and that this participation should not be chilled through abuse of the judicial process. To this end, this section shall be construed broadly.

(b)(1) A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

(2) In making its determination, the court shall consider the pleadings, and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(3) If the court determines that the plaintiff has established a probability that he or she will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, or in any subsequent action, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination in any later stage of the case or in any subsequent proceeding.



(c)(1) Except as provided in paragraph (2), in any action subject to subdivision (b), a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs. If the court finds that a special motion to strike is frivolous or is solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney's fees to a plaintiff prevailing on the motion, pursuant to Section 128.5.

(2) A defendant who prevails on a special motion to strike in an action subject to paragraph (1) shall not be entitled to attorney's fees and costs if that cause of action is brought pursuant to Section 6259, 11130, 11130.3, 54960, or 54960.1 of the Government Code. Nothing in this paragraph shall be construed to prevent a prevailing defendant from recovering attorney's fees and costs pursuant to subdivision (d) of Section 6259, or Section 11130.5 or 54960.5, of the Government Code.

(d) This section shall not apply to any enforcement action brought in the name of the people of the State of California by the Attorney General, district attorney, or city attorney, acting as a public prosecutor.

(e) As used in this section, "act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue" includes: (1) any written or oral statement or writing made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, (2) any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law, (3) any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest, or (4) any other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech in connection with a public issue or an issue of public interest.

(f) The special motion may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms it deems proper. The motion shall be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing.

(g) All discovery proceedings in the action shall be stayed upon the filing of a notice of motion made pursuant to this section. The stay of discovery shall remain in effect until notice of



entry of the order ruling on the motion. The court, on noticed motion and for good cause shown, may order that specified discovery be conducted notwithstanding this subdivision.

(h) For purposes of this section, “complaint” includes “cross-complaint” and “petition,” “plaintiff” includes “cross-complainant” and “petitioner,” and “defendant” includes “cross-defendant” and “respondent.”

(i) An order granting or denying a special motion to strike shall be appealable under Section 904.1.

(j)(1) Any party who files a special motion to strike pursuant to this section, and any party who files an opposition to a special motion to strike, shall, promptly upon so filing, transmit to the Judicial Council, by e-mail or facsimile, a copy of the endorsed, filed caption page of the motion or opposition, a copy of any related notice of appeal or petition for a writ, and a conformed copy of any order issued pursuant to this section, including any order granting or denying a special motion to strike, discovery, or fees.

(2) The Judicial Council shall maintain a public record of information transmitted pursuant to this subdivision for at least three years, and may store the information on microfilm or other appropriate electronic media.

### **Credits**

(Added by Stats.1992, c. 726 (S.B.1264), § 2. Amended by Stats.1993, c. 1239 (S.B.9), § 1; Stats.1997, c. 271 (S.B.1296), § 1; Stats.1999, c. 960 (A.B.1675), § 1, eff. Oct. 10, 1999; Stats.2005, c. 535 (A.B.1158), § 1, eff. Oct. 5, 2005; Stats.2009, c. 65 (S.B.786), § 1; Stats.2010, c. 328 (S.B.1330), § 34; Stats.2014, c. 71 (S.B.1304), § 17, eff. Jan. 1, 2015.)

Notes of Decisions (3930)

West's Ann. Cal. C.C.P. § 425.16, CA CIV PRO § 425.16  
Current with urgency legislation through Ch. 733 of 2017 Reg.Sess

**EXHIBIT 6**

West's Annotated California Codes  
Civil Code (Refs & Annos)  
Division 1. Persons (Refs & Annos)  
Part 2. Personal Rights (Refs & Annos)

West's Ann.Cal.Civ.Code § 47

§ 47. Privileged publication or broadcast

Effective: July 1, 2005

Currentness

A privileged publication or broadcast is one made:

- (a) In the proper discharge of an official duty.
- (b) In any (1) legislative proceeding, (2) judicial proceeding, (3) in any other official proceeding authorized by law, or (4) in the initiation or course of any other proceeding authorized by law and reviewable pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure, except as follows:
  - (1) An allegation or averment contained in any pleading or affidavit filed in an action for marital dissolution or legal separation made of or concerning a person by or against whom no affirmative relief is prayed in the action shall not be a privileged publication or broadcast as to the person making the allegation or averment within the meaning of this section unless the pleading is verified or affidavit sworn to, and is made without malice, by one having reasonable and probable cause for believing the truth of the allegation or averment and unless the allegation or averment is material and relevant to the issues in the action.
  - (2) This subdivision does not make privileged any communication made in furtherance of an act of intentional destruction or alteration of physical evidence undertaken for the purpose of depriving a party to litigation of the use of that evidence, whether or not the content of the communication is the subject of a subsequent publication or broadcast which is privileged pursuant to this section. As used in this paragraph, "physical evidence" means evidence specified in Section 250 of the Evidence Code or evidence that is property of any type specified

in Chapter 14 (commencing with Section 2031.010) of Title 4 of Part 4 of the Code of Civil Procedure.

(3) This subdivision does not make privileged any communication made in a judicial proceeding knowingly concealing the existence of an insurance policy or policies.

(4) A recorded lis pendens is not a privileged publication unless it identifies an action previously filed with a court of competent jurisdiction which affects the title or right of possession of real property, as authorized or required by law.

(c) In a communication, without malice, to a person interested therein, (1) by one who is also interested, or (2) by one who stands in such a relation to the person interested as to afford a reasonable ground for supposing the motive for the communication to be innocent, or (3) who is requested by the person interested to give the information. This subdivision applies to and includes a communication concerning the job performance or qualifications of an applicant for employment, based upon credible evidence, made without malice, by a current or former employer of the applicant to, and upon request of, one whom the employer reasonably believes is a prospective employer of the applicant. This subdivision authorizes a current or former employer, or the employer's agent, to answer whether or not the employer would rehire a current or former employee. This subdivision shall not apply to a communication concerning the speech or activities of an applicant for employment if the speech or activities are constitutionally protected, or otherwise protected by Section 527.3 of the Code of Civil Procedure or any other provision of law.

(d)(1) By a fair and true report in, or a communication to, a public journal, of (A) a judicial, (B) legislative, or (C) other public official proceeding, or (D) of anything said in the course thereof, or (E) of a verified charge or complaint made by any person to a public official, upon which complaint a warrant has been issued.

(2) Nothing in paragraph (1) shall make privileged any communication to a public journal that does any of the following:

(A) Violates Rule 5-120 of the State Bar Rules of Professional Conduct.

(B) Breaches a court order.

(C) Violates any requirement of confidentiality imposed by law.

(e) By a fair and true report of (1) the proceedings of a public meeting, if the meeting was lawfully convened for a lawful purpose and open to the public, or (2) the publication of the matter complained of was for the public benefit.

### **Credits**

(Enacted in 1872. Amended by Code Am.1873-74, c. 612, p. 184, § 11; Stats.1895, c. 163, p. 167, § 1; Stats.1927, c. 866, p. 1881, § 1; Stats.1945, c. 1489, p. 2763, § 3; Stats.1979, c. 184, p. 403, § 1; Stats.1990, c. 1491 (A.B.3765), § 1; Stats.1991, c. 432 (A.B.529), § 1; Stats.1992, c. 615 (S.B.1804), § 1; Stats.1994, c. 364 (A.B.2778), § 1; Stats.1994, c. 700 (S.B.1457), § 2.5; Stats.1996, c. 1055 (S.B.1540), § 2; Stats.2002, c. 1029 (A.B.2868), § 1, eff. Sept. 28, 2002; Stats.2004, c. 182 (A.B.3081), § 4, operative July 1, 2005.)

### **Editors' Notes**

## **LAW REVISION COMMISSION COMMENTS**

### **2004 Amendment**

Subdivision (b) of Section 47 is amended to reflect nonsubstantive reorganization of the rules governing civil discovery. [33 Cal.L.Rev.Comm. Reports 977 (2003)].

### **Notes of Decisions (1996)**

West's Ann. Cal. Civ. Code § 47, CA CIVIL § 47

Current with urgency legislation through Ch. 733 of 2017 Reg.Sess