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Public Record Requests

By: Bill Dahlin, Partner

California, like many jurisdictions, has a very robust public records act. However, many municipalities and other governmental agencies subject to public records act requests frequently desire to NOT produce records that are, by statute, deemed public.

The recent case of *City of Los Angeles [DWP] v. Metropolitan Water District of Southern California [MWD]* presents such a scenario. In this case, the DWP branch of the city of Los Angeles filed a writ petition against MWD seeking to prevent the MWD from disclosing records of DWP's customers to the San Diego Union Tribune newspaper. In sum and substance the city of Los Angeles was in complete agreement with the Metropolitan Water District and those two entities were part of what the newspaper called a "collusive" lawsuit.

The trial court denied the writ petition filed by DWP and granted the newspaper's cross petition and ordered the records to be disclosed and, in conjunction, awarded approximately \$160,000 in attorney's fees to the newspaper.

The appellate court concluded that the trial court was correct and that the newspaper's cross petition was legally correct and thus the newspaper was entitled to obtain the records of the two water agencies and that the newspaper was also entitled to recovery of attorney's fees for the work under both the public records act and Code of Civil Procedure section 1021.5.

The result achieved in this case is noteworthy because the appellate court understood that the two public agencies, while allegedly adverse in the litigation, were actually of the same mindset and desired to utilize the court process to prevent the newspaper from obtaining the requested records. That result was not achieved because the trial court and the appellate court upheld the public records act and required the agencies seeking to prevent disclosure to pay the substantial attorney's fees incurred by the newspaper. All in all, a very good result and one to keep in mind when seeking public records. *Experience matters. We can help.*

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