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**IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

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| THE PEOPLE OF THE STATE OF CALIFORNIA,<br>Petitioner,<br><br>v.<br><br>THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN DIEGO,<br>Respondent. | No. S255826<br><br>(Related to California Supreme Court Case No. S217284 [on Habeas Corpus]; No. S042346 [on Direct Appeal]) |
| BRYAN MAURICE JONES,<br>Real Party in Interest. | |

SUPREME COURT
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Deputy

**APPELLANT'S REPLY BRIEF ON THE MERITS**

Appeal from the Fourth Appellate District, Division One, Case No. D074028
Superior Court of San Diego County, Case No. CR136371
The Honorable Joan P. Weber, Judge of the Superior Court

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## INTRODUCTION

The U.S. Supreme Court balanced the tension between the work product privilege and the prohibition against discriminatory jury selection by requiring, under *Batson v. Kentucky* (1986) 476 U.S. 79, that the prosecution offer a race-neutral justification for a peremptory challenge. The high court has had numerous opportunities since *Batson* to expand that rule to require disclosure of jury selection notes but has not done so.

The protection afforded attorney core work product is a significant one that cannot be casually swept aside, as Real Party in Interest Bryan Maurice Jones (Jones) asks this Court to do, by suggesting a simple "relevance" rule without consideration and application of the long-protected attorney work product privilege. A simple relevance test cannot be the standard to overcome privilege, as such a rule would render the privilege meaningless.

To support his argument, Jones subscribes to the lower court's faulty reasoning that: 1) the trial court acted within its discretion in determining the work product privilege afforded to jury selection notes was not absolute, and 2) the prosecutor waived core work product privilege over jury selection notes, entitling Jones to them. (*People v. Superior Court (Jones)* (2019) 34 Cal.App.5th 75, 84.) However, the underlying appellate decision is contrary to law and public policy and should be overturned.

Jones makes four erroneous arguments: 1) the prosecutor used his notes to refresh his memory; 2) the prosecutor's passing reference to his notes solely in response to *Batson* challenges constituted a "significant waiver" of all the privileged material; 3) that *voluntary* waiver of privilege cases are applicable here; and 4) post-*Batson* law encourages a "wide net" approach to force discovery of privileged materials simply because it is relevant or probative.

Contrary to Jones's arguments: 1) the prosecutor did not refresh his memory, and no evidence supports such a conclusion; 2) the prosecutor's passing reference to his notes did not constitute a significant waiver; 3) Jones's voluntary waiver cases are entirely distinguishable from this case and should not be judicially noticed; and 4) there is no basis for Jones's argument that post-*Batson* law requires discovery of privileged materials based upon a relevance test.

To reach its desired conclusion—disclosure of the notes—the Court of Appeal ignored legal precedent and employed a faulty "ends justify the means" analysis. The reasoning underpinning Jones's and the lower appellate court's holding cannot be reconciled with the law that it cites purportedly in support of its conclusion. Petitioner respectfully requests this Court reverse the Court of Appeal's decision.

## ARGUMENT

### I.

### THE PROSECUTOR DID NOT REFRESH HIS MEMORY AND NO EVIDENCE SUPPORTS SUCH A CONCLUSION; EVIDENCE CODE SECTION 771 DOES NOT APPLY

Jones claims the trial prosecutor "relied" on his jury selection notes to "refresh his recollection" in answering the trial court's questions, and used the "existence" of the notes to "bolster the credibility" of race-neutral strikes, and that requires disclosure pursuant to Evidence Code section 771. (Answer 18.) To the contrary, the prosecutor was not a witness and did not refresh his recollection with his notes. Evidence Code section 771 does not apply, and the notes were not discoverable then or now.

Evidence Code section 771 allows an adverse party to inspect any writing used to refresh a testifying witness's recollection. (Evid. Code, § 771.) People's Opening Merits Brief (OBM) addressed how section 771

does not apply because the prosecutor is neither a witness nor is he testifying. (See OMB 29-34.)

Furthermore, the record does not support Jones's argument that the prosecutor "refreshed" his recollection. While Jones gives lengthy treatment to the prosecutor's scoring system, Jones fails to cite to a single utterance in the record that even hints at the prosecutor suffering from memory lapse that required his memory be refreshed with his notes. (Answer 18, 33-35.)

Jones's argument relies on the false premise that the prosecutor's memory needed to be refreshed at all. It did not. Neither the lower court nor Jones cites to any specific examples of the prosecutor evincing difficulty remembering why he challenged certain jurors. Nowhere in the 23-page *Batson*/*Wheeler* hearing transcript does the prosecutor express a lapse in memory or recall. (Jones Ret. Ex. 5-28.)

After the trial court found a prima facie case was established by defense counsel, the prosecutor immediately offered, "I will proceed then, Your Honor," and laid bare a four-page recitation without interruption or pauses of his objective reasons for striking one of the jurors: her work at the Job Corps where Jones worked, she wanted to be a counselor, her lack of affiliation with community clubs, and, *inter alia,* that "San Diego Police Officers [the investigating agency here] shoot too quickly." (Jones Ret. Ex. 10-14.) The prosecutor demonstrated that he had no difficulty remembering why he used his strikes against certain jurors. (Answer 18.) He did not refresh his recollection with his notes.

Even Jones admits that whether he would have been entitled to the notes at the time of trial is not a foregone conclusion. (Answer 20.) He is right to express this lack of confidence.

"Where a lower court's discovery order rests on sound legal reasoning or established law, it should not be disturbed." (*Carlson v.*

*Superior Court* (1961) 56 Cal.2d 431, 440; Answer 21.) Here, the order was based on a faulty reading of *Foster v. Chatman*. (*Foster v. Chatman* (2016) __ U.S. __, __ [136 S.Ct. 1737, 1748].) Jones praises the trial court for assessing it "precisely as the law required" by being "backwards-glancing," yet quickly pivots and provides *no* rationale, evidentiary basis, or argument in support of his statement that the 1994 trial court would have ordered the production of the prosecution's jury selection notes during the *Batson* hearing. (Answer 21-22.) This failing supports that there simply is no basis to conclude the 1994 trial court would have made such an order, and further still, establishes no basis for today's court to order disclosure. (Answer 21.)

This Court should reject the Court of Appeal's analysis and overturn its decision. The record and case authority clearly shows the prosecutor was not a witness and the record lacks any evidence demonstrating the prosecutor's memory needed to be refreshed with his notes. The notes were not discoverable in trial, so they are not discoverable now.

## II.

## THE PROSECUTOR'S PASSING REFERENCE TO HIS NOTES DOES NOT CONSTITUTE A "SIGNIFICANT WAIVER" OF THE PRIVILEGED MATERIAL

Jones argues the prosecutor waived his core work product privilege simply by stating he possessed notes concerning jury selection. To the contrary, every lawyer creates litigation notes, and it would be an absurd rule that mere reference to the existence of notes would waive work product privilege—this is the rule for which Jones advocates.

Without engaging in *any analysis* – let alone a rigorous analysis – of whether a "significant portion" of the privileged material was voluntarily waived, Jones and the lower court endorse a heretofore non-existent principle that the mere mention of the word "notes" by a holder of the privilege over those notes, amounts to a waiver. (*Jones*, *supra* (2019) 34

Cal.App.5th at 83-85 [Court of Appeal provides no citation to support its statement: "These references to the jury selection notes waived any work product privilege."].).) This rule is untenable.

The sole exception to the statute codifying the attorney work product privilege is the waiver doctrine. (*McKesson HBOC, Inc. v. Superior Court* (2004) 115 Cal.App.4th 1229, 1239.) Waiver also occurs by an attorney's "voluntary disclosure or consent to disclosure of the writing to a person other than the client who has no interest in maintaining the confidentiality of the contents of the writing." (*McKesson HBOC, supra,* 115 Cal.App.4th at 1239; see *Labor & Workforce* (2018) 19 Cal.App.5th 12, 35.) "Thus, work product protection 'is not waived except by a disclosure wholly inconsistent with the purpose of the privilege, which is to safeguard the attorney's work product and trial preparation. [Citations.]' " (*OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 891.)

With regard to the scope of waiver, the attorney-client privilege over an *entire* communication may be waived through voluntary disclosure of "a significant part of the communication." (Evid. Code, § 912, subd. (a) [attorney-client privilege waived "with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication"]; see *Transamerica Title Ins. Co. v. Superior Court* (1987) 188 Cal.App.3d 1047, 1052.)

Courts have defined when a voluntary disclosure of a "significant part" of attorney work product occurs. (See *Labor & Workforce, supra* 19 Cal.App.5th at 12, 35 [" 'The work product protection may be waived "by the attorney's disclosure or consent to disclosure to a person, *other than the client*, who has no interest in maintaining the confidentiality . . . of a significant part of the work product." ' "]; see also *Newark Unified School Dist. v. Superior Court* (2016) 245 Cal.App.4th 887, 903–904 ["Evidence

Code section 912 finds a waiver of attorney-client and attorney work product privileges 'if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure made by anyone.' "]; *Kaiser Foundation Hospitals v. Superior Court* (1998) 66 Cal.App.4th 1217, 1227 ["neither the attorney-client privilege nor the work product doctrine has been waived unless it is established through other discovery that a **significant part of any particular communication has already been disclosed to third parties**"; bold added.])

The record demonstrates that when Jones requested the trial prosecutor's notes in 2018, pursuant to section 1054.9, petitioner did not voluntarily disclose the notes to an adverse party; petitioner asserted the notes were protected core work product at the first hearing on this issue. (Pet. Writ of Mandate Exh. B at 41-43 [Transcript of Postconviction Discovery Hearing on April 27, 2018].) These notes have never been produced. Petitioner has never voluntarily granted Jones access to the notes or waived their privileged nature.

*No* part of the jury selection notes have been disclosed to Jones—much less a "significant part." Jones cannot point to anywhere in the record that shows a "significant part" of the notes were disclosed and provides unsupported conclusions that the prosecutor "relied" on his notes to refresh his recollection and used the "existence" of the notes to "bolster the credibility" of race-neutral strikes. (Answer 18.) Nothing in the record establishes that a "significant part" of the subject notes was disclosed to third parties.

Even if, arguendo, the prosecutor waived work product privilege by acknowledging existence of notes, such waiver was an inadvertent disclosure of documents. The simple principle that courts have power to correct the impact of inadvertent disclosures of confidential information

was recognized in *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176. In *Ardon*, confidential documents were inadvertently disclosed by the City of Los Angeles pursuant to a Public Records Act request. Learning of the disclosure, the City sought their return. (*Id.* at 1181.) The lower courts found the disclosure had waived the City's claim of privilege. (*Ibid.*) The Supreme Court reversed and relied on long-standing judicial decisions holding the inadvertent disclosure of privileged material did not waive the privilege. (*Id.* at 1186-1189.) Petitioner should not be forced to disclose jury selection notes due to inadvertent disclosure caused by simply acknowledging the existence of notes—as would be required under the untenable rule established by the Court of Appeal.

Far from disclosing a "significant part" of the jury selection notes, the notes have never been disclosed and petitioner has asserted, at every turn, that the notes are privileged from disclosure. A prosecutor's mere verbal reference to the existence of jury selection notes does not waive privilege. Also there is no evidence the trial court would have concluded that it did. Such a rule, as advanced by Jones, is overbroad and untenable.

## III.

## JONES'S RELIANCE ON VOLUNTARY WAIVER CASES DOES NOT SUPPORT A RULE REQUIRING FORCED DISCLOSURE OF PRIVILEGED NOTES

Jones cites published and unpublished appellate decisions that discuss *voluntary* waiver by prosecutors. (Answer 27-32.) These cases are distinguishable because no voluntary waiver occurred here. Jones seeks to include cases that were not presented to the trial court or lower appellate court. These cases should not be judicially noticed, and the fact patterns are entirely distinguishable.

Evidence Code section 452 states in pertinent part: "Judicial notice may be taken of the following matters ... (d) Records of ... (2) any court of

record of the United States." Evidence Code section 459, subdivision (a), permits but does not require a reviewing court to take judicial notice of matters specified in section 452.

Although judicial notice is permissible here, several courts have cautioned against judicially noticing matters that were not before the trial court. "[A]s a general rule the [appellate] court should not take ... [judicial] notice if, upon examination of the entire record, it appears that the matter has not been presented to and considered by the trial court in the first instance." (*People v. Preslie* (1977) 70 Cal.App.3d 486, 493; *People v. Meza* (1984) 162 Cal.App.3d 25, 33.) Such a rule prevents the unfairness that would flow from permitting one side to press an issue or theory on appeal that was not raised below. (*People v. Hamilton* (1986) 191 Cal.App.3d Supp. 13, 22.)

Several considerations should lead this Court to conclude that judicial notice is inappropriate here. First, and foremost, the parties have not agreed that this Court should judicially notice wholly unrelated cases which were not presented to the lower courts. Petitioner opposes Jones's motion in this regard. There will thus be unfairness to one side.

Second, the facts leading to the disclosure of prosecutors' notes in the unrelated opinions are reasonably open to interpretation. Jones's discussion of other cases in which jury selection notes were part of the record is unpersuasive and irrelevant. He takes this court on a tour of non-related proceedings which were not part of the record before the lower courts, and so judicial notice is inappropriate here. (Answer 27-32.) Nevertheless, the unrelated cases that Jones cites are distinguishable because all involve voluntary disclosure by the prosecutor or as part of federal discovery in which privileges are curtailed.

• "[P]rosecutor voluntarily provided his voir dire notes to Mr. Williams." (*People v. Williams* (2013) 56 Cal.4th 630, 651; Answer 27.)

• "[T]he prosecutor produced his trial juror questionnaires, including notations and ratings of prospective jurors" with no obvious assertion of core work product privilege. (*People v. Crittenden* (1994) 9 Cal.4th 83, 119; Answer 28.)

• "The Attorney General voluntarily provided the prosecutor's voir dire notes in federal habeas." (*People v. Jones* (1997) 15 Cal.4th 119, 163; Answer 29.)

Jones's discussion of notes that contained evidence in support of invidious discrimination does not discuss the mechanism through which those notes were obtained. It follows that privilege and waiver issues were not litigated since they were not discussed in the opinions. (Answer 29-32.)

Jones seeks judicial notice of preceding unpublished cases for the purpose of demonstrating that a trial court has authority to compel disclosure of a prosecutor's jury selection notes under Civil Code of Procedure section 2018.030 and Penal Code section 1054.9, despite their distinguishable facts—namely, that the prosecutors in those cases *voluntarily waived* any privilege by disclosing the notes. Jones cites *voluntary waiver* cases to support the *forced* revelation of petitioner's work-product-privileged notes.

Jones's argument that "the number of opinions considering and relying upon prosecutor notes demonstrates their relevance and probative value"[1] sidesteps the issues in this case: Did the Court of Appeal violate federal and state core work product privilege cases and statutes by affirming the trial court's order of disclosure? Did the Court of Appeal err in concluding waiver of that privilege occurred?

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[1] Jones asserts this argument for the first time in his Answer, but he failed to request judicial notice of these opinions before the trial court or the Court of Appeal. Jones, therefore, has waived these arguments and improperly raises them for the first time in this Court. (See *Mize v. Atchinson, T. & S.F. Ry. Co.* (1975) 46 Cal.App.3d 436, 447.)

Therefore, since the general rule cautions against granting judicial notice of matters not presented to the lower court, and no other considerations present in this case suggest a contrary conclusion, this Court should not grant Jones's request for judicial notice. Under these circumstances, judicial notice is improper because the documents noticed were not presented to the trial court, are factually distinguishable, and not the subject of agreement by the parties.

## IV.

## THE LAW REQUIRES A HIGHER STANDARD TO OVERCOME THE WORK PRODUCT PRIVILEGE THAN A SIMPLE RELEVANCE TEST

Jones make broad, sweeping declarations about the type of evidence trial courts can consider as the "post-*Batson* norm." (Answer 24.) Absent from Jones's narrative is citation to any precedent overruling a core work product objection and mandating that a prosecutor's jury selection notes be distributed to courts and defendants. Instead, Jones erroneously conflates three U.S. Supreme Court cases to urge this Court use a "wide net" approach, beyond the four corners of the record, to require the long-standing attorney core work product privilege yield when notes are probative. (Answer 24, 35-38; *U.S. v. Armstrong* (1996) 517 U.S. 456 (*Armstrong*); *Pena-Rodriguez v. Colorado* (2017) __ U.S. __ [137 S.Ct. 855] (*Pena-Rodriguez*); *McClesky v. Kemp* (1987) 481 U.S. 279 (*McClesky*).) Neither *Pena-Rodriguez*, *Armstrong*, nor *McCleksky* support Jones's argument that nothing more than probative value is necessary to overcome long-standing attorney core work product privilege.

Jones conflates *Armstrong*, *Pena-Rodriguez*, and *McCleksky* to argue that simple probative value is sufficient for discovery of jury selection notes without regard to "whether and to what extent work-product

protection may be applicable to the prosecutor's jury selection notes..." (Answer 35.) However, none of those cases support his argument.

Jones misreads *Armstrong, supra*, 517 U.S. 456. He argues *Armstrong* is analogous here, because "the work-product protection cannot hinder a defendant's ability to demonstrate a discriminatory-charging equal protection violation." (Answer 35.) However, Jones overlooks the demanding standard required by the high court where discovery is intended to litigate an issue collateral to guilt. (*United States v. Armstrong* (1996) 517 U.S. 456, 463-64.) The defendant must meet a threshold requirement to overcome statutory protections. The U.S. Supreme Court requires that " '[t]he presumption of regularity supports' [prosecutors'] prosecutorial decisions and, 'in the absence of *clear* evidence to the contrary, courts presume that they have properly discharged their official duties.' " (*Armstrong, supra*, 517 U.S. at 464, citing *United States v. Chemical Foundation, Inc.* (1926) 272 U.S. 1, italics added.) The Court also established, in selective prosecution cases, "[i]n order to dispel the presumption that a prosecutor has not violated equal protection, a criminal defendant must present '*clear evidence* to the contrary'." (*Id.* at 466, italics added.) *Armstrong's* high standard of *clear evidence* does not support Jones's argument that the long-standing U.S. Supreme Court-recognized attorney work product privilege must give way whenever jury selection notes may be probative. To be analogous, application of *Armstrong* here would require the defendant to rebut the presumption against wrongdoing by the prosecutor with "'clear evidence to the contrary.'" (*Id.* at 465.)

A *Batson* claim, like selective prosecution, "is not a defense on the merits to the criminal charge itself." (*Armstrong*, supra, 517 U.S. at 463.) Therefore, a higher standard must be met when seeking discovery of privileged work product. The Court has gone so far as to say that "the showing necessary to obtain discovery should itself be a *significant barrier*

to the litigation of insubstantial claims." (*Id.* at 464, italics added). Discovery is meant to aid in the defense's "response to the prosecution's case in chief," that is, its case on the merits of the charge. (*Id.* at 462.) Discovery of the prosecution's notes on jury selection, if appropriate at all, therefore requires more than establishing a prima facie case.

Jones also misapplies *Pena-Rodriguez, supra*, 137 S.Ct. at 855. *Pena-Rodriguez* concerns the impeachment of jurors in the context of racial stereotyping. In *Pena-Rodriguez*, the U.S. Supreme Court held "that where a juror makes a clear statement that indicates he or she relied on racial stereotypes or animus to convict a criminal defendant, the Sixth Amendment requires that the no-impeachment rule give way in order to permit the trial court to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee." (*Id.* at 869.) The Court took particular care to state that:

> Not every offhand comment indicating racial bias or hostility will justify setting aside the no-impeachment bar to allow further judicial inquiry. For the inquiry to proceed, there must be a showing that one or more jurors made statements exhibiting overt racial bias that cast serious doubt on the fairness and impartiality of the jury's deliberations and resulting verdict. To qualify, the statement must tend to show that racial animus was a significant motivating factor in the juror's vote to convict. Whether that threshold showing has been satisfied is a matter committed to the substantial discretion of the trial court in light of all the circumstances, including the content and timing of the alleged statements and the reliability of the proffered evidence.

(*Ibid.*)

*Pena-Rodriguez* does not stand for the rule that simple probative value is sufficient to overcome significant protections like the no impeachment rule or the attorney work product privilege. Instead, the language of *Pena-Rodriguez* established a high standard to overcome the no

impeachment rule, requiring a showing that statements were made exhibiting *overt* racial bias that cast *serious doubt* on the fairness and impartiality of the jury's deliberations and resulting verdict. (*Pena-Rodriguez*, *supra*, 137 S. Ct. at 869.) Of particular note, the defendant must show "that racial animus was a significant motivating factor" in a juror's decision. (*Ibid.*) Such racial animus must be shown by the "clear statement" of a juror. (*Ibid.*) To be analogous, application of *Pena-Rodriguez* here, would require the defendant to show a clear statement by the prosecutor indicating racial animus was a significant motivating factor in the decision to challenge a juror. Such a high standard is necessary before delving into a juror's thoughts, impressions, or conclusions. That high standard does not support a lower standard be applied to attorney work product privileged thoughts, impressions, and conclusions.

Finally, *McCleskey*, *supra*, 481 U.S. at 279 is unpersuasive. *McCleskey* addressed the situation of racial considerations influencing capital sentencing decisions but does not establish a standard that would allow probative value to overcome the attorney work product privilege. Addressing disparities in sentencing, the high court recognized that "there can be no perfect procedure for deciding in which cases governmental authority should be used to impose death. [Citations.] Despite these imperfections, our consistent rule has been that constitutional guarantees are met when the mode [for determining guilt or punishment] itself has been surrounded with safeguards to make it as fair as possible." (*McCleskey*, *supra*, 481 U.S. at 313, citing *Singer v. United States* (1965) 380 U.S. 24, 35, internal quote marks omitted.) Similarly, here, imperfections may exist, but constitutional guarantees are met when the safeguards provided in *Batson* and its progeny are met. Although the courts "have engaged in 'unceasing efforts' to eradicate racial prejudice from our criminal justice system," (*McCleskey*, *supra*, 481 U.S. at 309), it is

improper to begin with an assumption of racial prejudice, which is what will happen if this Court starts with the premise that mere relevance is sufficient to overcome the work product privilege. This Court should follow the high court's caution that courts should not "assume that what is unexplained is invidious." (*McCleskey supra*, 481 U.S. at 313.) The work product privilege is integral to the advocacy process and should not be easily swept aside.

## CONCLUSION

While eliminating racial bias from jury selection is an important effort for the courts, prosecutors, and defense to pursue, the work product privilege is also a significant and integral part of our criminal justice system that should be protected. The U.S. Supreme Court balanced these two considerations through the *Batson* line of cases and did not force disclosure of notes protected under the work product privilege. For the reasons stated in this reply and those presented in the petitioner's opening brief on the merits, petitioner respectfully requests that this court reverse the lower appellate court's decision.

Dated: February 4, 2020 Respectfully Submitted,

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## CERTIFICATE OF WORD COUNT

I certify that this APPELLANT'S REPLY BRIEF ON THE MERITS, including footnotes, and excluding tables and this certificate, contains 4,026 words according to the computer program used to prepare it.

SAMANTHA BEGOVICH, SBN 172225
Deputy District Attorney

**IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

| THE PEOPLE OF THE STATE OF CALIFORNIA, Petitioner,<br>v.<br>THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF SAN DIEGO, Respondent. | For Court Use Only |
|---|---|
| BRYAN MAURICE JONES,<br>Real Party In Interest. | Supreme Court No.: S255826<br>Court of Appeal No.: D074028<br>Superior Court No.: CR136371 |

**PROOF OF SERVICE**

I, the undersigned, declare as follows:

I am employed in the County of San Diego, over eighteen years of age and not a party to the within action. My business address is 330 West Broadway, Suite 860, San Diego, CA 92101.

On February 4, 2020, a member of our office served a copy of the within **APPELLANT'S REPLY BRIEF ON THE MERITS** to the interested parties in the within action by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid, in the United States Mail, addressed as follows:

Rachel Schaefer
Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

I also electronically served the same referenced above document to the following entities via Truefiling:

Rachel Schaefer: rschaefer@hcrc.ca.gov / docketing@hcrc.ca.gov
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 4, 2020 at 330 West Broadway, San Diego, CA 92101.

Gabriela A. Gonzalez