## **DECLARATION OF JOSHUA BILLAUER**

I, Joshua Billauer, am over the age of 18 years and, if called as a witness in this case, will testify as follows:

1. I am the plaintiff in this lawsuit and the testimony in this declaration is within my personal knowledge.

2. I am a resident and property owner in the City of San Diego and have been at all relevant times. I am a taxpayer in the City and County of San Diego and in the State of California and have been at all relevant times.

3. On February 6, 2021, I personally submitted a written request for certain public records through the City's NextRequest system ("the Request" or "my Request") that is the subject of this lawsuit. The Request was automatically assigned No. 21-623. The Request sought: "All writings (stored in any medium), emails, documents, records, files, logs, correspondence, notes, voice mail and memoranda directed to, received or reviewed by, or sent or created by Curtis F. Brown (DSD Supervising Plan Review Specialist, LOR Zoning Division) during the months of November & December 2020, as well as January and February 2021 including, but not limited to, any writing reflecting Brown's direct or indirect communication with any staff of the Atlantis Group, especially Marcela Escobar Eck, during this same time period." Over the next several months I exchanged multiple communications with the City's Public Records Department through NextRequest regarding my Request; those communications are accurately reflected in the print-out of my Request, which included both the public and private entries in the "Timeline" portion of the Request, produced by the City in connection with this litigation. Ultimately, over the course of almost a year, the City slowly but eventually released certain records to me and stated it was withholding other records based on certain exemptions. In January 2022, my Request was closed.

Ms. Escobar-Eck is a land-use lobbyist in San Diego. At the time I made my Request,
I had reason to suspect that she was using her prior position as the Director of the City's Development
Services Department ("DSD") and her influence and relationships within the City to interfere with a
certain pending application I currently had before the DSD. I believe that Ms. Escobar-Eck may have
interfered with my permit application and/or its processing in retaliation for my involvement with the

grassroots community organization, Save Del Cerro, and opposition to the All Peoples Church Project, 2 for which she is the lobbyist. I submitted a complaint detailing my suspicions to the City Attorney's 3 Office and requested that it investigate. Around the same time, I submitted my Request in order to 4 investigate my suspicions further.

5 5. I had multiple objectives when making this request. Among them was my desire to see 6 whether my complaint would be communicated to Ms. Escobar-Eck behind the scenes or through a 7 formal investigation, by whom, and how quickly; and my desire to see whether the City would actually 8 produce evidence of such communications. For example, would my complaint be communicated 9 through formal investigative channels, or would one of Ms. Escobar-Eck's friends and/or former co-10 workers forward the complaint to her outside the formal-investigation-channel. The undisclosed e-mail 11 in this case provided me with answers to that question.

12 6. Furthermore, obtaining that chain of communication to Ms. Escobar-Eck and understanding how the City would try to keep it hidden from me has provided valuable information to 13 14 my community group as we work to oppose a major non-residential development project in a residential 15 neighbodhood that Ms. Escobar-Eck is processing at the City as the developer's lobbyist and consultant. Knowing how the City's staff communicates with Ms. Escobar-Eck has influenced our strategy for 16 17 communicating with City officials for the better.

7. 18 The community opponents to Ms. Escobar-Eck's client's project and I used the 19 information revealed through this lawsuit as part of our strategy and talking points with members of the 20 San Diego City Council. On January 9, 2024, the City Council voted to deny that project based on the 21 community's opposition. Being able to explain how the City's staff gave preferential treatment to Ms. 22 Escobar-Eck helped to make our opposition even stronger.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is 24 true and correct.

Date: January 10, 2024.

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Joshua Billauer