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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**02/23/2024** at 02:09:08 PM  
Clerk of the Superior Court  
By Gabriel Lopez, Deputy Clerk

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10  
11 CHRISTOPHER WILLIAMS,

12 Plaintiff and Petitioner,

13 vs.

14 CITY OF LEMON GROVE; and DOES 1 through  
15 100,

16 Defendants and Respondents.

CASE NO. 37-2024-00008590-CU-WM-CTL

**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND PETITION FOR WRIT OF  
MANDATE UNDER THE CALIFORNIA  
PUBLIC RECORDS ACT AND OTHER  
LAWS**

17 Plaintiff and Petitioner CHRISTOPHER WILLIAMS ("PLAINTIFF") alleges as follows:

18 **Introductory Statement**

19 1. PLAINTIFF brings this lawsuit under the California Public Records Act ("CPRA"), as  
20 well as the California Constitution, the common law, and other applicable legal authorities.  
21 PLAINTIFF made multiple lawful CPRA requests to Defendants/Respondents, but they have illegally  
22 failed to disclose the responsive public records.

23 **Parties**

24 2. PLAINTIFF is a taxpayer and a resident of the State of California.

25 3. Defendant and Respondent CITY OF LEMON GROVE ("CITY") is a "local agency"  
26 within the meaning of Government Code Section 7920.525.

27 4. The true names and capacities of the Defendants/Respondents identified as DOES 1  
28 through 100 are unknown to PLAINTIFF, who will seek the Court's permission to amend this pleading

1 in order to allege the true names and capacities as soon as they are ascertained. PLAINTIFF is informed  
2 and believes and on that basis alleges that each of the fictitiously named Defendants/Respondents 1  
3 through 100 has jurisdiction by law over one or more aspects of the public records that are the subject  
4 of this lawsuit or has some other cognizable interest in the public records.

5 5. PLAINTIFF is informed and believes and on that basis alleges that, at all times stated  
6 in this pleading, each Defendant/Respondent was the agent, servant, or employee of every other  
7 Defendant/Respondent and was, in doing the things alleged in this pleading, acting within the scope of  
8 said agency, servitude, or employment and with the full knowledge or subsequent ratification of  
9 his/her/its principals, masters, and employers. Alternatively, in doing the things alleged in this pleading,  
10 each Defendant/Respondent was acting alone and solely to further his/her/its own interests.

#### 11 **Jurisdiction and Venue**

12 6. The Court has jurisdiction over this lawsuit pursuant to Government Code Sections  
13 7923.000 and 7923.100; Code of Civil Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*; the  
14 California Constitution, and the common law, among other provisions of law.

15 7. Venue in this Court is proper because the obligations, liabilities, and violations of law  
16 alleged in this pleading occurred in the County of San Diego in the State of California.

#### 17 **Background Allegations**

18 8. This lawsuit arises from the following:

19 A. On or about November 29, 2023, PLAINTIFF submitted a written request for  
20 certain public records (the "First CPRA Request").

21 B. CITY assigned reference no. 23-310 to the First CPRA Request.

22 C. A true and correct copy of the First CPRA Request is attached to this pleading  
23 as Exhibit "A."

24 D. After initially seeking clarification of the First CPRA Request, CITY has  
25 unilaterally elected to postpone its deadline for making a determination as to whether the First CPRA  
26 Request seeks disclosable public records and still has not produced a single responsive record. A true  
27 and correct copy of the correspondence from CITY communicating its election to postpone with respect  
28 to the First CPRA Request is attached to this pleading as Exhibit "B."

1 E. On or about January 25, 2024, at 7:00 a.m., PLAINTIFF submitted a second  
2 written request for certain public records (the "Second CPRA Request").

3 F. CITY assigned reference no. 24-15 to the Second CPRA Request.

4 G. A true and correct copy of the Second CPRA Request is attached to this pleading  
5 as Exhibit "C."

6 H. CITY has unilaterally elected to postpone its deadline for making a determination  
7 as the whether the Second CPRA Request seeks disclosable public records and still has not produced  
8 a single responsive record. A true and correct copy of the correspondence from CITY communicating  
9 its election to postpone with respect to the Second CPRA Request is attached to this pleading as Exhibit  
10 "D."

11 I. On or about January 25, 2024, at 8:00 a.m., PLAINTIFF submitted a third written  
12 request for certain public records (the "Third CPRA Request").

13 J. CITY assigned reference no. 24-16 to the Third CPRA Request.

14 K. A true and correct copy of the Third CPRA Request is attached to this pleading  
15 as Exhibit "E."

16 L. CITY has unilaterally elected to postpone its deadline for making a determination  
17 as the whether the Third CPRA Request seeks disclosable public records and still has not produced a  
18 single responsive record. A true and correct copy of the correspondence from CITY communicating  
19 its election to postpone with respect to the Third CPRA Request is attached to this pleading as Exhibit  
20 "F."

21 M. PLAINTIFF is informed and believes and on that basis alleges as follows:

22 1. Prior to the commencement of this lawsuit (at a minimum), CITY did not  
23 do a thorough search for all public records responsive to each of the CPRA Requests,<sup>1</sup> including but not  
24 limited to failing to search for responsive public records maintained on the personal accounts and/or  
25 devices of public officials. By way of example and not limitation, CITY has never provided  
26 PLAINTIFF with any affidavit or other evidence like that described in *Smith v. City of San Jose*, 2  
27 Cal.5th 608 (2017), to satisfactorily establish that each CITY-affiliated agent using a personal account  
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<sup>1</sup> As used in this pleading, "CPRA Requests" refers collectively to the First CPRA Request, the Second CPRA Request, and the Third CPRA Request.









**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "A"



**From:** Chris Williams <chris@xmgmedia.com>  
**Sent:** Wednesday, November 29, 2023 8:00 AM  
**To:** Joel Pablo <jpablo@lemongrove.ca.gov>  
**Subject:** Public Records Request - Cannabis Business Tax

To whom it may concern,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following,

- a list of any and all businesses that engage as a cannabis business in the fiscal years of 2021, 2022, 2023.
- Copy of the registration of each cannabis business' registration form/s with the tax administrator in the years of 2021, 2022, 2023.
- Copy of the receipts of each payment to the city of Lemon Grove levied upon the business gross receipts for the years of 2021, 2022, 2023 including tax statements and deposits.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed..

If I can provide any clarification that will help expedite your attention to my request, please contact me by email. I ask that you notify me of any duplication costs before you duplicate the records so that I may decide which records I want or need copied.

Thank you for your time and attention to this matter.

Sincerely,

Chris Williams

Agent of Pick Axe Holding LLC

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "B"

From: **Joel Pablo** <jpablo@lemongrove.ca.gov>  
Date: Wed, Nov 29, 2023 at 10:22 AM  
Subject: Replying, RE: Public Records Request - Cannabis Business Tax  
To: Chris Williams <chris@xmgmedia.com>

Good Morning, Chris:

I have received your Public Records Act request dated November 29, 2023 received by e-mail.

In accordance with the CA Public Records Act we have 10 days in which to respond to your request. We will notify you when the records requested are available for review and/or purchase.

The Public Records Act allows the City to charge the direct costs of duplication of public records and as established by the City's Master Fee Schedule found here:  
<https://www.lemongrove.ca.gov/media/yupf3bxxr/master-fee-schedule-fy-22-23.pdf>.

Should you have any questions in the meantime, please let me know.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>  
Date: Wed, Dec 6, 2023 at 3:24 PM  
Subject: Seeking Clarification: RE: Public Records Request - Cannabis Business Tax  
To: Chris Williams <chris@xmgmedia.com>

Good Afternoon, Chris:

We received your Public Records Request on November 29, 2023 requesting the following:

- a list of any and all businesses that engage as a cannabis business in the fiscal years of 2021, 2022, 2023.

- Copy of the registration of each cannabis business' registration form/s with the tax administrator in the years of 2021, 2022, 2023.
- Copy of the receipts of each payment to the city of Lemon Grove levied upon the business gross receipts for the years of 2021, 2022, 2023 including tax statements and deposits.

To better assist you and to clarify your request and it relates to the term "cannabis business" do you mean delivery, cultivation, production, manufacturing and brick and mortar businesses? Or are you seeking just brick and mortar cannabis sales businesses?

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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From: **Chris Williams** <chris@xmgmedia.com>  
Date: Wed, Dec 13, 2023 at 8:00 AM  
Subject: Re: Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax  
To: Joel Pablo <jpablo@lemongrove.ca.gov>

Good morning, Joel:

I hope you are enjoying the holiday season.

To clarify, my request meant any and all cannabis businesses per LGMC 5.46.050.  
Thank you Joel.

Sincerely,  
Chris Williams

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>  
Date: Thu, Dec 21, 2023 at 6:00 PM  
Subject: Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax  
To: Chris Williams <chris@xmgmedia.com>

Good Afternoon, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required.

- Joel G. Pablo, City Clerk with the City of Lemon Grove

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From: **Chris Williams** <chris@xmgmedia.com>

Date: Thu, Dec 21, 2023 at 6:19 PM

Subject: Re: Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax

To: Joel Pablo <jpablo@lemongrove.ca.gov>

Cc: Cory Briggs <cory@briggslawcorp.com>

Good evening, Joel.

If the city does not provide all responsive records within 10 days, I will file suit.

Sincerely,

Chris Williams

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>

Date: Thu, Jan 4, 2024 at 5:33 PM

Subject: 3rd Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax

To: Chris Williams <chris@xmgmedia.com>

Good Evening, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required.

Please let me know if I can be of further assistance.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>  
Date: Thu, Jan 18, 2024 at 5:40 PM  
Subject: 4th Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax  
To: Chris Williams <chris@xmgmedia.com>

Good Evening, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>  
Date: Thu, Feb 1, 2024 at 3:55 PM  
Subject: 5th Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax  
To: Chris Williams <chris@xmgmedia.com>

Good Afternoon, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and that the recent storm damage and recovery efforts have required the attention of staff; thus, our responses have been delayed.

Thank you for your patience during this challenging time.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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From: **Joel Pablo** <jpablo@lemongrove.ca.gov>

Date: Thu, Feb 15, 2024 at 3:26 PM

Subject: 6th Extension on PRA No. 23-310, RE: Public Records Request - Cannabis Business Tax

To: Chris Williams <chris@xmgmedia.com>

Good Afternoon, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and that the recent storm damage and recovery efforts have required the attention of staff; thus, our responses have been delayed.

Thank you for your patience.

- Joel G. Pablo, City Clerk with the City of Lemon Grove



**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "C"

**From:** Chris Williams <chris@xmgmedia.com>  
**Sent:** Thursday, January 25, 2024 7:00 AM  
**To:** Joel Pablo <jpablo@lemongrove.ca.gov>  
**Subject:** Public Record Request

To whom it may concern,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following,

- A copy of any and all operation manuals for medical and/or recreational cannabis business located at 6859 Federal Blvd. Including but not limited to the initial operation manual and copies of any and all revised operation manuals produced for the city between the years of 2017, 2018, 2019, 2020, 2021.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me by email. I ask that you notify me of any duplication costs before you duplicate the records so that I may decide which records I want or need copied.

Thank you for your time and attention to this matter.

Sincerely,

Chris Williams

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "D"

**From:** Joel Pablo  
**Sent:** Thursday, January 25, 2024 4:42 PM  
**To:** Chris Williams <chris@xmgmedia.com>  
**Subject:** PRA No. 24-15 RE: Public Record Request

Good Afternoon, Chris:

The City has received your request dated Thursday, January 25, 2024 at 7 a.m.

In accordance with the CA Public Records Act we have 10 days in which to respond to your request. We will notify you when the records requested are available for review and/or purchase.

The Public Records Act allows the City to charge the direct costs of duplication of public records and as established by the City's Master Fee Schedule found here:  
<https://www.lemongrove.ca.gov/media/yupf3bxx/master-fee-schedule-fy-22-23.pdf>.

Should you have any questions in the meantime, please let me know.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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**From:** Joel Pablo

**Sent:** Monday, February 5, 2024 4:59 PM

**To:** Chris Williams <chris@xmgmedia.com>

**Subject:** 1st Extension on PRA No. 24-15 RE: Public Record Request

Good Afternoon, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and that the recent storm damage and recovery efforts have required the attention of staff; thus, our responses have been delayed.

Thank you for your patience during this challenging time.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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**From:** Joel Pablo <jpablo@lemongrove.ca.gov>

**Date:** Tue, Feb 20, 2024 at 7:58 PM

**Subject:** 2nd Extension on PRA No. 24-15 RE: Public Record Request

**To:** Chris Williams <chris@xmgmedia.com>

Good Evening, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and will notify you in writing as soon as records become available.

Thank you for your patience during this challenging time.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "E"

**From:** Chris Williams <chris@xmgmedia.com>  
**Sent:** Thursday, January 25, 2024 8:00 AM  
**To:** Joel Pablo <jpablo@lemongrove.ca.gov>  
**Subject:** Public Record Request for 6470 Federal Blvd

To whom it may concern,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following,

- A copy of any and all operation manuals for medical and/or recreational cannabis business located at 6470 Federal Blvd. Including but not limited to the initial operation manual and copies of any and all revised operation manuals produced to the city between the years of 2017, 2018, 2019, 2020, 2021.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me by email. I ask that you notify me of any duplication costs before you duplicate the records so that I may decide which records I want or need copied.

Thank you for your time and attention to this matter.

Sincerely,

Chris Williams

Agent of Pick Axe Holding LLC



**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND  
OTHER LAWS**

Exhibit "F"

**From:** Joel Pablo

**Sent:** Thursday, January 25, 2024 4:45 PM

**To:** Chris Williams <chris@xmgmedia.com>

**Subject:** PRA No. 24-16, RE: Public Record Request for 6470 Federal Blvd

Good Afternoon, Chris:

The City has received your request dated Thursday, January 25, 2024 at 8:00 a.m.

In accordance with the CA Public Records Act we have 10 days in which to respond to your request. We will notify you when the records requested are available for review and/or purchase.

The Public Records Act allows the City to charge the direct costs of duplication of public records and as established by the City's Master Fee Schedule found here:

<https://www.lemongrove.ca.gov/media/yupf3bxx/master-fee-schedule-fy-22-23.pdf>.

Should you have any questions in the meantime, please let me know.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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**From:** Joel Pablo

**Sent:** Monday, February 5, 2024 4:58 PM

**To:** Chris Williams <chris@xmgmedia.com>

**Subject:** 1st Extension on PRA No. 24-16, RE: Public Record Request for 6470 Federal Blvd

Good Afternoon, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and that the recent storm damage and recovery efforts have required the attention of staff; thus, our responses have been delayed.

Thank you for your patience during this challenging time.

- Joel G. Pablo, City Clerk with the City of Lemon Grove  
Direct: (619) 825-3841

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**From:** Joel Pablo <jpablo@lemongrove.ca.gov>

**Date:** Tue, Feb 20, 2024 at 8:00 PM

**Subject:** 2nd Extension on PRA No. 24-16, RE: Public Record Request for 6470 Federal Blvd

**To:** Chris Williams <chris@xmgmedia.com>

Good Evening, Chris:

Regarding the request for public records, it has been determined that an extension of 14-days is required. City Staff is working diligently to fulfill your request and we will notify you in writing as soon as records become available for PRA No. 24-16.

- Joel G. Pablo, City Clerk with the City of Lemon Grove

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION FOR WRIT OF MANDATE etc. and know its contents.

CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. I am an Officer a partner a of Project for Open Government

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on February 22, 20 24, at San Diego, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Christopher Williams Type or Print Name

Christopher Williams Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of State of California. I am over the age of 18 and not a party to the within action; my business address is,

On, 20, I served the foregoing document described as

- by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

- BY MAIL I deposited such envelope in the mail at California. The envelope was mailed with postage thereon fully prepaid. As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

- Executed on, 20, at California. (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee. Executed on, 20, at California. (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

(By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG) (FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)