

ORIGINAL

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 RICHARD J. MAGASIN  
 Supervising Deputy Attorney General  
 3 ALLAN S. ONO  
 Deputy Attorney General  
 4 State Bar No. 130763  
 ERIC M. KATZ  
 5 Deputy Attorney General  
 State Bar No. 204011  
 6 300 South Spring Street, Suite 1702  
 Los Angeles, CA 90013  
 7 Telephone: (213) 897-2630  
 Fax: (213) 897-2802  
 8 E-mail: Eric.Katz@doj.ca.gov  
*Attorneys for Defendant and Respondent*  
 9 *California Science Center*

**FILED**  
 Superior Court of California  
 County of Los Angeles

MAR 09 2010

John A. Clarke, Executive Officer/Clerk  
 By *A. Sajarde*, Deputy  
 ANNETTE FAJARDO

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF LOS ANGELES  
 CENTRAL DISTRICT

**DISCOVERY INSTITUTE,**  
  
 Plaintiff and Petitioner,  
  
 v.  
  
**CALIFORNIA SCIENCE CENTER,**  
  
 Defendant and Respondent.

Case No. BS123905

**CALIFORNIA SCIENCE CENTER'S  
 ANSWER TO PETITION AND  
 COMPLAINT**

Dept: 85  
 Judge: The Hon. James C. Chalfant  
 Trial Date: None Set  
 Action Filed: December 1, 2009

Defendant and Respondent California Science Center (Defendant and Respondent), by and through their counsel, by way of answer to Plaintiff and Petitioner Discovery Institute's Verified Petition for Writ of Mandate and Declaratory Relief Under the California Public Records Act (Petition and Complaint) in the above-entitled matter, allege as follows:

**VENUE**

1. In response to Paragraph 1, the allegations contained therein constitute legal assertions for which no response is required. To the extent that a response is required,

1 Defendant and Respondent has no information or belief sufficient to enable it to answer the  
2 allegations contained in this Paragraph, and denies the allegations on that basis.

3 2. In response to Paragraph 2, Defendant and Respondent admit that its  
4 principal office is located in the County of Los Angeles. Except as expressly admitted, the  
5 allegations contained in this Paragraph are denied.

6 **JURISDICTION**

7 3. In response to Paragraph 3, the allegations contained therein constitute  
8 legal assertions for which no response is required. To the extent that a response is required,  
9 Defendant and Respondent has no information or belief sufficient to enable it to answer the  
10 allegations contained in this Paragraph, and denies the allegations on that basis.

11 **THE PARTIES**

12 4. In response to Paragraph 4, the allegations contained therein constitute  
13 legal assertions for which no response is required. Furthermore, Defendant and Respondent has  
14 no information or belief sufficient to enable it to answer the allegations contained in this  
15 Paragraph, and deny the allegations on that basis.

16 5. In response to Paragraph 5, Defendant and Respondent admits that it is the  
17 Sixth District Agricultural Association, and that it falls under the agency umbrella of the State  
18 Consumer Services Agency. Defendant and Respondent further admits that it is a "public  
19 agency" for purposes of the Public Records Act. Defendant and Respondent further admits that  
20 its directors are state officers. Except as expressly admitted, the allegations contained in this  
21 Paragraph are denied.

22 6. In response to Paragraph 6, Defendant and Respondent has no information  
23 or belief sufficient to enable it to answer the allegations contained in this Paragraph, and denies  
24 the allegations on that basis.

25 **SUMMARY OF PETITION**

26 7. In response to Paragraph 7, Defendant and Respondent admits that the  
27 Discovery Institute sent a Public Records Act request to the California Science Center via email  
28 on October 9, 2009 requesting the documents specified in the request. Defendant and Respondent

1 further admits that on November 2, 2009, it responded to the Discovery Institute's Public Records  
2 Act request and produced documents. Defendant and Respondent denies that it entered into a  
3 contract with the American Freedom Alliance. Defendant and Respondent further denies that on  
4 October 6, 2009 it canceled a contract between it and the American Freedom Alliance. Except as  
5 expressly admitted, the allegations contained in this Paragraph are denied.

6 **FACTUAL BACKGROUND**

7 8. In response to Paragraph 8, Defendant and Respondent incorporates by  
8 reference paragraphs 1 through 7, above.

9 9. In response to Paragraph 9, Defendant and Respondent denies that it  
10 entered into a contract with the American Freedom Alliance. Further, Defendant and Respondent  
11 has no information or belief sufficient to enable it to answer the allegations contained in this  
12 Paragraph, and denies the allegations on that basis.

13 10. In response to Paragraph 10, Defendant and Respondent has no information  
14 or belief sufficient to enable it to answer the allegations contained in this Paragraph, and denies  
15 the allegations on that basis.

16 11. In response to Paragraph 11, Defendant and Respondent has no information  
17 or belief sufficient to enable it to answer the allegations contained in this Paragraph, and denies  
18 the allegations on that basis.

19 12. In response to Paragraph 12, Defendant and Respondent denies that it  
20 canceled the AFA Event. Further, Defendant and Respondent has no information or belief  
21 sufficient to enable it to answer the allegations contained in this Paragraph, and denies the  
22 allegations on that basis.

23 13. In response to Paragraph 13, Defendant and Respondent admits that its  
24 mission statement states, "We aspire to stimulate curiosity and inspire science learning in  
25 everyone by creating fun, memorable experiences, because we value science as an indispensable  
26 tool for understanding our world, accessibility and inclusiveness, and enriching people's lives."  
27 Defendant and Respondent alleges that the allegations contained this Paragraph are irrelevant,  
28 false and improper, and should therefore be stricken. Defendant and Respondent further alleges

1 that the documents selectively quoted and with added formatting (italics and bold) not found on  
2 the original documents, speak for themselves and no response is required. To the extent that a  
3 response is required, except as expressly admitted the allegations of this Paragraph are denied.

4 14. In response to Paragraph 14, Defendant and Respondent denies that the  
5 California Science Center was involved with the cancelation of a contract to which the American  
6 Freedom Alliance was a party. Further, Defendant and Respondent has no information or belief  
7 sufficient to enable it to answer the allegations contained in this Paragraph, and denies the  
8 allegations on that basis.

9 15. In response to Paragraph 15, Defendant and Respondent denies that the  
10 California Science Center cancelled a contract to which the American Freedom Alliance was a  
11 party. Further, Defendant and Respondent has no information or belief sufficient to enable it to  
12 answer the allegations contained in this Paragraph, and denies the allegations on that basis.

13 16. In response to Paragraph 16, Defendant and Respondent denies that the  
14 California Science Center cancelled the AFA Event on October 6, 2009. Further, Defendant and  
15 Respondent allege that the allegations contained this Paragraph are irrelevant, false and improper,  
16 and should therefore be stricken. To the extent that a response is required, the allegations  
17 contained in this Paragraph are denied.

18 17. In response to Paragraph 17, Defendant and Respondent denies the  
19 allegations contained in this Paragraph.

20 18. In response to Paragraph 18, the contents of this Paragraph consist of legal  
21 conclusions for which no response is required. Furthermore, Defendant and Respondent allege  
22 that the allegations contained this Paragraph are irrelevant, and should therefore be stricken. To  
23 the extent that a response is required, the allegations contained in this Paragraph are denied.

24 19. In response to Paragraph 19, Defendant and Respondent admits that it  
25 produced emails in response the Public Records Act request at issue in which Jeff Rudolph and  
26 Chris Sion were parties to the communication. Defendant and Respondent allege that the  
27 allegations contained this Paragraph are irrelevant, false and improper, and should therefore be  
28

1 stricken. To the extent that a response is required, except as expressly admitted the allegations  
2 contained in this Paragraph are denied.

3           20. In response to Paragraph 20, Defendant and Respondent admits that on  
4 October 9, 2009, Discovery Institute emailed a Public Records Act request to the California  
5 Science Center. The contents of the Public Records Act request speaks for itself and no further  
6 response is required. To the extent that a response is required, except as expressly admitted the  
7 allegations contained in this Paragraph are denied.

8           21. In response to Paragraph 21, Defendant and Respondent admits that on  
9 November 2, 2009, the California Science Center responded to the Public Records Act request at  
10 issue with a cover letter and the production of 44 pages of documents. Except as expressly  
11 admitted, the allegations contained in this Paragraph are denied.

12           22. In response to Paragraph 22, Defendant and Respondent alleges that the  
13 contents of the California Science Center's November 2, 2009 response speaks for itself and  
14 therefore no response is required. Except as expressly admitted, the allegations of this Paragraph  
15 are denied.

16           23. In response to Paragraph 23, Defendant and Respondent denies that it  
17 canceled the AFA Event. Defendant and Respondent admits that it produced emails in a redacted  
18 form. Except as expressly admitted, the allegations contained in this Paragraph are denied.

19           24. In response to Paragraph 24, Defendant and Respondent admits that the  
20 Discovery Institute sought the production of public records as defined in the Public Records Act.  
21 Further, this Paragraph contains selective quotations from the Public Records Act which set forth  
22 legal conclusions for which no response is required. Further, the contents of the Public Records  
23 Act speaks for itself. To the extent that a response is required, except as expressly admitted the  
24 allegations contained in this Paragraph are denied.

25           25. In response to Paragraph 25, Defendant and Respondent denies the  
26 allegations contained in this Paragraph.

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1 **FIRST CAUSE OF ACTION**

2 **(WRIT OF MANDATE)**

3 26. In response to Paragraph 26, Defendant and Respondent incorporates its  
4 responses to Paragraph 1 through 25, above.

5 27. In response to Paragraph 27, Defendant and Respondent admits that the  
6 Discovery Institute sought public records. Further, the contents of this Paragraph consist of legal  
7 conclusions for which no response is required. To the extent that a response is required, except as  
8 expressly admitted, Defendant and Respondent denies the allegations contained in this Paragraph.

9 28. In response to Paragraph 28, Defendant and Respondent denies the  
10 allegations contained in this Paragraph.

11 29. In response to Paragraph 29, the contents of this Paragraph consist of legal  
12 conclusions for which no response is required. To the extent that a response is required,  
13 Defendant and Respondent has no information or belief sufficient to enable it to answer the  
14 allegations contained in this Paragraph, and denies the allegations on that basis.

15 30. In response to Paragraph 30, Defendant and Respondent denies the  
16 allegations contained in this Paragraph.

17 **SECOND CAUSE OF ACTION**

18 **(DECLARATORY RELIEF)**

19 31. In response to Paragraph 31, Defendant and Respondent incorporates its  
20 responses to Paragraph 1 through 30, above.

21 32. In response to Paragraph 32, the contents of this Paragraph consist of legal  
22 conclusions for which no response is required. To the extent that a response is required,  
23 Defendant and Respondent has no information or belief sufficient to enable it to answer the  
24 allegations contained in this Paragraph, and denies the allegations on that basis.

25 33. In response to Paragraph 33, Defendant and Respondent admits that it  
26 disagrees with the Discovery Institute's assertions. Furthermore, the contents of this Paragraph  
27 consist of legal conclusions for which no response is required. To the extent that a response is  
28 required, Defendant and Respondent denies the allegations contained in this Paragraph.

1 **AFFIRMATIVE DEFENSES**

2 **FIRST AFFIRMATIVE DEFENSE**

3 **As to All Causes of Action**

4 **(Failure to State Facts Sufficient To State A Cause of Action)**

5 The Petition and Complaint fails to state facts sufficient to state a cause of action.

6 **SECOND AFFIRMATIVE DEFENSE**

7 **As to All Causes of Action**

8 **(Failure to Exhaust Administrative Remedies)**

9 Plaintiff and Petitioner failed to exhaust available administrative remedies.

10 **THIRD AFFIRMATIVE DEFENSE**

11 **As to All Causes of Action**

12 **(Failure to Serve Summons)**

13 Plaintiff and Petitioner failed to serve Defendant and Respondent with a summons.

14 **FOURTH AFFIRMATIVE DEFENSE**

15 **As to All Causes of Action**

16 **(Limited Redactions Serve The Public Interest)**

17 The public interest served by the California Science Center's limited redactions of certain  
18 email addresses and telephone numbers and other non-responsive information found in certain  
19 public records which were produced clearly outweighs the public interest served by disclosure of  
20 the redacted information.

21 **FIFTH AFFIRMATIVE DEFENSE**

22 **As to All Causes of Action**

23 **(Limited Redactions Further Constitutionally Protected Privacy Interests)**

24 Defendant's and Respondent's limited redaction of certain e-mail addresses and telephone  
25 numbers contained on public records provided in response the Public Records Act request at issue  
26 in this action is consistent with the California Constitution, Article I, Section 1.

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**PRAYER**

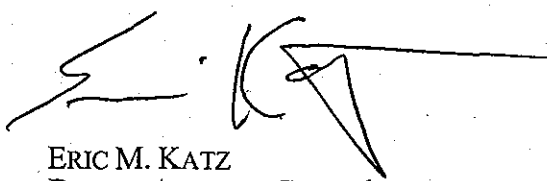
Defendant and Respondent prays for relief as follows:

1. That Plaintiff and Petitioner take nothing by way of its Petition and Complaint;
2. That judgment be granted in favor of Defendant and Respondent and against Petitioner and Plaintiff;
3. That Defendant and Respondent be awarded its court costs and reasonable attorneys fees;
4. For such other relief as the Court may deem just and proper.

Dated: March 9, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California



ERIC M. KATZ  
Deputy Attorney General  
*Attorneys for Defendant and Respondent  
California Science Center*

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Discovery Institute v. California Science Center**

Case No.: **BS123905**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On March 9, 2010, I served the attached **CALIFORNIA SCIENCE CENTER'S ANSWER TO PETITION AND COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

**Peter Lepiscopo**  
2635 Camino del Rio S. #109  
San Diego, CA 92108

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 9, 2010, at Los Angeles, California.

\_\_\_\_\_  
Joanna C. Salansang  
Declarant

\_\_\_\_\_  
*Joanna C. Salansang*  
Signature