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8 CALIFORNIA STATE UNIVERSITY and
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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN LUIS OBISPO
12

13 KATHIE WALKER,

14 Petitioner/Plaintiff,

15 v.

16 BOARD OF TRUSTEES OF THE
17 CALIFORNIA STATE UNIVERSITY and
JEFFREY ARMSTRONG, in his official
18 capacity as President of California Polytechnic
State University, San Luis Obispo,

19 Respondents/Defendants.
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Case No. 26CV-0166

**RESPONDENTS/DEFENDANTS'
OPPOSITION TO MOTION FOR
JUDGMENT**

*Filed concurrently with Declarations and
Exhibits in Support Thereof; Request for
Judicial Notice*

Hearing

Date: November 4, 2026

Time: 9:00 a.m.

Dept.: 4

Assigned for All Purposes to:
Hon. Tana L. Coates
Department 4

Action Filed: March 18, 2026

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INTRODUCTION

Cal Poly¹ takes seriously both its obligations under the California Public Records Act (“CPRA”) and its equally important obligations to protect the privacy and safety of its students. Petitioner attempts to characterize this case as one weighing innocuous disclosure of “party addresses” against the intentional flouting of zoning ordinances. This framing is inaccurate. The records at issue contain residential addresses that students are required to provide to Cal Poly prior to holding fraternity and sorority events. Petitioner seeks an order requiring Cal Poly to disclose those residential addresses to the public, notwithstanding the substantial privacy interests implicated by such a disclosure.

The CPRA does not compel this result. Rather, the CPRA expressly recognizes that public records may be withheld when “on the facts of the particular case” the public interest served by nondisclosure clearly outweighs the public interest served by disclosure. (Gov. Code, § 7922.0000.) Petitioner largely ignores the individualized balancing that the statute requires and instead seeks a sweeping declaration requiring disclosure of every residential address contained in every Fraternity and Sorority Life (“FSL”) Event Registration form. That request is fundamentally inconsistent with the CPRA.

Petitioner’s arguments also rest on several inaccurate factual premises.

First, Petitioner repeatedly portrays the withheld information as merely the addresses of “fraternity parties.” In reality, every withheld address is a residential address. Disclosure therefore implicates privacy interests associated with private residences, not merely locations where events occurred.

Second, each FSL Event Registration form is submitted by a student, and when an event takes place at a residence, the student submitting the form is *required* to provide the address. Although identifying information has been redacted, residential addresses are submitted by

¹ For the sake of consistency, Respondents will, similar to Petitioner Kathie Walker (“Petitioner”) use the term “Cal Poly” to refer to either or both, as context requires, California State Polytechnic University, San Luis Obispo (sometimes also referred to as the “University”) and Respondents Board of Trustees of the California State University and Jeffrey Armstrong, in his official capacity as President of the University.

1 individual students in connection with their fraternity or sorority membership. The residential
2 addresses are not voluntarily submitted for public dissemination. The addresses are administrative
3 information; not public event advertisements. The fact that Cal Poly requires submission of
4 residential addresses as part of its internal event registration process does not eliminate students’
5 reasonable expectations that those addresses will remain confidential absent a legal obligation
6 requiring disclosure—reasonable expectations concerning privacy rights that emanate from the
7 California Constitution and federal laws such as FERPA².

8 Petitioner’s asserted public interest likewise misses the mark. The purpose of the CPRA is
9 to promote transparency regarding governmental operations, not to transform Cal Poly into a
10 municipal enforcement agency. Whether a particular residence complies with the San Luis Obispo
11 Municipal Code is a question entrusted to local government, not to Cal Poly. The CPRA does not
12 require disclosure of otherwise private information simply because disclosure might make
13 municipal code enforcement more convenient. Compelling disclosure of student residential
14 addresses would expose students to potential harassment and targeted enforcement actions, which,
15 in addition to fomenting distrust between students and the University, leads to precisely the type
16 of injury that the CPRA and FERPA are designed to prevent. That the information may serve
17 Petitioner’s personal advocacy goals does not transform it into the type of public accountability
18 record that overcomes these protections. (See *Connell v. Superior Court* (1997) 56 Cal.App.4th
19 601, 616-617 [“What is material is the public interest in disclosure, not the private interest of a
20 requesting party.”].)

21 Finally, Petitioner’s request for declaratory relief underscores why the Petition should be
22 denied. Petitioner repeatedly argues that Cal Poly bears the burden of demonstrating, as to each
23 withheld address, that confidentiality clearly outweighs disclosure. If that is correct—and Cal Poly
24 agrees the balancing inquiry is necessarily fact-specific—then the Court cannot simultaneously
25 issue a blanket declaration requiring disclosure of all such addresses in future cases. The
26 individualized balancing mandated by Government Code section 7922.000 precludes precisely the

27
28 ² The Family Educational Rights and Privacy Act, 20 U.S.C., § 1232g.

1 sort of categorical relief Petitioner requests.

2 Because the substantial privacy interests associated with student residential addresses
3 outweigh Petitioner's generalized interest in obtaining those addresses, and because Petitioner's
4 requested declaratory relief is incompatible with the CPRA's case-specific balancing requirement,
5 the Petition should be denied.

6 **STATEMENT OF RELEVANT FACTS**

7 **Cal Poly's Fraternity and Sorority Life Office**

8 Cal Poly recognizes a community of Greek organizations (fraternities and sororities) that
9 operate under the oversight of the University's Fraternity and Sorority Life Office ("FSL Office").
10 (Declaration of Jennifer Haft ("Haft Decl."), ¶ 3; Declaration of Jason Mockford ("Mockford
11 Decl."), ¶ 3.) University recognition confers meaningful benefits on these organizations, including
12 the right to use the Cal Poly name, access to university facilities and funding, and participation in
13 university event-scheduling and promotion resources. (Haft Decl., ¶ 4; Mockford Decl., ¶ 4.) In
14 exchange, recognized Greek organizations are subject to university policies that require them to
15 comply with applicable laws and university standards as a condition of maintaining their
16 recognized status. (Haft Decl., ¶ 5; Mockford Decl., ¶ 5.)

17 **The Fraternity and Sorority Life Event Registration Process**

18 The FSL Office administers this oversight program as part of its broader mission to
19 support student development and organizational accountability. (Declaration of Elizabeth Aiello-
20 Coppola ("Aiello-Coppola Decl."), ¶ 3.) As part of that mission, since around 2015, the FSL
21 Office has implemented an event registration process under which all events sponsored or
22 endorsed by a recognized Greek organization must be registered with the FSL Office in advance.
23 (Aiello-Coppola Decl., ¶ 4, Ex. A; Mockford Decl., ¶ 6.) However, registration is not approval,
24 and the FSL Office does not approve (or deny) events. (Aiello-Coppola Decl., ¶¶ 4-5.)

25 The purpose of the event registration process is to enable the University to ensure that
26 student-organized events comply with university safety policies, including requirements around
27 alcohol management and sober monitors, before those events occur. The ultimate goal is to
28 promote student health and safety, and in particular, to prevent accidents, injuries, or other harms

1 related to overconsumption or underage consumption of alcohol. (Mockford, ¶ 8.)

2 To register an event, a student member of the organization submits a standardized FSL
3 Event Registration form on behalf of the chapter; different versions of the form have existed
4 between 2023 and 2025. (Aiello-Coppola Decl., ¶ 6, Exs. B, C.) Generally, the form collects the
5 student's name and contact information, the organization's name, the event date, time, title, and
6 theme, whether alcohol will be present, and the event location. (Aiello-Coppola Decl., ¶ 7.) With
7 respect to location, the different versions of the form offered a menu of choices for event location
8 (e.g., on-campus, chapter facility, satellite house, third-party venue, or residence) and required the
9 submitting student to provide the specific address of the event location. (Aiello-Coppola Decl., ¶
10 7.) The practical significance of the location field is straightforward: Cal Poly requires the address
11 of every registered event so that it can later assess, if necessary, whether the event complied with
12 university policies. (Aiello-Coppola Decl., ¶¶ 5, 8.)

13 The FSL Office does not collect the addresses for any purpose beyond that administrative
14 review. (Aiello-Coppola Decl., ¶ 9.) In particular, Cal Poly does not independently investigate
15 whether the submitting student lives at the address provided or whether *any* student lives at the
16 address provided, does not verify the zoning status of off-campus addresses, and does not maintain
17 the registration records as a database of student residences. Indeed, the post-2024 version of the
18 form includes a reminder to students to independently check zoning requirements if an event is
19 taking place at a residential location. (Aiello-Coppola Decl., ¶ 10.) All addresses are provided by
20 the student; Cal Poly simply receives and reviews it in the context of the event registration
21 process. (Aiello-Coppola Decl., ¶ 11.) All completed forms are maintained by the FSL Office.
22 (Aiello-Coppola Decl., ¶ 12.)

23 **Cal Poly's Publication of AB 524 Reports**

24 Assembly Bill 524, which was enacted in 2022 and codified in Education Code section
25 66312 ("Section 66312"), imposes certain information-collection and public disclosure obligations
26 on California universities with respect to their recognized Greek organizations. (Educ. Code, §
27 66312.) Among other things, Section 66312 requires universities to condition their recognition of
28 Greek organizations on those organizations' agreement to annually provide certain information

1 about their activities, and to publish that information in an annual online report (the “AB 524
2 Report”). (Educ. Code, § 66312, subds. (b)(1)(A), (d)(1)(A).)

3 Section 66312 specifically requires the AB 524 Report to include the addresses of
4 recognized organizations’ chapter houses (i.e., the houses owned by the university or the
5 organization itself). (Educ. Code, § 66312, subds. (a)(3), (d)(1).) Cal Poly complies with this
6 requirement and discloses chapter house addresses in its AB 524 Reports. (Aiello-Coppola Decl.,
7 ¶ 13.) Cal Poly’s AB 524 Reports have been published annually since October 2023. (Aiello-
8 Coppola Decl., ¶ 14.)

9 Importantly, Section 66312 does not require universities to publicly disclose the addresses
10 of satellite houses or the addresses of individual events hosted at personal residences or third-party
11 venues. (See Educ. Code, § 66312, subds. (a)(3), (d)(1).) Consistent with that framework, since
12 June 18, 2024, Cal Poly has chosen not to publish addresses of satellite houses or residential event
13 locations in its AB 524 Reports. (Aiello-Coppola Decl., ¶ 15.) Although Cal Poly included some
14 residential addresses in its 2023 report, the University has since reassessed the privacy and legal
15 implications of disclosing residential addresses and revised its reports to remove residential
16 address information that was not strictly required to be disclosed under AB 524. To that end,
17 between June 18, 2024 and July 8, 2024, Cal Poly revised the 2023 report to remove precise street
18 addresses for satellite houses or residential event locations.³ (Aiello-Coppola Decl., ¶ 16.)

19 **The City’s Targeting of Students for Code Enforcement Actions**

20 In recent years, it appears that the City of San Luis Obispo has increased efforts to take
21 action on properties it suspects are operating as unpermitted fraternity or sorority houses. (Haft
22 Decl., ¶ 6; Aiello-Coppola Decl., ¶ 17; Mockford Decl., ¶ 9.) While Cal Poly shares the City’s
23 general interest in ensuring that student organizations comply with applicable laws, Cal Poly is
24 equally concerned about the potential chilling effect that the City’s actions may have on students’
25 willingness to participate in university safety programs, student privacy, and due process. (Haft
26

27 ³ This decision is in line with the decisions of numerous other California colleges and universities.
28 (Request for Judicial Notice (“RJN”), Exs. 1-8.)

1 Decl., ¶¶ 7, 13; Aiello-Coppola Decl., ¶¶ 22, 29; Mockford Decl., ¶¶ 10, 15.) The concern is that
2 public dissemination of private residential addresses where student events took place could further
3 erode students' willingness to share information with the University if they believe that
4 information is being used beyond the purposes intended resulting in punitive measures against
5 them. (Haft Decl., ¶ 7.)

6 The City has, for example, begun sending emails to Cal Poly administration, documenting
7 alleged violations and requesting that the University impose academic or disciplinary
8 consequences on students based on the City's own enforcement determinations. (Mockford Decl.,
9 ¶ 11.)

10 The University learned from student leaders that on or about September 25, 2025, code
11 enforcement officers attended a semi-private Greek recruitment event on Cal Poly's campus,
12 representing their visit as educational in nature. (Haft Decl., ¶ 8; Aiello-Coppola Decl., ¶ 19.)
13 Information gathered at that event was subsequently used to issue zoning violations to fraternity
14 houses whose addresses appeared on recruitment materials distributed at the event. (Haft Decl., ¶
15 8; Aiello-Coppola Decl., ¶ 19.) This resulted in numerous conversations with student leaders
16 expressing concern about engaging with City personnel in University settings. (Haft Decl., ¶ 8;
17 Aiello-Coppola Decl., ¶ 19.)

18 Students have also reported receiving conflicting guidance from City enforcement staff
19 about whether enforcement is complaint-based or proactive. (Haft Decl., ¶ 9; Aiello-Coppola
20 Decl., ¶ 20.) For example, students reported to administrators that numerous notices of violation
21 were posted on student homes during the winter holiday break, even though the alleged violations
22 had occurred months earlier. (Haft Decl., ¶ 10; Aiello-Coppola Decl., ¶ 20.) According to the
23 students, the notices indicated that the appeal window had already closed, or would close, before
24 most students returned from break. (Haft Decl., ¶ 10; Aiello-Coppola Decl., ¶ 20.) Some notices
25 further suggested that students could challenge a citation if Cal Poly confirmed that no event had
26 occurred, while simultaneously indicating that the university was unlikely to provide that
27 confirmation. (Haft Decl., ¶ 10; Aiello-Coppola Decl., ¶ 20.) Student leaders expressed concern
28 with the notices to administrators and sought guidance from the University regarding these

1 notices. (Haft Decl., ¶ 10; Aiello-Coppola Decl., ¶ 20.)

2 The City’s enforcement practices have included use of social media. DoorList, an event
3 management application used by many Greek organizations, serves important safety functions: it
4 helps organizations control entry to events and maintain attendance records that can be critical in
5 emergency situations. (Haft Decl., ¶ 11; Aiello-Coppola Decl., ¶ 21; Mockford Decl., ¶ 13.)
6 Students reported to administrators that they had stopped using DoorList based on the belief that
7 the City was using information gleaned from DoorList for enforcement purposes. (Haft Decl., ¶
8 11; Aiello-Coppola Decl., ¶ 21; Mockford Decl., ¶ 13.)

9 Student leaders from multiple recognized Greek chapters informed administrators that they
10 had received many City-issued citations, and student leaders across the Greek community have
11 consistently expressed uncertainty regarding how to comply with City requirements and concerns
12 about the manner in which enforcement was being conducted. (Haft Decl., ¶ 12; Mockford Decl.,
13 ¶ 14.) It is against this backdrop—not the idealized picture of orderly code enforcement that
14 Petitioner presents—that the Court must evaluate whether disclosure of residential student
15 addresses from Cal Poly’s internal records is warranted.

16 **Petitioner’s PRA Requests**

17 Petitioner is a former resident of a San Luis Obispo neighborhood who, beginning in fall
18 2021, experienced what she believed to be increased fraternity party activity near her home. (Pet.,
19 ¶ 11.) She submitted complaints to the City and, over the course of several years, submitted
20 multiple public records requests to Cal Poly seeking address information from the FSL Event
21 Registration records. (Pet., ¶¶ 11, 35, 41, 49.)

22 Petitioner submitted her first records request in October 2023 and a second in July 2024.
23 (Pet., ¶¶ 35, 41.) Cal Poly declined to produce records in response to those requests. (Pet., ¶¶ 36,
24 45.) Petitioner submitted a third request in November 2025, seeking the addresses of all fraternity
25 events registered with the FSL Office on and since July 1, 2023. (Pet., ¶ 49, Ex. 13.)

26 In February 2026, Cal Poly produced to Petitioner the FSL Event Registration records
27 responsive to the 2025 Request, covering fraternity-sanctioned events held from 2023 through
28 2025. (Pet., ¶ 51; Declaration of Sharon Galloway (“Galloway Decl.”), ¶ 5.) There were

1 approximately 450 records. (Galloway Decl., ¶ 5.)

2 In preparing the records for production, Cal Poly carefully reviewed the FSL Event
3 Registration records responsive to the requests and made targeted, surgical redactions consistent
4 with its legal obligations. (Galloway Decl., ¶ 6.) Specifically, Cal Poly produced the FSL Event
5 Registration records in full, but redacted only the addresses that students identified on the forms as
6 residential locations. (Galloway Decl., ¶¶ 7-8.) Where a student identified the event location as a
7 recognized chapter facility or a third-party venue (in other words, locations that are not personal
8 residences) Cal Poly produced those addresses without redaction. (Galloway Decl., ¶¶ 8-10.) In
9 other words, the only addresses that are redacted from the records that were produced to Petitioner
10 are residential addresses that are not official chapter houses or third-party venues. (Galloway
11 Decl., ¶ 10.)

12 **LEGAL STANDARD**

13 The CPRA authorizes writ relief only when “certain public records are being improperly
14 withheld,” and for no other reason. (Gov. Code, § 7923.100.) Thus, production remains the core
15 remedy under the CPRA. (*See, e.g., County of Santa Clara v. Superior Court* (2009) 171
16 Cal.App.4th 119, 127 [CPRA provides no judicial remedy for “any purpose other than to
17 determine whether a particular record or class of records must be disclosed.”])

18 In assessing whether to issue a writ of mandate, the Court must presume that Cal Poly
19 complied with the law. (Evid. Code, § 664 [“It is presumed that official duty has been regularly
20 performed.”]; *American Civil Liberties Union of Northern California v. Superior Court* (2011) 202
21 Cal.App.4th 55, 85 [“Government agencies are, of course, entitled to a presumption that they have
22 reasonably and in good faith complied with the obligation to disclose responsive information.”].)
23 The Court must also indulge all reasonable inferences from the evidence that would support the
24 administrative determination and resolve all conflicts in the evidence in favor of Cal Poly’s
25 decisions. (*Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 571.)

26 Moreover, Petitioner must prove (1) “a clear, present, and usually ministerial duty to
27 perform,” and (2) “a clear, present, and beneficial right” belonging to Petitioner in the
28 performance of that duty. (*Sacks v. City of Oakland* (2010) 190 Cal.App.4th 1070, 1081.) Mandate

1 is thus an extraordinary remedy, and there is no absolute right to a writ. (*Clough v. Baber* (1940)
2 38 Cal.App.2d 50, 52.) “The necessity of issuing the writ must be clearly established. It will not
3 issue in doubtful cases.” (*Ibid.*)

4 **ARGUMENT**

5 **I. Cal Poly Properly Withheld Student Residential Addresses Under the CPRA Catchall** 6 **Exemption**

7 While the CPRA establishes a presumption in favor of disclosure of any record that
8 “relates in any way to the business of the public agency,” that presumption is rebuttable. (*City of*
9 *San Jose v. Superior Court* (2017) 2 Cal.5th 608, 616.) An agency satisfies its burden by
10 demonstrating that a specific statutory exemption applies. (Gov. Code, § 7922.000.) Critically,
11 where, as here, the agency asserts that privacy interests outweigh the public interest in disclosure,
12 the court must conduct a careful, fact-specific balancing inquiry. (*City of Vallejo v. Superior Court*
13 (2025) 112 Cal.App.5th 565, 598.) The CPRA’s balancing test requires that the interest in
14 nondisclosure “clearly outweigh” the public interest in disclosure. (Gov. Code, § 7922.000.)

15 **A. The Privacy Interests at Stake are Significant**

16 Petitioner contends that there are no meaningful privacy interests at stake because the FSL
17 Event Registration records do not link addresses to specific students. This argument understates
18 both the nature of the information and the risks of disclosure.

19 All of the addresses at issue are residential addresses. (Galloway Decl., ¶ 10.) And it is
20 well-established that all individuals, including students, have a substantial privacy interest in their
21 home addresses. (*Lorig v. Medical Board* (2000) 78 Cal.App.4th 462, 468; see also *Hill v.*
22 *National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 35 [noting that individuals have
23 constitutionally protected interests in “information privacy”].) Moreover, each registration is
24 submitted by an individual Cal Poly student who is affiliated with a fraternity or sorority. (Aiello-
25 Coppola Decl., ¶ 6.) While the University does not ask (and cannot determine) if the student
26 submitting the FSL Event Registration form resides at the address listed on the form, the form
27 nevertheless reveals a direct link between a specific student, a specific fraternity/sorority, and a
28 specific residential address. (Aiello-Coppola Decl., ¶¶ 6-10.) Thus, despite Petitioner’s attempt to

1 minimize the privacy interest by referring to these addresses as merely “party addresses,” this case
2 is not simply about disclosure of where a party occurred in the abstract but about disclosure of
3 residential addresses that are submitted by students as part of the University’s oversight of
4 recognized student organizations.

5 Petitioner also repeatedly asserts that the addresses are voluntarily submitted by students,
6 but this is patently incorrect. In completing the FSL Event Registration form, a student is not
7 voluntarily providing a residential address for public dissemination. They submit the addresses
8 because Cal Poly requires the pre-registration of Greek events. (Aiello-Coppola Decl., ¶¶ 4-7.)
9 Students who submit FSL Event Registration forms still retain a reasonable expectation of privacy
10 in the residential addresses that are provided.⁴

11 **1. DoorList Usage Does Not Waive Student Privacy Rights**

12 Cal Poly does not dispute that some students have used third-party apps such as DoorList
13 to facilitate fraternity or sorority events. But the fact that some fraternities or sororities have
14 publicized some event addresses through DoorList or social media does not eliminate the privacy
15 interests in the FSL Event Registration records, and Petitioner cites to no authority that even
16 suggests this outcome. In any event, voluntary disclosure by a student organization through a
17 social media post is fundamentally different from compelled disclosure of an official record. A
18 student or organization that chooses to publicize an event retains the ability to limit, retract, or
19 qualify that disclosure. The same cannot be said for compelled government agency disclosure.

20 Even assuming that some student organizations voluntarily publicized some event
21 locations through third-party platforms, that fact does not waive the privacy interests associated
22 with the residential addresses contained in Cal Poly’s records. Indeed, Cal Poly has reason to
23 believe that student leaders of Greek organizations have stopped using apps like DoorList because
24 of privacy concerns. (Haft Decl., ¶ 11; Aiello-Coppola Decl., ¶ 21; Mockford Decl., ¶ 13.) Nor
25 does the use of social media by students eliminate the University’s obligation to conduct the

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27 ⁴ It is worth noting that Cal Poly has no way to determine if the student even resides at the
28 submitted residential address.

balancing required by the CPRA, a balancing exercise that must also take into consideration student concerns about privacy and safety in light of the City’s code enforcement actions. (Haft Decl., ¶ 6-13; Aiello-Coppola Decl., ¶¶ 17-22; Mockford Decl., ¶¶ 9-15.) The relevant inquiry remains whether, on the facts of this case, the public interest served by compelling Cal Poly to disclose private residential addresses clearly outweighs the substantial privacy interests served by maintaining their confidentiality. For the reasons discussed herein, it does not.

2. Section 66312 Does Not Compel Disclosure of Residential Addresses

Petitioner argues that Section 66312 reflects a legislative determination that the precise residential addresses contained in FSL Registration forms should be publicly disclosed. The statutory language does not support that conclusion.

With respect to fraternity and sorority events, Section 66312 requires colleges and universities to publicly disclose:

- “The **location**, date, and time of any sanctioned event” (Educ. Code, § 66312, subds. (b)(1)(A)(ix) [emphasis added], (d)(1)(A)) and
- “The **addresses** of chapter houses and sanctioned events and names of sororities and fraternities where misconduct occurred” (Educ. Code, § 66312, subds. (d)(1)(A), (d)(3)(B) [emphasis added]).

As a threshold matter, Section 66312 does not treat the terms “location” and “address” as interchangeable. Instead, the Legislature’s use of these two terms reflects an understanding that the “location” of an event is not necessarily synonymous with a precise street address. Had the Legislature intended to require disclosure of exact street addresses for all events, it easily could have said so. Its decision not to use that terminology must be given effect. (*See Anderson Union High School Dist. v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, 277-278 [finding that the use of the terms “site” and “schoolsite” in statute suggests that their meanings were not interchangeable].) Nevertheless, Petitioner repeatedly conflates “location” with “address.” (Petitioner’s Mot., pp. 14-15.) This interpretation violates the well-known principle of statutory construction that gives meaning to every word in a statute and avoids constructions that render statutory language mere surplusage. (*People v. Reynoza* (2024) 15 Cal.5th 982, 991.) Under Petitioner’s reading, every statutory reference to “location” necessarily means a specific

1 residential street address. That construction deprives the Legislature’s differing word choices of
2 any independent meaning.

3 The distinction is especially important in the context of fraternity and sorority events. An
4 event’s “location” may be communicated in numerous ways without revealing the precise address
5 of a private student residence. A location may be identified by reference to a recognized chapter
6 house, a general vicinity, or another description sufficient to convey where an event occurred
7 without disclosing private residential information contained in university records. (See RJN, Exs.
8 1-8.) And that is precisely what Cal Poly does—it provides general location information for
9 sanctioned events, not precise street addresses. (Aiello-Coppola Decl., ¶¶ 15-16.)

10 Nothing in Section 66312 indicates that the Legislature intended to diminish the privacy
11 interests associated with student residential address information. To the contrary, the Legislature’s
12 use of the broader term “location” with respect to events generally reflects an intent to increase
13 transparency regarding fraternity and sorority activities while preserving flexibility concerning the
14 precise manner in which institutions satisfy those obligations. And the Legislature’s use of the
15 more narrow term “address” with respect to events “where misconduct occurred” implies that
16 disclosure of an address presents *greater* privacy concerns than disclosure of a location. In other
17 words, only in situations involving misconduct is the public interest sufficiently strong to justify
18 disclosure of a student’s address.

19 **B. Petitioner’s Stated Public Interest Is Attenuated and Speculative**

20 Petitioner characterizes the public interest in disclosure as overwhelming, but this
21 overstates the case. Petitioner’s stated purpose is to determine whether fraternity/sorority houses
22 are operating in violation of San Luis Obispo zoning ordinances. (Mot., p. 17:14-15.) But this goal
23 can be pursued through means that do not require compelled disclosure of student residential
24 addresses from university records. (See *Versaci v. Superior Court* (2005) 127 Cal.App.4th 805,
25 820 [noting that the balancing test includes consideration of whether “the public interest can be
26 substantially advanced by means other than the requested disclosure”].) The City has its own
27 investigative tools, code enforcement powers, and ability to observe and investigate suspected
28 zoning violations through direct inspections. The fact that access to Cal Poly’s records would

1 make code enforcement easier does not mean that the public interest in disclosure clearly
2 outweighs the privacy interests at stake.

3 Petitioner also contends that there is a substantial public interest in understanding “whether
4 and how the University is authorizing fraternity-sanctioned events that may not comply with ‘all
5 applicable laws.’” (Mot., p. 17:16-17.) This assumes – incorrectly – that Cal Poly is responsible
6 for assessing whether an event that has not yet taken place will be compliant with laws that are not
7 under Cal Poly’s purview. Petitioner assumes that disclosure of party addresses will reveal that
8 Cal Poly has been approving events at locations that violate city zoning laws. But Cal Poly’s event
9 registration process does not constitute a determination that a given address is lawfully operating
10 as a fraternity house under city zoning laws. Instead, it is an internal administrative process to
11 encourage compliance with university policies. The public accountability interest asserted by
12 Petitioner therefore rests on a chain of inferences that does not overcome the concrete privacy
13 interests of the students whose residential information is at stake.

14 Petitioner contends that disclosure of the addresses at issue is necessary to determine
15 whether Cal Poly is complying with its own policies requiring fraternities to comply with local
16 laws. But the event registration process is not a method for Cal Poly to determine whether an off-
17 campus residence is legally permitted for fraternity use, nor does Cal Poly actually make that
18 determination at all. (Aiello-Coppola Decl., ¶ 10.) Cal Poly does not approve or deny any of the
19 events submitted for registration. (Aiello-Coppola Decl., ¶ 4.) Accordingly, the fact that an event
20 was registered says nothing about whether the event location complied with municipal zoning
21 ordinances. To the extent that the occurrence of an event results in a zoning violation, the fact of
22 event registration sheds no light on Cal Poly’s compliance with its own policies. Disclosure of
23 addresses would not reveal whether Cal Poly is “allowing” illegal events because Cal Poly never
24 makes that determination in the first place.

25 **C. Petitioner’s Cases Are Distinguishable and the Balancing Test Favors Cal Poly**

26 Petitioner’s reliance on *CBS, Inc. v. Block* (1986) 42 Cal.3d 646 and *New York Times*
27 *Company v. Superior Court* (1990) 218 Cal.App.3d 1579 is misplaced. Those cases involved
28 individuals who had voluntarily entered into a regulatory relationship with a government agency

1 for personal benefit. Fraternity members who submit event registration information to Cal Poly's
2 FSL Office are students at an educational institution, and the information they provide is
3 maintained in connection with their status as members of a recognized student organization. That
4 context fundamentally distinguishes this case from the public accountability scenarios those
5 decisions addressed.

6 In *CBS*, the California Supreme Court ordered disclosure of home addresses of concealed-
7 weapons permit holders. (*CBS, Inc. v. Block, supra*, 42 Cal.3d at p. 656.) The court emphasized
8 that the permit holders had voluntarily sought a government license for a regulated activity
9 (carrying a concealed weapon in public) and that public scrutiny of licensing decisions was
10 essential to accountability. (*Id.* at p. 654.) The court was concerned with whether public officials
11 were properly exercising their licensing authority in a domain directly affecting public safety.
12 (*Ibid.*) The public interest was a determination of whether the public entity was following the law
13 and properly determining whether or not someone could have a weapon.

14 This case is materially different. In *CBS*, the public interest in disclosure arose from the
15 need to evaluate whether governmental authority (to issue concealed carry licenses) was being
16 exercised fairly, lawfully, and consistently. There is no comparable public interest here. Cal Poly
17 is not licensing property for a particular land use, determining whether a residence may lawfully
18 operate as a fraternity or sorority house, or deciding whether an event complies with municipal
19 zoning ordinances. Those determinations lie exclusively within the City's authority. The FSL
20 Event Registration process serves a different purpose: promoting student health and safety
21 concerning matters such as alcohol management, sober monitors, and event planning. Registering
22 an event does not constitute University approval of the event or its location, nor does it constitute
23 a determination of compliance with local laws. Consequently, disclosure of residential addresses
24 would contribute little, if anything, to the public's understanding of how Cal Poly performs its
25 public functions.

26 The interests of the individuals whose private information is sought are likewise
27 fundamentally different. Concealed-carry permit applicants voluntarily seek a license to authorize
28 them to engage in activities that implicate public safety. By contrast, Cal Poly students submit

1 residential addresses only because the University requires that information as part of an event
2 registration process. Students are not seeking any kind of approval that would affect the rights or
3 safety of the public at large. Students therefore retain a reasonable expectation that private
4 information submitted to their school will be handled pursuant to the university's own policies as
5 well as applicable laws and regulations (such as FERPA).

6 In *New York Times*, the court ordered disclosure of water district customers who had
7 violated water rationing ordinances. (*New York Times Company v. Superior Court*, *supra*, 218
8 Cal.App.3d at pp. 1581-1582.) These customers had entered into a voluntary commercial
9 relationship with a public utility and their actions directly harmed other customers and the public
10 and had already been found to be in violation of the law. (*Id.* at p. 1586.) Here, there is no
11 analogous commercial or voluntary regulatory relationship. Cal Poly's oversight of fraternities and
12 sororities is an educational and administrative matter, and students registering to hold events
13 (indeed, parties) have not entered into any public regulatory relationship. Education Code section
14 66312 *already* provides for publication of event addresses where misconduct has been found to
15 have occurred. While *New York Times* could be cited to establish the validity of that portion of
16 Section 66312, nothing in the case justifies a finding that would require Cal Poly to release private
17 addresses when there has been no finding of misconduct.

18 In contrast, the Court of Appeal's decision in *Voice of San Diego v. Superior Court* (2021)
19 66 Cal.App.5th 669 illustrates why Petitioner's reliance on *CBS* and *New York Times* is misplaced.

20 In *Voice of San Diego*, the Court of Appeal upheld a county's decision to redact the precise
21 location and location address of COVID-19 outbreaks under the CPRA's catchall exemption. (*Id.*
22 at p. 694.) Applying the balancing test, the court concluded that the public interest in
23 nondisclosure clearly outweighed the incremental benefit that disclosure of precise addresses
24 would provide. (*Id.* at pp. 693-694.) The court found that the county established that disclosure of
25 outbreak locations would undermine public trust in the contact-tracing process and discourage the
26 candid cooperation necessary for public health officials to perform their responsibilities
27 effectively. (*Id.* at pp. 691-692.)

28 The same reasoning applies here. Cal Poly requires students to pre-register fraternity and

1 sorority events and provide residential addresses as part of the University's administrative
2 oversight of recognized student organizations. Students do not submit those addresses with the
3 expectation that they will be publicly disseminated. They submit them because it is required by the
4 University. Public disclosure of compelled residential information undermines the trust that
5 students reasonably place in the University's administrative processes. Just as in *Voice of San*
6 *Diego*, preserving that trust is an important governmental interest. (*Id.* at p. 685.)

7 The court in *Voice of San Diego* also carefully evaluated the actual public value of the
8 withheld information. (*Id.* at p. 693.) Although recognizing the public's understandable interest in
9 learning precise outbreak locations, the court concluded that disclosure of exact addresses would
10 contribute little to the public's understanding of governmental operations because substantial
11 information had already been disclosed. (*Ibid.*) The remaining redacted information added only
12 marginal additional value. (*Id.* at pp. 693-694.) The same is true here. Cal Poly has produced the
13 FSL Event Registration records and has not concealed the existence of fraternity or sorority
14 events.⁵ The sole information withheld consists of residential street addresses. Petitioner has not
15 demonstrated that disclosure of those precise residential addresses would significantly improve the
16 public's understanding of Cal Poly's administration of recognized student organizations.

17 Instead, Petitioner's principal asserted interest is facilitating the identification of residences
18 that allegedly violate local zoning ordinances. But that objective is not directed toward evaluating
19 Cal Poly's governmental operations. Rather, it seeks to use the CPRA to assist with the
20 enforcement of municipal regulations that Cal Poly neither administers nor enforces. As *Voice of*
21 *San Diego* makes clear, the relevant inquiry is whether disclosure would meaningfully enhance the
22 public's understanding of the agency's own activities, not whether disclosure could advance some
23 collateral governmental objective. (*Id.* at p. 693.)

24 Moreover, unlike in *CBS* and *New York Times*, Cal Poly's interest is not based on
25 generalized speculation that disclosure could result in criticism or inconvenience. Disclosure

26
27 ⁵ Indeed, Cal Poly has already disclosed dates, organizations, themes, alcohol information, and
28 non-residential, non-chapter house addresses. (Aiello-Coppola Decl., ¶ 7; Galloway Decl., ¶¶ 6-10.)

1 would have the very real effect of exposing students to targeted enforcement by the City. (Haft
2 Decl., ¶¶ 6-13; Aiello-Coppola Decl., ¶¶ 17-22; Mockford Decl., ¶¶ 9-15.) For this reason, the
3 University’s interest in protecting the confidentiality of those compelled residential disclosures
4 and preserving student trust in its administrative processes is substantially more analogous to the
5 governmental interests recognized in *Voice of San Diego* than to the speculative concerns rejected
6 in *CBS* and *New York Times*. (See also *American Civil Liberties Union Foundation v. Superior*
7 *Court* (2017) 3 Cal.5th 1032, 1043-1044 [affirming trial court determination that public records
8 request for all data collected in one week by city’s automatic license plate readers was exempt
9 under catchall provision of the CPRA].)

10 **II. Consideration of FERPA Counsels Against Disclosure of Addresses**

11 FERPA reflects Congress’s determination that protecting the privacy of information
12 maintained by educational institutions is an important public policy. (*BRV, Inc. v. Superior Court*
13 (2006) 143 Cal.App.4th 742, 751-752; *Student Press Law Center v. Alexander* (D.D.C. 1991) 778
14 F.Supp. 1227, 1228 [noting that FERPA’s purpose is “to ensure access to educational records for
15 students and parents and to protect the privacy of such records from the public at large”].) That
16 policy is directly implicated here.

17 Petitioner devotes substantial attention to arguing that FERPA does not prohibit disclosure
18 of the residential addresses contained in the FSL Event Registration records. But under the
19 CPRA’s balancing test, the critical question is not whether FERPA prohibits disclosure but
20 whether, under the totality of the circumstances, the privacy interests at stake clearly outweigh the
21 public interest in disclosure. Cal Poly’s exercise of its obligations pursuant to FERPA is relevant
22 to that balancing inquiry even if it does not independently bar disclosure.

23 **A. The FSL Event Registration Records Constitute Education Records Under**
24 **FERPA**

25 As an initial matter, Petitioner argues that the FSL Event Registration records are not
26 “education records” under FERPA because they do not relate to students’ academic performance
27 or educational interests. This argument draws the scope of FERPA too narrowly.

28 FERPA defines “education records” as records that (1) contain information “directly

1 related to a student” and (2) are maintained by an educational institution. (20 U.S.C. § 1232g,
2 subd. (a)(4)(A).) The FSL Event Registration records satisfy both prongs. First, they contain
3 information submitted by students in their capacity as members of recognized student
4 organizations—organizations whose recognition, and whose members’ standing within the
5 university, depends on compliance with Cal Poly’s policies. The connection between the
6 registration information and the students who submitted it is direct and evident. Second, the
7 records are maintained by Cal Poly’s FSL Office, unquestionably an arm of the University.
8 (Mockford Decl., ¶¶ 3-6.)

9 Petitioner argues that under FERPA, the FSL Event Registration forms are not “directly
10 related to a student” because they are not grade transcripts, class schedules, or discipline reports.
11 But Petitioner ignores that a student’s membership in a recognized fraternity or sorority, and the
12 events conducted under that recognition, are directly related to that student’s status and
13 educational experience at the University. The FSL Event Registration records are maintained
14 because of that relationship. Unlike parking tickets⁶, pre-suit tort claims⁷, and other incidental
15 records that involve conduct entirely separate from the student’s university affiliations, FSL Event
16 Registration forms, by contrast, are submitted through a formal university administrative process
17 and are directly tied to the students’ maintenance of recognized organizational status. They are
18 certainly more analogous to class schedules than to parking tickets.

19 **B. FERPA Considerations in the CPRA Balancing Test Favors Cal Poly**

20 Nevertheless, even if the FSL Event Registration forms are not “education records” as
21 defined under FERPA, Cal Poly invoked FERPA not merely as an independent prohibition on
22 disclosure, but as evidence of the strong public policy favoring protection of student privacy.

23 FERPA expressly provides that schools may, but are not required to, disclose “directory
24 information,” which includes student residential addresses. (20 U.S.C. § 1232g, subd. (a)(5)(B).)
25 To that end, Cal Poly notifies students that the University may release directory information at its

26 _____
27 ⁶ Petitioner cites to a Maryland case, *Kirwan v. The Diamondback* (Md. 1998) 721 A.2d 196.

28 ⁷ Petitioner cites to *Poway Unified School District v. Superior Court* (1998) 62 Cal.App.4th 1496.

1 discretion. (See RJN, Ex. 9.) In doing so, Cal Poly makes selective determinations about whether
2 disclosure of directory information in a particular context poses risks to student privacy or safety.
3 This kind of discretion is expressly contemplated by FERPA.

4 The residential addresses at issue may be “directory information” that Cal Poly is
5 authorized under FERPA to disclose, but the additional context of how they were obtained cannot
6 be disregarded. The addresses were obtained from students in the course of Cal Poly’s oversight
7 and administration of recognized student organizations, so the information comes directly from the
8 University’s educational relationship with its students. The fact that these records consist of
9 information compelled from students by a public university as part of the administration of student
10 organizations materially strengthens the privacy interests at stake. FERPA’s recognition of the
11 importance of protecting student information reinforces the conclusion that those privacy interests
12 clearly outweigh the limited additional public benefit that would result from disclosing precise
13 residential addresses.

14 **C. Cal Poly’s Prior Disclosure Practices Do Not Constitute Waiver**

15 Petitioner contends that because Cal Poly previously disclosed fraternity event location
16 address information pursuant to Section 66312, it has somehow waived its ability to invoke
17 FERPA or other bases for privacy exemption. Not so. (See *County of Los Angeles v. Superior*
18 *Court* (2015) 242 Cal.App.4th 475, 486 [DMV disclosure of addresses of registered owners of
19 impounded vehicles to towing companies pursuant to statutory duty did not waive CPRA
20 exemption]; see also *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1346 [disclosure
21 in one context does not necessarily waive the right to assert CPRA exemptions in another];
22 *Marken v. Santa Monica-Malibu Unified School Dist.* (2012) 202 Cal.App.4th 1250, 1262 [CPRA
23 exemptions are permissive, not mandatory].) The CPRA contemplates that disclosure
24 determinations under the catchall exemption are based upon the facts of the particular case and
25 require agencies to balance competing interests as circumstances evolve. (*Voice of San Diego*,
26 *supra*, 66 Cal.App.5th at pp. 684-685.) The fact that Cal Poly reevaluated its prior disclosure
27 practices after learning about student concerns with how the City was using residential addresses
28 for its code enforcement purposes reflects the thoughtful balancing that CPRA requires.

1 **III. Declaratory Relief Is Not Appropriate**

2 Petitioner seeks declarations governing Cal Poly's future conduct with respect to fraternity
3 and sorority event registration records and address information. The Court should decline to issue
4 such sweeping relief.

5 The California Supreme Court's decision in *City of Gilroy v. Superior Court* (2026) 19
6 Cal.5th 38 authorizes declaratory relief under the CPRA where an agency is "reasonably likely to
7 repeat past conduct that allegedly violates the CPRA in response to future records requests." (*Id.* at
8 p. 54.) But the declarations Petitioner seeks would go far beyond preventing a specific likely
9 violation. Instead, they would establish categorical rules regardless of the specific facts of any
10 future request, as required by the CPRA. The balancing test mandated under the CPRA's catchall
11 exemption is fact-intensive and depends on the specific nature of the records requested, the
12 information they contain, the context in which they are created, and the specific privacy interests
13 at stake. Issuing categorical declarations would improperly foreclose fact-specific analysis in the
14 future and could bind Cal Poly to disclosure obligations in circumstances that have not been
15 properly considered by the Court.

16 **CONCLUSION**

17 The CPRA does not require Cal Poly to disclose the residential addresses at issue. Cal Poly
18 carefully balanced the substantial privacy interests implicated by disclosure against the limited
19 public interest advanced by Petitioner and properly concluded that the catchall exemption applies.
20 That determination is reinforced by the important privacy policies reflected in FERPA and in
21 Education Code section 66312. For the same reason, Petitioner is not entitled to the broad
22 declaratory relief she seeks. Therefore, Cal Poly respectfully requests that the Court deny the
23 petition in its entirety and enter judgment in favor of Cal Poly.

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Dated: July 10, 2026

BURKE, WILLIAMS & SORESENSEN, LLP

By: /s/ Han-Hsien Miletic
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Alexandra L. Mulhall
Han-Hsien Miletic
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BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY and
JEFFREY ARMSTRONG

1 **PROOF OF SERVICE**

2 **Kathie Walker vs. Board of Trustees of the California State University, et. al.**
3 **Case No. 26CV-0166**

4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

5 At the time of service, I was over 18 years of age and not a party to this action. I am
6 employed in the County of Los Angeles, State of California. My business address is 444 South
7 Flower Street, 40th Floor, Los Angeles, CA 90071-2942.

8 On July 10, 2026, I served true copies of the following document(s) described as
9 **RESPONDENTS/DEFENDANTS' OPPOSITION TO MOTION FOR JUDGMENT** on the
10 interested parties in this action as follows:

11 Matthew S.L. Cate, Esq.
12 LAW OFFICES OF MATTHEW S.L. CATE
13 101 Montgomery Street, Suite 900
14 San Francisco, CA 94104
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KATHIE WALKER

17 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
18 document(s) to be sent from e-mail address lespinoza@bwslaw.com to the persons at the e-mail
19 addresses listed in the Service List. I did not receive, within a reasonable time after the
20 transmission, any electronic message or other indication that the transmission was unsuccessful.

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

23 Executed on July 10, 2026, at Los Angeles, California.

24 
25 Leticia Espinoza