

1 Des Manttari  
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5 738 South Mariposa Ave. #203  
6 Los Angeles, CA 90005

7 Plaintiff,  
8 IN PRO PER

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 LOS ANGELES COUNTY

11 DES MANTTARI,

12 Plaintiff/Petitioner,

13 vs.

14 SANTA MONICA COMMUNITY  
15 COLLEGE DISTRICT, CHUI L. TSANG,  
16 AND DOES 1-20, INCLUSIVE.

17 Defendants/Respondents.

18 ) Case No. BS104928

19 ) **VERIFIED COMPLAINT AND**  
20 ) **PETITION FOR DECLARATORY**  
21 ) **AND INJUNCTIVE RELIEF AND**  
22 ) **ALTERNATE WRIT OF MANDATE**  
23 ) **UNDER THE CALIFORNIA PUBLIC**  
24 ) **RECORDS ACT**

25 ) [C.C.P. § 1085; Gov't Code § 6250, et  
26 ) seq.]

27 ) Date: November 17, 2006

28 ) Time: 9:30 a.m.

29 ) Dept.: 85

30 TO DEFENDANTS/RESPONDENTS SANTA MONICA COMMUNITY COLLEGE  
31 DISTRICT, CHUI L. TSANG, AND DOES 1-20, INCLUSIVE (HEREINAFTER  
32 COLLECTIVELY REFERRED TO AS "DEFENDANTS/RESPONDENTS") AND TO THE  
33 ABOVE-CAPTIONED COURT:

34 **VERIFIED COMPLAINT AND PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF AND**  
35 **ALTERNATIVE WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT**

1 Plaintiff/Petitioner Des Manttari, (hereinafter referred to as “Plaintiff/Petitioner”), brings this  
2 Verified Complaint for a declaratory judgment, and a temporary, preliminary and permanent  
3 injunction order and, alternatively, petitions this Court, pursuant to California Code of Civil  
4 Procedure Section 1085 et seq. and the California Public Records Act (Government Code  
5 Section 6250 et. seq.), for a writ of mandate directed to Defendants/Respondents  
6 commanding them to obey the California Public Records Act (hereinafter, “CPRA”), and  
7 alleges as follows:  
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9  
10 **I. JURISDICTION AND VENUE**

11 1. The relief sought by the Plaintiff/Petitioner is authorized by Government Code  
12 (GOV.) Sections 6258 and 6259 and California Code of Civil Procedure (C.C.P.) Section  
13 1085. Plaintiff/Petitioner Des Manttari is a natural born citizen of the state of California and  
14 a consumer residing in Los Angeles, California, and, therefore, that venue in Los Angeles  
15 County is appropriate.  
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17 **II. THE PARTIES**

18 2. Plaintiff/Petitioner Des Manttari is a natural person and at all times mentioned herein  
19 is a resident of Los Angeles County, California. Plaintiff/Petitioner is a “person” authorized  
20 to bring this action under the California Public Records Act, GOV. § 6252(c).  
21

22 3. At all relevant times, Plaintiff/Petitioner Des Manttari is a student at Santa Monica  
23 Community College District (hereinafter, “SMCCD”) and thus an interested party to said  
24 public records held in the control and custody of SMCCD.  
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1 4. Plaintiffs/Petitioners are informed and believe and thereon allege that  
2 Defendant/Respondent Santa Monica Community College District (SMCCD) is, and at all  
3 times mentioned herein, an agency of the California government, which is an agency in  
4 charge of promoting and protecting the interests of the people as consumers, and is a “state  
5 agency” within the meaning of GOV. § 6252(a).  
6

7 5. Plaintiff/Petitioner is informed and believes and thereon alleges that  
8 Defendant/Respondent Chui L. Tsang is, at all times mentioned herein, a public employee of  
9 Santa Monica Community College District.  
10

11 6. Plaintiffs/Petitioners are ignorant of the true names and capacities of defendants sued  
12 herein as Does 1-20, inclusive, and therefore sue these defendants by such fictitious names.  
13 Plaintiffs/Petitioners will amend this complaint to allege their true names and capacities  
14 when these are ascertained. Plaintiff/Petitioner is informed and believes and thereon alleges  
15 that each of the fictitiously named defendants are responsible in some manner for the  
16 occurrences herein alleged, and that plaintiff’s damages as herein alleged were proximately  
17 caused by the conduct of such fictitiously named defendants.  
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20 **III. FACTS GIVING RISE TO CLAIMS**

21 7. Since on or about January 2003 to the present, Plaintiff/Petitioner Des Manttari has  
22 been a student at Santa Monica Community College, specifically attending the satellite  
23 campus known as the Academy of Entertainment and Technology (hereinafter, “AET”).  
24

25 8. Since on or about July 2005, Plaintiff/Petitioner has attempted, by herself and with  
26 other students to obtain various public records held in the custody and control of SMCCD.  
27

28 **VERIFIED COMPLAINT AND PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
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1 **9.** Prior to this recent request for public records, I have served the SMCCD with five  
2 previous requests under the California Public Records Act (hereinafter, “CPRA”) for  
3 physical inspection and copies of public records. Each request has been met with delaying  
4 tactics, stonewalling, and retaliation, including but not limited to the use of disciplinary  
5 sanctions and unwarranted campus police intervention and interrogation against myself and  
6 other students on various occasions. Despite numerous correspondence and attempts at  
7 compliance with the CPRA, SMCCD has failed to comply with the law.  
8  
9

10 **10.** For approximately one year, SMCCD has failed and refused, through its agents and  
11 employees, despite numerous written requests, to allow Petitioner/Respondent to physically  
12 inspect her student records, including any and all disciplinary records. Furthermore, SMCCD  
13 has refused or failed to allow her authorized written representative, Stephen E. Drury, Sr., to  
14 physically inspect said original records and files at SMCCD.  
15

16 **11.** On or about August 1, 2006, Plaintiff/Petitioner Des Manttari, caused to be served,  
17 via certified mail return receipt requested (7006 0810 0001 8660 8559), a written request for  
18 inspection and copies of ninety-three (93) distinct public records to the attention of SMCCD  
19 President Chui L. Tsang. At that time, a public employee of SMCCD, accepted and signed  
20 for said documents. A true and correct copy of the certified mail receipts and acceptance is  
21 attached hereto as “**Exhibit 1**” and made a part herein. A true and correct copy of the 93  
22 public records requests, (entitled, “Sixth Written CRPA Request”) are attached hereto as  
23 “**Exhibit 2**” and made a part herein.  
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28 **VERIFIED COMPLAINT AND PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF AND**  
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1 12. Plaintiff/Petitioner Des Manttari's August 1, 2006 request reasonably described the  
2 aforementioned public records and was made in accordance with SMCCD'S Board of  
3 Trustees Policy, Article 2100 Administrative Operations, BP 2175 District Records.  
4 Defendants/Respondent SMCCD has maintained these records at their office in Santa  
5 Monica, CA. The information contained in the aforementioned records is not personal or  
6 confidential.  
7

8 13. To date, Defendants/Respondents have not yet complied with Plaintiff/Petitioner's  
9 August 1, 2006 request for either inspection or copies of records. To date,  
10 Defendants/Respondents have made no written objections to disclosure or have maintained  
11 any privilege to said records.  
12

13 14. At all relevant times, Plaintiff/Petitioner is informed and believes and thereon alleges  
14 that Defendants/Respondents were aware of all current contact information for  
15 Plaintiff/Petitioner, including email address and mailing address. Despite this knowledge,  
16 Defendants/Respondents have not contacted Plaintiff/Petitioner regarding this recent public  
17 records request, despite almost one month with which to comply.  
18

19 15. For approximately one year, as previously alleged, Plaintiff/Petitioner has attempted  
20 to exhaust administrative remedies to force SMCCD to comply with the CPRA all to little or  
21 no avail. Based on Defendants/Respondents' previous delaying tactics, stonewalling, and  
22 retaliation in regards to previous public records requests, Plaintiff/Petitioner is informed and  
23 believes and thereon alleges that there is no other alternative but to seek immediate court  
24 intervention in this matter.  
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1 16. Plaintiff/Petitioner was, and is, at all times mentioned, ready to tender fees and costs  
2 for locating, duplicating and reviewing the documents and information requested.

3 **IV. FIRST CAUSE OF ACTION**

4 **Writ of Mandate**

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6 17. Plaintiff/Petitioner incorporate paragraphs 1 through 15, inclusive, as if fully set forth  
7 herein.

8 18. 74. Plaintiff/Petitioner has a clear, present and beneficial interest in  
9 Defendants/Respondents' compliance with the Public Records Act, GOV. § 6250 et. seq.,  
10 enforceable through this action under GOV. §§ 6258 and 6259. Plaintiffs/Petitioners have no  
11 other plain, speedy or adequate remedy in the normal course of law. As a result of  
12 Defendants/Respondents' refusal to release the aforementioned public records, the  
13 Plaintiff/Petitioner sustained and will continue to be denied access to information regarding  
14 matters of fundamental public interest concerning the public's business at Santa Monica  
15 Community College District.

16  
17 19. By the acts set forth the Plaintiff/Petitioner has exhausted her administrative remedies  
18 in this matter, and has fulfilled all preconditions to filing this Verified Complaint and  
19 Petition.

20 20. Defendants/Respondents have a clear, present and ministerial duty to provide copies  
21 of the requested public records. Failure to do so is an abuse of discretion correctable by  
22 issuance of a writ of mandate from this Court or, in the alternative, by issuance of an order  
23 from this Court granting Plaintiff/Petitioner's request for injunctive relief.  
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1 Defendants/Respondents have abused their discretion in responding to the  
2 Plaintiff/Petitioner's Public Records Act request by failing to promptly provide copies of the  
3 public records as specified in GOV. § 6252.  
4

5 **V. SECOND CAUSE OF ACTION**

6 **Declaratory Relief**

7 21. Plaintiff/Petitioner hereby incorporates paragraphs 1 through 20 inclusive, as if fully  
8 set forth herein.  
9

10 22. An actual controversy exists between the Plaintiff/Petitioner and  
11 Defendants/Respondents in that the Plaintiff/Petitioner contends that the documents  
12 requested are public records, which must be promptly released to the Plaintiff/Petitioner.  
13 Defendants/Respondents have repeatedly ignored the Plaintiff/Petitioner's Public Records  
14 Act requests for access to these public documents. Therefore, the Plaintiff/Petitioner and the  
15 public are, and will continue to be, unable to obtain access to the public records sought due  
16 to Defendants'/Respondents' acts. Accordingly, the Plaintiff/Petitioner is entitled to an order  
17 pursuant to GOV. § 6258 declaring the records sought are subject to disclosure pursuant to  
18 the Public Records Act.  
19  
20

21 23. The Plaintiff/Petitioner alleges that the access to copies of the documents sought from  
22 Santa Monica Community College District is of substantial interest and benefit to the public.  
23 The Plaintiff/Petitioner further allege that she is, therefore, entitled to recover any attorneys'  
24 fees and other litigation costs, pursuant to GOV. § 6259.  
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1 WHEREFORE, Plaintiff/Petitioner prays for judgment against Defendants/Respondents, and  
2 each of them as follows:

- 3 1. An Order requiring Defendants/Respondents to show cause, if any, why they should  
4 not be enjoined as hereinafter set forth during the pendency of this action;
- 5 2. A temporary, preliminary and permanent injunction compelling  
6 Defendants/Respondents, and each of them and their agents, servants, and employees,  
7 and all persons acting under, in concert with, or for defendants to provide  
8 Plaintiff/Petitioner with copies of the aforementioned records on payment of a fee  
9 covering the costs to SMCCD of providing such copies;
- 10 3. Alternatively, that this Court issue an alternative writ of mandate commanding  
11 Defendants/Respondents to provide copies of the aforementioned records requested  
12 by the Plaintiff/Petitioner, or to show cause before this Court at a time specified by  
13 Court order why it should not be done and why a peremptory writ should not issue;
- 14 4. On the return of the alternative writ and hearing on the order to show cause, a  
15 peremptory writ of mandate should issue under seal of this Court compelling  
16 SMCCD to immediately provide inspection and copies to all public records sought by  
17 the Plaintiff/Petitioner;
- 18 5. For a declaration that the aforementioned records are subject to disclosure under the  
19 Public Records Act [GOV. § 6253] and that disclosure is not prohibited under the  
20 public interest exemption [GOV. § 6255];

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- 6. For attorneys' fees and costs in this action according to proof pursuant to GOV. § 6259;
- 7. That this Court grants such other relief as may be just and proper.

Dated: August 30, 2006

BY:

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DES MANTTARI, Plaintiff, in Pro Per

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

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**VERIFICATION**

I verify under penalty of perjury that the facts alleged in the foregoing complaint are true and correct to the best of my information, knowledge and/or belief.

Dated: August 30, 2006                      BY:

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DES MANTTARI, Plaintiff, in Pro Per