

Samuel A. Perroni
 424 West 4th Street
 Suite A
 North Little Rock, AR 72114
 (501) 374-2818
sperroni.perronilaw@gmail.com

CONFORMED COPY
 ORIGINAL FILED
 Superior Court of California
 County of Los Angeles

OCT 16 2017

Shawn R. Carter, Executive Officer/Clerk
 By: Glorietta Robinson, Deputy

Pro Per for Petitioner SAMUEL A. PERRONI

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BS171171

SAMUEL A. PERRONI,)
)
 Petitioner)
)
 vs.)
)
 LOS ANGELES COUNTY)
 THROUGH THE BOARD OF)
 SUPERVISORS, AS)
 THE GOVERNING BODY OF)
 LOS ANGELES COUNTY)
)
 Respondent.)
)
)
)
)
)

Case No.

**VERIFIED PETITION FOR WRIT
 OF MANDATE DIRECTED TO LOS
 ANGELES COUNTY THROUGH
 THE BOARD OF SUPERVISORS,
 AS THE GOVERNING BODY OF
 THE COUNTY OF LOS ANGELES
 ORDERING COMPLIANCE WITH
 THE CALIFORNIA PUBLIC
 RECORDS ACT**

[Cal. Gov't Code §§ 6250 *et seq.*]

Pursuant to California Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act, California Government Code §§ 6250 *et seq.*, Petitioner, Samuel A. Perroni (hereinafter "Petitioner"), hereby petitions this Court for a Writ of Mandate directed to Respondent Los Angeles County through the Board of Supervisors, as the governing body of the

County of Los Angeles (hereinafter “Respondent County”) commanding it to comply with the California Public Records Act (“CPRA”). By this Petition, Samuel A. Perroni alleges:

1. Petitioner is a retired Arkansas trial lawyer. Among other things, at all times relevant to the Petition, Petitioner has been and was engaged in the gathering and researching of public records, including information from state and local California government agencies and departments, concerning Dr. Thomas Noguchi.

2. Respondent County is a local government county organized and operating in the State of California and the Board of Supervisors is its governing body. As such, Respondent County is a “public agency” within the scope of the CPRA, and may be compelled to release improperly withheld public records. See, Gov. Code §§ 6252(d); 6259(a) and (b).

3. In January 2017, Petitioner’s research consultant, Kevin Brechner, made a request of the Executive Office of the County Board of Supervisors for certain Coroner related public records concerning Dr. Thomas Noguchi, who was the Los Angeles County Coroner from 1967 to 1982. Mr. Brechner was specifically seeking, among other things, Board letters, memos, and correspondence to, from, and about the demotion of Dr. Noguchi in 1982. The Noguchi case was appealed to the Civil Service Commission and eventually the Court of Appeals. In particular, Mr. Brechner was attempting to find confirmed correspondence from actor-singer Frank Sinatra and Dana Andrews and the Director of the National Council on Alcoholism. Those specific letters were referred to directly in the records Mr. Brechner reviewed about the Noguchi case by the acting attorney for Dr. Noguchi, in a memo written by Michael A. (“LNU”), suspected to be Mike Antonovich, and in correspondence from Mr. and Mrs. Raymond Diaz. The letters were also referred to in newspaper reports, including an article from United Press International that said Board of Supervisors had made the Sinatra letter available to the press. At

the time, Supervisor Mike Antonovich was supervising the Coroner's Office. Mr. Antonovich apparently left his position with Los Angeles County in 2016. Confirmation of Mr. Brechner's attempts to secure the public records in question is reflected in the attached email exchange between Mr. Brechner and Bruce Crouchet, of the Executive Office Customer Service Center. (Attached hereto as Exhibit "A" and incorporated herein as if set forth word for word.)

4. On February 23, 2017, Petitioner sent correspondence to Katherine Barger, Supervisor with the Los Angeles County Board of Supervisors. (Attached hereto as Exhibit "B" and incorporated herein as if set forth word for word.) In that correspondence, Petitioner pointed out how he had spent a great deal of time and expense attempting to find the specific letters referred to in Paragraph 3 above. Petitioner also pointed out that in conversations with Mr. Brechner, a clerk with the Los Angeles County Board of Supervisors Executive Office told him she had spoken directly with Mr. Antonovich and Mr. Antonovich acknowledged being in possession of at least one of the records, *i.e.*, the Sinatra letter. The Los Angeles County Board of Supervisors did not dispute the fact that Mr. Antonovich communicated with the Executive Office and acknowledged possession of one of the public records. To impress upon the Los Angeles County Board of Supervisors as to the seriousness of the search, Petitioner made a specific Public Records Act request for "copies of the Sinatra, Andrews, and any other letters from the public who wrote about Dr. Noguchi and his work at the Coroner's Office in 1981 and 1982, including any such letters and documents that were part of Dr. Noguchi's file which may now be in the possession of Mr. Antonovich." As noted, a copy of the February 23, 2107 letter was also sent via certified mail return receipt requested to Mr. Antonovich at his current residence in Glendale, California.

5. On March 24, 2107, Petitioner received an email from Norayr Zurabyan, Deputy County Counsel, Board Liaison Division, of the County of Los Angeles. (Attached hereto as Exhibit "C" and incorporated herein as if set forth word for word.) In the attached correspondence, Ms. Zurabyan took the position that the Executive Office had fully complied with its obligations under the CPRA because the "Executive Office [did] not have actual or constructive possession of the records [Petitioner is] seeking" (Exhibit "C," pg. 2, paragraph 3). Ms. Zurabyan also took the position that "Mr. Antonovich is not an officer of the County as he no longer serves on the Board. As such, the Executive Office has no right to control records allegedly held by Mr. Antonovich, a former Board member." (Exhibit "C," pg. 2, paragraph 3). Finally, Ms. Zurabyan stated that because the Public Information Officer of the Executive Office of the Los Angeles County Board of Supervisors referred Petitioner to another county entity, *i.e.*, the Los Angeles County Coroner's Office, "that might possess the records at issue," the Executive Office "had fully complied with its obligations under the CPRA." The correspondence from Ms. Zurabyan reflects that the letter was "Approved and Released" by the Chief Deputy Counsel of Los Angeles County, Lawrence L. Hafetz.

6. On March 27, 2017, Petitioner sent correspondence to Ms. Zurabyan, (attached hereto as Exhibit "D" and incorporated herein as if set forth word for word) which pointed out the fact that the County Board of Supervisors had "**actual** possession of the letters in question when they became public records until they were apparently misappropriated by one of the County's previous Board members, Mike Antonovich." Moreover, Petitioner pointed out that under case law interpreting the CPRA the County had a duty to collect any public records that were in its possession when they became public records that were later misappropriated by County employees. In addition, Petitioner pointed out other duties the County had in the matter

relating to Petitioner's CPRA request, including the duty to take all reasonable and necessary steps to retrieve public records that were in possession of the agency and subsequently taken by an agent of that agency. Finally, Petitioner pointed out that a department of a local agency could not shed its duties under the CPRA by saying another department within that same agency "may" be able to help out. To make things clear, Petitioner made a third California Public Records Act request to the County and Board of Supervisors for the records previously identified. (Exhibit "D," paragraphs 2 and 3, page 2.) A copy of the letter was also sent to Mr. Jeff Levinson, Public Information Officer and to Mr. Antonovich by certified mail return receipt requested.

7. On March 29, 2017, Mr. Brechner, as Petitioner's research consultant, made a request of Mr. Edward Winter, Public Information Officer of the Los Angeles County Medical Examiner-Coroner's Office. That correspondence is attached hereto as Exhibit "E" and incorporated herein as if set forth word for word. In that correspondence, Mr. Brechner pointed out what public records he was seeking because the County Board of Supervisors told him that the Medical Examiner-Coroner's Office "might have them." (Exhibit "E", paragraph 2). Mr. Brechner went on to couch his correspondence to the Los Angeles County Medical Examiner-Coroner's Office as a CPRA request. Prior to Mr. Brechner's March 29, 2017 letter, an email was received from Mr. Levinson which stated the following:

Good evening Mr. Perroni and Mr. Brechner:
As you mentioned in your letter, Mr. Crouchet (see attached) did, in fact, provide all the information our office has regarding this subject; and as a courtesy, your information was sent to former Supervisor Antonovich.
If you feel that the Department of Medical Examiner-Coroner can be of assistance, you can reach out to them directly: Ed Winter, Assistant Chief Investigations Division [contact information omitted].
Please let me know if we can be of further assistance.
Thanks.

A copy of the email is attached hereto as Exhibit “F” and incorporated herein as if set forth word for word.

8. On April 6, 2017, Petitioner received correspondence in response to his March 27, 2017 letter to Ms. Zurabyan. (Attached hereto as Exhibit “G” and incorporated herein as if set forth word for word.) In that correspondence, Ms. Zurabyan stated:

Please note that the County is extending the time to respond to your March 27, 2017 letter by fourteen days due to the existence of unusual circumstances under Section 6253(c). Specifically, the County Counsel’s office needs to collect and review potential responsive records held by another County department, the Department of Medical Examiner-Coroner. Hence, we expect to provide you with a determination on or before April 20, 2017 as to whether or not the Department of Medical Examiner-Coroner is able to identify any disclosable public records. Please note that the County reserves its right to assert all applicable privileges/doctrines and exemptions. (Exhibit H, pg. 2, paragraph 1)

On April 20, 2017, Ms. Zurabyan sent additional correspondence. (Attached hereto as Exhibit “H” and incorporated herein as if set forth word for word.) In that correspondence, Ms. Zurabyan stated:

The Department of Medical Examiner-Coroner has now completed its search, and there are no records responsive to your request in the possession of the Department of Medical Examiner-Coroner. In sum, because the Executive Office and the Department of Medical Examiner-Coroner have no actual constructive possession of the records you are seeking, the County has fully complied with its obligations under the CPRA. Also note that the County reserves its right to assert all applicable privileges/doctrines and exemptions.

Because Mr. Brechner had not received a response from the Medical Examiner-Coroner’s Office to his Public Records Act request, he sent a second request on May 9, 2017. (Attached hereto as Exhibit “J” and incorporated herein as if set forth word for word.) Nearly a month later, Vanessa Gastelum, Acting Chief, Public Services of the County of Los Angeles Department of Medical

Examiner-Coroner responded to Mr. Brechner stating, “[d]espite a reasonable and diligent search of its records, the Coroner has been unable to locate records responsive to your request.” The correspondence is attached hereto as Exhibit “I,” and incorporated herein as if set forth word for word.

CPRA VIOLATIONS

9. Among other provisions of the CPRA, Respondents have violated Cal. Gov. Code § 6253 which provides, in pertinent part, “except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes and identify the record or records, shall make the records promptly available to any person....” Nearly four (4) months have passed since Petitioner made his final request for the records sought in this petition and Respondent has failed to respond as required by law. In addition, Respondent County has violated Cal. Gov. Code § 6253 by unjustifiably refusing to disclose clearly disclosable documents without any legitimate lawful basis.

10. Respondent County has also violated Cal. Gov. Code § 6255(a) which provides, in pertinent part, that the County has a duty to make a reasonable effort to retrieve public records that were misappropriated by its agent, when they know exactly who misappropriated them and under Cal. Gov. Code §6253.1 has a duty to assist Petitioner in obtaining public records.

11. Cal. Gov. Code §§ 6259(a) and (b) gives the Court the authority to compel Respondent County to retrieve and release the requested documents.

THEREFORE, Petitioner requests that:

1. This Court issue a preemptory Writ of Mandate, without a hearing or further notice, immediately directing Respondent County to retrieve and disclose to Petitioner the

records in question or, in the alternative, this Court issue an order to Show Cause why the records should not be retrieved and disclosed forthwith;

2. This Court issue a Writ of Mandate directing Respondent to retrieve and disclose the items requested in Petitioner's CPRA requests; or any reasonably segregable portion of the items requested that the Court determines should have been disclosed; or, in the alternative, this Court issue an order to Show Cause why the requested items should not be retrieved and disclosed forthwith;

3. This Court set forth "times for responsive pleadings and for a hearing in these proceedings...with the object of securing a decision as to these matters at the earliest possible time," as provided in Cal. Gov. Code § 6258.

4. This Court enter an Order granting Petitioner reasonable attorneys' fees and costs in bringing this action pursuant to Cal. Gov. Code § 6259; and

5. This Court grant such further relief as is just and proper under the law and facts of this case.

DATED: September 11, 2017

Samuel A. Perroni, Petitioner
424 West 4th Street, Suite A
North Little Rock, AR 72114
Telephone (501) 374-2818
Fax: (501) 353-0517
sperroni.perronilaw@gmail.com

By:


Samuel A. Perroni
Pro Per Petitioner

From: Crouchet, Bruce
Sent: Friday, January 27, 2017 8:39 AM
To: 'Time River Productions'
Subject: RE: Noguchi Case files

Good morning, Mr. Brechner.

We only have four boxes of coroner-related documentation (the only extant coroner documentation from that time period) stored at our offsite archive facility and, just to be thorough, I retrieved all four of them. Only one box contained the responsive documentation in which you were interested, those items compiled into a single file entitled *Dr. Noguchi Case*. I scanned and e-mailed to you the entirety of that file, thus you are now in possession of everything that we have regarding the incident in question.

In those days, all Board letters, memos, correspondences, etc., relating to the same specific incident were usually assembled into an all-encompassing file. As you saw, there were a number of letters sent to the Board regarding Dr. Noguchi, but, unfortunately, I have no way of knowing why the letters from Mr. Sinatra and Mr. Andrews are not among them since, in theory, they should have been included in that file along with all the other written correspondence.

As always, sir, should you have any further questions or comments, please feel free to contact me at your leisure.

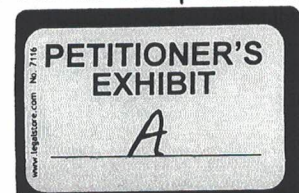
Bruce Crouchet
 Executive Office Customer service Center – Records
bcrouchet@bos.lacounty.gov
 213.974.1424

From: Time River Productions [<mailto:timerivr@aol.com>]
Sent: Friday, January 27, 2017 6:38 AM
To: Crouchet, Bruce
Subject: Re: Noguchi Case files

Hi, Bruce,

Thanks very much for the four email letters containing file materials from the Thomas Noguchi case. They were helpful and included many items related to the case and related to the letters I am trying to locate. I really appreciate how much work you did and how quickly you found the materials. You said you would have them by Thursday and you came through on your promise.

What I am primarily trying to find is the letter that was hand delivered to the Board from actor-singer Frank Sinatra. It is referred to directly in the materials you sent me in NOGUCHI CASE 3 of 4, in the letter on pages 17 and 18, written by attorney Godfrey Isaac. It is also mentioned indirectly in the letters you sent in NOGUCHI CASE 4 of 4 written by Michael A. ? on page 10, by Mr. & Mrs. Raymond Diaz on page 14, and by Karen Lawrence on page 17. I have seen newspaper reports that have mentioned the Sinatra letter and am attaching one that quotes from it. I have another newspaper article from United Press International (UPI) that says the Board of Supervisors made the Sinatra letter available to the press. If it is in your archives, I would like to see it. It may have been sent temporarily to the D.A. Van de Camp's office, but my understanding is Van de Camp sent all



those files back to the Board. Supervisor Antonovich was supervising the Coroner's Office, so he may have had physical control of the letter. My guess is he presented it to the Board in December 1981 or January 82, which was earlier than most of the materials you sent.

Attorney Isaac also mentions in the email you sent in NOGUCHI CASE 3 of 4, letters written by actor Dana Andrews and by the Director of the National Council on Alcohol., which Attorney Isaac said was attached to his letter, but I did not see those letters in the materials you sent. I think the Dana Andrews letter was included with another letter from the Screen Actors Guild. It would be very helpful to see those also. So many people have mentioned these letters that I think they had a significant influence on everyone connected with the case.

Thank you very much for your time, Bruce. I appreciate your help.

Sincerely,
Kevin

Kevin Cloud Brechner
Box 70615 Pasadena, CA 91117
(626) 304-0080
timerivr@aol.com

-----Original Message-----

From: Crouchet, Bruce <BCrouchet@bos.lacounty.gov>

To: timerivr <timerivr@aol.com>

Sent: Thu, Jan 26, 2017 9:30 am

Subject: Emailing: NOGUCHI CASE 4 of 4

Save this receipt in
your address book
for future reference
www.legaltor.com
No. 7116
www.legaltor.com

SAMUEL A. PERRONI, P.A.

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(501) 374-2818

Samuel A. Perroni, Esq.
sperroni.perronilaw@gmail.com

Summer L. Pruett, Assista
summer.perronilaw@gmail.co

February 23, 2017

Kathryn Barger, Supervisor
Los Angeles County Board of Supervisors
500 West Temple Street, Room 869
Los Angeles, CA 90012

RE: California Public Records Act Request

Dear Ms. Barger:

For the past several weeks, Kevin Brechner, a contract researcher of mine, has been working with your office concerning certain public records I am seeking relating to the 1981 civil service proceeding involving Dr. Thomas T. Noguchi.

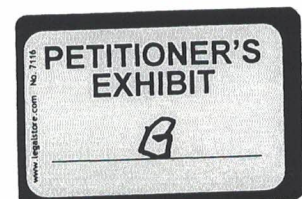
Bruce Crouchet in Records Management, along with Veronica and another of your clerks, Susie, have been very helpful, but we have come to an impasse. In particular, we have spent a great deal of time and expense attempting to find letters that were a part of the Noguchi files from Frank Sinatra, Dana Andrews, and others.

We have obtained thousands of public records relating to Dr. Noguchi, and the above records are missing from the files. Your staff has even looked through many records in long-term storage attempting to find the missing records

However, we recently found out, by talking with clerks in your office (one who had spoken directly with Mr. Antonovich), that Mr. Antonovich was in possession of at least one of the records – and perhaps all of them.

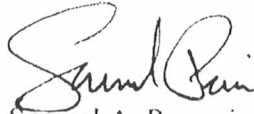
Your office was very kind to communicate with Mr. Antonovich, but to date we have heard nothing from him.

So that you and Mr. Antonovich are impressed by the seriousness of this request, I am hereby formally making a request pursuant to Section 6253(a) of the California Public Records Act for copies of the Sinatra, Andrews, and any other letters of the public who wrote about Dr. Noguchi and his work at the Coroner's office in 1981 and 1982, including any such letters and documents that were part of Dr. Noguchi's file which may now be in the possession of Mr. Antonovich.



Thank you very much for your attention to this matter. Under § 6253(c) of the California Public Records Act, you and Mr. Antonovich, have 10 days within which to respond to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Perroni". The signature is fluid and cursive, with the first name "Samuel" and last name "Perroni" clearly distinguishable.

Samuel A. Perroni

cc: Mike Antonovich
2053 Rimcrest Drive
Glendale, CA 91207-1045

Kevin Brechner
Time River Laboratory
P.O. Box 70615
Pasadena, CA 91117

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kathryn Barger, Supervisor
 LA County Board of Supervisors
 500 West Temple St, Room 869
 LA CA 90012



9590 9402 2562 6306 2856 74

2. Article Number (Transfer from service label)

7015 0920 0000 7262 8061

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

[Handwritten Name]

C. Date of Delivery

[Handwritten Date]

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Required
- Signature Restricted Delivery

- Priority Mail
- Registered Mail
- Registered Mail Delivery
- Return Receipt for Merchandise
- Signature Required
- Signature Restricted Delivery

Domestic



United States Postal Service

Sender: Please print your name and address

Samuel
 424 W.
 Suite
 NLR
 AR



COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Mike Antonovich
 B. Received by (Printed Name) C. Date of Delivery
M. Antonovich *2.27.17*
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mike Antonovich
2053 Rimcrest Drive
Glendale CA 91207



9590 9402 2562 6306 2856 81

Article Number (Transfer from service label)

7015 0920 000 7262 8054

PS Form 3811, July 2015 PSN 7530-02-000-9053

3. Service Type
- Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery Restricted Delivery
 - Collect on Delivery Restricted Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

From: Samuel Perroni
Sent: Thursday, August 31, 2017 4:21 PM
To: Samuel Perroni
Subject: Fwd: Public Records Act Request

----- Forwarded message -----

From: Norayr Zurabyan <NZurabyan@counsel.lacounty.gov>
Date: Fri, Mar 24, 2017 at 12:54 PM
Subject: Public Records Act Request
To: sperroni.perronilaw@gmail.com <sperroni.perronilaw@gmail.com>

Dear Mr. Perroni,

Please see attached the Los Angeles County's response to your Public Records Act Request.

Thank you very much.

Sincerely,

Norayr (Noro) Zurabyan

Board Liaison Division

Office of the Los Angeles County Counsel

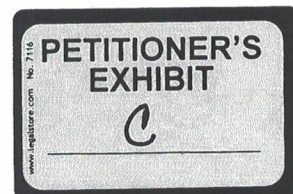
648 Kenneth Hahn Hall of Administration

500 West Temple Street

Los Angeles, California 90012

Office: (213) 974-1796

Fax: (213) 680-2165





COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

March 24, 2017

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FACSIMILE
(213) 617-7182
TDD
(213) 633-0901
E-MAIL
NZurabyan@counsel.lacounty.gov

VIA E-MAIL

Samuel A. Perroni, P.A.
424 West 4th Street, Suite A
North Little Rock, AR 72114
sperroni.perronilaw@gmail.com

Re: Public Records Act Request

Dear Mr. Perroni:

This letter is in response to your February 23 and March 14, 2017, California Public Records Act (CPRA) requests, California Government Code sections 6250-6276.48. In your letters, you requested,

copies of the Sinatra, Andrews, and any other letters of the public who wrote about Dr. Noguchi and his work at the Coroner's office in 1981 and 1982, including any such letters and documents that were part of Dr. Noguchi's file which may now be in the possession of Mr. Antonovich.

In response to your February 23, 2017 letter, the Public Information Officer (PIO) of the Executive Office of the Los Angeles County (County) Board of Supervisors (Board) sent you an e-mail on March 2, 2017, confirming that the Executive Office had provided you with all of the responsive records in its possession regarding your request. In addition, consistent with his obligations, the PIO referred you to the Department of Medical Examiner-Coroner, by providing the contact information of the person who might be of assistance to you at the Department of Medical Examiner-Coroner.

Nonetheless, on March 14, 2017, you sent another letter addressed to the PIO, seeking the same records, as noted above, and threatening to file a lawsuit against the Executive Office of the Board.

As explained below, the Executive Office has fully complied with its obligations under the CPRA.

HOA.101571212.1

Samuel A. Perroni
March 24, 2017

Page 2

CPRA establishes a rudimentary rule requiring disclosure of public records when requested. *City of San Jose v. Superior Court*, 214 Cal. Rptr. 3d 274, 279 (2017). CPRA defines the term "public records" to include "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Cal. Gov't Code § 6252(e). Under that definition, a public records has four aspects. "It is (1) a writing, (2) with content relating to the conduct of the public's business, which is (3) prepared by, or (4) owned, used, or retained by any state or local agency." *City of San Jose*, 214 Cal. Rptr. 3d at 280.

It is undisputed that the term "local agency" includes individual officials and staff members who conduct the agencies' affairs because a governmental entity can act only through its individual officials and employees. *Id.* at 283. That is, a disembodied governmental agency cannot prepare, own, use, or retain any record. "Only the human beings who serve in agencies can do these things. When employees are conducting agency business, they are working for the agency and on its behalf." *Id.* It is also true that "public records can be held by individual officials and need not belong to an agency as a whole." *Id.* at 284. California courts have concluded that records related to the conduct of public business are subject to disclosure "if they are in an agency's actual or constructive possession." *Id.* (emphasis in original). "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." *Consol. Irr. Dist. v. Superior Court*, 205 Cal. App. 4th 697, 710 (2012). For example, in *Consolidated Irrigation*, a city did not have constructive possession of documents in files maintained by subcontractors because the city had no contractual right to control the subconsultants or their files. *Id.* at 711. Note that "[a]n agency's actual or constructive possession of records is relevant in determining whether it has an obligation to search for, collect, and disclose the material requested." *City of San Jose*, 214 Cal. Rptr. 3d at 285.

Here, the Executive Office does not have actual or constructive possession of records you are seeking. Specifically, as you acknowledge in your February 23, 2017 letter to Supervisor Barger, the subject records are not in the Executive Office's possession. To the extent that you believe that the subject records might be in the possession of the Department of Medical Examiner-Coroner, the PIO of the Executive Office, in his March 2, 2017 e-mail to you, provided you with the contact information of the person handling CPRA requests in that department. In addition, to the extent that you are alleging that Mr. Antonovich is "in possession of at least one of the records – and perhaps all of them," please note that Mr. Antonovich is not an officer of the County as he no longer serves on the Board. As such, the Executive Office has no right to control records allegedly held by Mr. Antonovich, a former Board member.


Samuel A. Perroni
March 24, 2017

Page 3

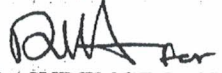
In sum, because the Executive Office has no actual or constructive possession of the records you are seeking and because the PIO appropriately referred you to another County entity that might possess the records at issue, the Executive Office has fully complied with its obligations under the CPRA. Also note that the County reserves its right to assert all applicable privileges/doctrines and exemptions.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 
NORAYR ZURABYAN
Deputy County Counsel
Board Liaison Division

APPROVED AND RELEASED:


LAWRENCE L. HAFETZ
Chief Deputy

NZ/



Summer Pruett <summer.perronilaw@gmail.com>

Perroni Public Records Act Request

1 message

Summer Pruett <summer.perronilaw@gmail.com>
To: nzurabyan@counsel.lacounty.gov
Cc: jlevinson@bos.lacounty.gov
Bcc: "Samuel A. Perroni" <sperroni1@hotmail.com>

Mon, Mar 27, 2017 at 4:50 PM

Ms. Zurabyan,


Please see attached letter from Mr. Samuel A. Perroni.

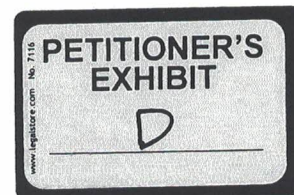
Thank you,

--

Summer Pruett

Samuel A. Perroni, P.A.
424 W. 4th Street, Suite A
North Little Rock, AR 72114
Tel: (501) 374-2818
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SAMUEL A. PERRONI, P.A.

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Samuel A. Perroni, Esq.
sperroni.perronilaw@gmail.com

Summer L. Pruett, Assistant
summer.perronilaw@gmail.com

March 27, 2017

VIA ELECTRONIC MAIL TO NZURABYAN@COUNSEL.LACOUNTY.GOV

Ms. Norayr Zurabyan,
Deputy County Council
Board Liaison Division
County of Los Angeles Office of the County Counsel
648 Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012-2713

RE: Public Records Act Request to the Los Angeles County Board of Supervisors/County

Dear Ms. Zurabyan:

Thank you very much for responding to my multiple requests to the County Board of Supervisors. At least you were courteous enough to provide a response.

I also appreciate your thoughtful legal analysis. However, your analysis omits a very important fact. That fact is that the County Board of Supervisors had **actual** possession of the letters in questions when they became public records until they were apparently stolen by one of your previous board members, Mike Antonovich.

Furthermore, there is absolutely no doubt that Mr. Antonovich told one of the employees of the County Board of Supervisors that he was in possession of at least one of letters I requested. As a consequence, the case you primarily rely upon, *i.e.*, *City of San Jose v. Superior Court*, 214 Cal. Rptr. 3d 274, 279 (2017), does indeed answer the ultimate issue in this matter. That issue is whether the County has a duty to "collect" public records that were in its possession when they became public records that were later taken by a previous County Board member (who was, without a doubt, an agent of the County Board of Supervisors at the time the records became public records). The answer is obvious under the CPRA.

Under Gov. Code § 6255(a), the County Board of Supervisors has a duty to make a reasonable effort to retrieve public records that were taken by their agent, particularly where they know exactly who took them. Also, the CPRA provides that an agency has a duty to do all it can to identify disclosable records, including assisting the requester in obtaining them. Gov. Code §6253.1 and *Community Youth Athletic Center v. City of National City* (2013) 20 Cal. App. 4th

1385, 1417. Finally, an agency's deliberate unwillingness to locate the records has the same effect as withholding requested information from the public. *Community Youth Athletic Center, supra at p. 1425.*

Those duties would clearly extend to taking the necessary steps to retrieve public records that were in the possession of the agency and were later taken by an agent of that local agency. The test is not whether public records are in the possession of an agency when requested. The test is whether they were public records when received and are in the agency's constructive possession when requested. See, *Community Youth Athletic Center, supra; Bernardi v County of Monterey(2008), 167 Cal. App. 4th 1379 (County ordered to produce public records kept "off-site" with consultants); City of San Jose, supra.* If this were not the case, a public agency could let its employees and agents take public records with them when they retire and then claim they no longer had possession of them. I'm confident a Superior Court Judge would hold that was impermissible and in violation of the Act.

Furthermore, an agency cannot shed its duties under the CPRA by saying another department within the agency "may" be able to help out. We both know that both the Coroner's office and the Board of Supervisors are departments of the County. So, by a copy of this letter, I am making a third California Public Records Act request to the County and Board of Supervisors for the following:

Copies of letters written by Frank Sinatra, Dana Andrews, and any other members of the public, who wrote letters to the County Board of Supervisors about Dr. Thomas Noguchi work at the Coroner's Office between 1980 and 1982, including any such letters and documents that were part of the County Board of Supervisors file which are now in the possession of Mike Antonovich.

Instead of writing me saying the Board doesn't have possession of the records when they know where they are, I would suggest that you write Mike Antonovich and tell him to return what he has.

Thank you very much for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel A. Perroni". The signature is fluid and cursive, with the first name being the most prominent.

Samuel A. Perroni

cc: VIA CERTIFIED MAIL
Mike Antonovich
2053 Rimcrest Drive
Glendale, CA 91207-1045

VIA ELECTRONIC MAIL TO JLEVINSON@BOS.LACOUNTY.GOV
Mr. Jeff Levinson, Public Information Officer
Executive Office of the Board of Supervisors
500 West Temple Street, Room 869
Los Angeles, CA 90012

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mike Antonovich
2053 Rimercrest Drive
Glendale CA 91207-1045



9590 9402 1683 6053 4001 10

2. Article Number (TrackMail® or Registered Mail®)

7016 2710 0000 0283 2009

PS Form 3811 July 2015 PSN 7558-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent

B. Addressee Addressee

C. Date of Delivery
M. Antonovich 3-31-17

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Domestic

Copy
1/20/17



TM
March 29, 2017

Edward Winter
Public Information Officer
Los Angeles County Medical Examiner-Coroner's Office
1104 N. Mission Road
Los Angeles, CA 90033

RE: Records relating to Thomas T. Noguchi, M.D./
California Public Records Act Request

Dear Mr. Winter:

I have submitted multiple requests to the County Board of Supervisors for certain letters that were written concerning Dr. Thomas T. Noguchi's performance as Medical Examiner-Coroner between 1980 and 1982. In particular, I am looking for letters written by Frank Sinatra, Dana Andrews, The National Board on Alcohol, and any other citizens or groups who wrote to the Medical Examiner-Coroner's Office or County Board of Supervisors concerning Dr. Noguchi.

While a previous Board of Supervisors member, Michael D. Antonovich, has confirmed to the County Board of Supervisors that he took certain letters from their files, the County Board of Supervisors has taken the position that they are no longer in "possession" of them. In addition, they have told me twice that I should make my request to you because you "might" have them.

Accordingly, as a citizen of California, I am hereby making a California Public Records Act request for any and all citizen and organizational letters that were written concerning Dr. Thomas Noguchi's performance as Medical Examiner-Coroner during the period 1980 through 1982, specifically, but not exclusive, letters written by Frank Sinatra, Dana Andrews, and the National Board on Alcohol.

Thank you very much for your attention to this matter and I will look forward to hearing from you as provided in the California Public Records Act.

Sincerely,

Kevin Cloud Brechner



From: Samuel Perroni
Sent: Thursday, August 31, 2017 4:25 PM
To: Samuel Perroni
Subject: Fwd: California Public Records Act Request - Mike Antonovich

----- Forwarded message -----

From: Levinson, Jeff <JLevinson@bos.lacounty.gov>
Date: Thu, Mar 2, 2017 at 7:26 PM
Subject: California Public Records Act Request - Mike Antonovich
To: sperroni.perronilaw@gmail.com <sperroni.perronilaw@gmail.com>, timerivr@aol.com <timerivr@aol.com>
CC: Levon, Lev <LLevon@bos.lacounty.gov>

Good Evening Mr. Perroni and Mr. Brechner:

As you mentioned in your letter, Mr. Crouchet (see attached) did, in fact, provide all the information our office has regarding this subject; and as a courtesy, your information was sent to former Supervisor Antonovich.

If you feel that the Department of Medical Examiner-Coroner can be of assistance, you can reach out to them directly:

Ed Winter, Assistant Chief Investigations Division

Phone: [\(323\) 343-0783](tel:(323)343-0783) / 0788 Fax: [\(323\) 224-3920](tel:(323)224-3920)

[EDL-DOC MEDIA-PIO@coroner.lacounty.gov](mailto:EDL-DOC_MEDIA-PIO@coroner.lacounty.gov)

Please let me know if we can be of further assistance. Thanks.

Jeff



Jeff Levinson

Public Information Officer, Executive Office of the Board of Supervisors



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

April 6, 2017

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(213) 974-1796
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(213) 617-7182
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(213) 633-0901
E-MAIL
NZurabyan@counsel.lacounty.gov

VIA E-MAIL

Samuel A. Perroni, P.A.
424 West 4th Street, Suite A
North Little Rock, Arkansas 72114
sperroni.perronilaw@gmail.com

Re: Public Records Act Request

Dear Mr. Perroni:

This letter is in response to your March 27, 2017 letter. In your letter, you made a California Public Records Act ("CPRA") request, California Government Code sections 6250-6276.48, for the following records:

Copies of letters written by Frank Sinatra, Dana Andrews, and any other members of the public, who wrote letters to the County Board of Supervisors about Dr. Thomas Noguchi work at the Coroner's Office between 1980 and 1982, including any such letters and documents that were part of the County Board of Supervisors file which are now in the possession of Mike Antonovich.

As a way of background, you sent similar letters on February 23 and March 14, 2017. In response to your February 23, 2017 letter, the Public Information Officer ("PIO") of the Executive Office of the Los Angeles County ("County") Board of Supervisors ("Board") sent you an e-mail on March 2, 2017, confirming that the Executive Office had provided you with all of the responsive records in its possession regarding your request. In addition, consistent with his obligations, the PIO referred you to the Department of Medical Examiner-Coroner, by providing the contact information of the person who might be of assistance to you at the Department of Medical Examiner-Coroner.

Nonetheless, on March 14, 2017, you sent another letter addressed to the PIO, seeking the same records, as noted above, and threatening to file a lawsuit against the Executive Office of the Board. In response, on March 24, 2017, the County Counsel's office sent you a letter, explaining that the Executive Office had

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Samuel A. Perroni
April 6, 2017
Page 2

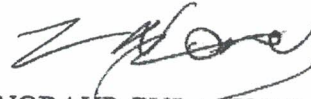
fully complied with its obligations under the CPRA. Specifically, we noted that the Executive Office did not have actual or constructive possession of records you were seeking.

Please note that the County is extending the time to respond to your March 27, 2017 letter, by 14 days due to the existence of unusual circumstances under section 6253(c). Specifically, the County Counsel's office needs to collect and review potentially responsive records held by another County department, the Department of Medical Examiner-Coroner. Hence, we expect to provide you with a determination on or before April 20, 2017, as to whether or not the Department of Medical Examiner-Coroner is able to identify any disclosable public records. Also note that the County reserves its right to assert all applicable privileges/doctrines and exemptions.

Very truly yours,

MARY C. WICKHAM
County Counsel

By


NORAYR ZURABYAN
Deputy County Counsel
Board Liaison Division

NZ/



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

April 20, 2017

TELEPHONE
(213) 974-1796
FACSIMILE
(213) 617-7182
TDD
(213) 633-0901
E-MAIL
NZurabyan@counsel.lacounty.gov

VIA E-MAIL

Samuel A. Perroni, P.A.
424 West 4th Street, Suite A
North Little Rock, Arkansas 72114
sperroni.perronilaw@gmail.com

Re: Public Records Act Request

Dear Mr. Perroni:

This is a follow-up response to your March 27, 2017 letter. In your letter, you made a California Public Records Act ("CPRA") request, California Government Code sections 6250-6276.48, for the following records:

Copies of letters written by Frank Sinatra, Dana Andrews, and any other members of the public, who wrote letters to the County Board of Supervisors about Dr. Thomas Noguchi work at the Coroner's Office between 1980 and 1982, including any such letters and documents that were part of the County Board of Supervisors file which are now in the possession of Mike Antonovich.

As a way of background, you sent similar letters on February 23 and March 14, 2017. In response to your February 23, 2017 letter, the Public Information Officer ("PIO") of the Executive Office of the Los Angeles County ("County") Board of Supervisors ("Board") sent you an e-mail on March 2, 2017, confirming that the Executive Office had provided you with all of the responsive records in its possession regarding your request. In addition, consistent with his obligations, the PIO referred you to the Department of Medical Examiner-Coroner, by providing the contact information of the person who might be of assistance to you at the Department of Medical Examiner-Coroner.

HOA.101610039.1



Samuel A. Perroni
April 20, 2017
Page 2

Nonetheless, on March 14, 2017, you sent another letter addressed to the PIO, seeking the same records, as noted above, and threatening to file a lawsuit against the Executive Office of the Board. In response, on March 24, 2017, the County Counsel's office sent you a letter, explaining that the Executive Office had fully complied with its obligations under the CPRA. Specifically, we noted that the Executive Office did not have actual or constructive possession of records you were seeking.


On April 6, 2017, the County extended the time to respond to your March 27, 2017 letter, by 14 days due to the existence of unusual circumstances under section 6253(c). Specifically, the County Counsel's office notified you that it needed to collect and review potentially responsive records held by another County department, the Department of Medical Examiner-Coroner. We also notified you that we expected to provide you with a determination on or before April 20, 2017, as to whether or not the Department of Medical Examiner-Coroner is able to identify any disclosable public records.

The Department of Medical Examiner-Coroner has now completed its search, and there are no records responsive to your request in the possession of the Department of Medical Examiner-Coroner. In sum, because the Executive Office and the Department of Medical Examiner-Coroner have no actual or constructive possession of the records you are seeking, the County has fully complied with its obligations under the CPRA. Also note that the County reserves its right to assert all applicable privileges/doctrines and exemptions.

Very truly yours,

MARY C. WICKHAM
County Counsel

By


NORAYR ZURABYAN
Deputy County Counsel
Board Liaison Division

NZ/



"Enriching Lives"

COUNTY OF LOS ANGELES

DEPARTMENT OF MEDICAL EXAMINER-CORONER

1104 N. MISSION RD. LOS ANGELES, CALIFORNIA 90033



Christopher B. Rogers, M.D.
Acting Chief Medical Examiner-Coroner

June 5, 2017

Mr. Kevin Cloud Brechner
Time River Laboratory
Box 70615
Pasadena, CA 91117

Dear Mr. Brechner:

This is in response to your letter dated May 9, 2017, that requests any and all letters that were written concerning Dr. Thomas Noguchi's performance as Medical Examiner-Coroner during the period 1980-1982. In particular, looking for letters written by Frank Sinatra, Dana Andrews, and any other citizens organizations who wrote to the Medical Examiner-Coroner's Office or the County Board of Supervisors concerning Dr. Noguchi.

Despite a reasonable and diligent search of its records, the Coroner has been unable to locate records responsive to your request. If you have any questions, you may contact me at (323) 343-0560 or via e-mail at vgastelum@coroner.lacounty.gov.

Sincerely,

Vanessa Gastelum
Acting Chief / Public Services
County of Los Angeles
Department of Medical Examiner-Coroner

Accreditations:

National Association of Medical Examiners (Provisional)
California Medical Association-Continuing Medical Education
Accreditation Council for Graduate Medical Education

American Society of Crime Laboratory Directors/LAB-International
Peace Officer Standards and Training Certified

Law and Science Serving the Community

