Nos. A145863 and A147385

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION THREE

CITY AND COUNTY OF SAN FRANCISCO, SAN FRANCISCO POLICE DEPARTMENT, and SAN FRANCISCO POLICE COMMISSION, Defendants and Appellants, v. RAIN O. DAUGHERTY, AND JOINED OFFICER NOS. 2015-0036, 2015-0076, 2015-0078, 2015-0079, 2015-0082, 2015-0083, 2015-0084, and 2015-0087, Plaintiffs and Respondents.	Nos. A145863 and A147385 (Superior Court of California, County of San Francisco Case No. CPF-15-514302)

APPLICATION OF LEAGUE OF CALIFORNIA CITIES AND CALIFORNIA STATE ASSOCIATION OF COUNTIES TO FILE AMICUS CURIAE BRIEF; AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT CITY AND COUNTY OF SAN FRANCISCO

Appeal from the Judgment of the Superior
Court of California, County of San Francisco
Honorable Ernest H. Goldsmith, Judge

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APPLICATION OF LEAGUE OF CALIFORNIA CITIES AND CALIFORNIA STATE ASSOCIATION OF COUNTIES TO FILE AMICUS CURIAE BRIEF

Pursuant to California Rules of Court, rule 8.200(c), the League of California Cities (the "League") and the California State Association of Counties ("CSAC") respectfully request leave to file the attached brief of amici curiae in support of Appellant City and County of San Francisco.

The League is an association of 475 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.

CSAC is a non-profit corporation. The membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels' Association of California, and is overseen by the Association's Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this is a matter with the potential to affect all California counties.

The League and CSAC have direct interests in the legal issues presented in this case because their members will be directly affected by the resolution of the circumstances under which the one-year time limitation for bringing disciplinary charges against peace officers under the Public Safety Officers Procedural Bill of Rights Act (Government Code §§3300, *et seq.*,

or POBRA) is tolled, particularly when the charges against the officers concern a complex criminal investigation. The League and CSAC believe that the trial court's decision erroneously applied the clear language of POBRA and is contrary to public policy.

The proposed Amicus Brief will assist the Court in deciding the issue presented in the Appeal by highlighting the public policy implications of the decision for and impact on cities and counties.

WHEREFORE, the League of California Cities and the California State Association of Counties respectfully request leave to file a brief as amici curiae in the above-entitled case.

Respectfully submitted,

RICHARD DOYLE, City Attorney

By: _____
KATHRYN J. ZOGLIN
Senior Deputy City Attorney
City of San José

Dated: November 3, 2016

Attorneys for Amici Curiae
LEAGUE OF CALIFORNIA
CITIES and CALIFORNIA STATE
ASSOCIATION OF COUNTIES

AMICI CURIAE BRIEF IN SUPPORT OF APPELLANT CITY AND COUNTY OF SAN FRANCISCO

I. INTRODUCTION

This Amicus Curiae Brief is submitted by the League of California Cities (the "League") and the California State Association of Counties ("CSAC"). The San Francisco Superior Court ignores the purpose of the Public Safety Officers Procedural Bill of Rights Act (Government Code §§3300, *et seq*., or POBRA), fails to apply the clear language of POBRA, and reaches a ruling contrary to public policy. The impact of the trial court's ruling is to undermine public confidence in and the integrity of police and sheriff departments because it will allow peace officers who are responsible for serious misconduct to escape accountability. Peace officers who adhere to high standards of conduct will be unfairly tainted by the unpunished misconduct of their colleagues. Police integrity and accountability are matters of significant public concern, particularly in light of current events around the state and country.

Federal authorities uncovered the misconduct of Appellees and Petitioners Daugherty and eight peace officers ("Officers") when they were conducting a complex investigation of corruption in the San Francisco Police Department. During the confidential criminal investigation, a search warrant revealed inappropriate text messages exchanged between the main target of the investigation and the Officers.

Due to the highly confidential nature of the investigation, the Administrative bureau of San Francisco Police Department's Internal Affairs Division, which is charged with investigating and disciplining officers for misconduct, did not discover the Officers' misconduct until December 8, 2014. It advised the Officers of their discipline by April 22,

2015, thus well within POBRA's one-year time limit. However, the trial court concluded that discipline against the Officers was time-barred.

The language and legislative history of POBRA make it clear that while peace officers are entitled to have disciplinary matters resolved within one year, sometimes an agency needs additional time to investigate allegations of misconduct. Government Code section 3304(d)(2) therefore identifies specific circumstances, such as those at issue here, that justify tolling of the one-year time limit to investigate disciplinary matters.

The League and CSAC respectfully request that this Court reverse the trial court's decision in its entirety.

II. FACTUAL BACKGROUND

A. Only the Administrative Branch of San Francisco's Internal Affairs Division Is Authorized to Investigate Potential Misconduct for the Purpose of Discipline

The San Francisco Police Department has an Internal Affairs Division that is divided into two separate bureaus: Criminal and Administrative. If misconduct potentially concerns both criminal and disciplinary matters, the Criminal Division conducts its investigation first. (ER1269, ER1273.) The Criminal Division does not disclose information to the Administrative Division until after a criminal investigation has been completed.

B. Federal Authorities Conducted a Criminal Investigation that Included the Acts of the Officers

The United States Attorney's Office, FBI, and other federal agencies were investigating corruption in the San Francisco Police Department. This criminal investigation concerned San Francisco Police Sergeant Furminger and his associates, confidants, and contacts. The complex investigation spanned several years.

The U.S. Attorney's Office and FBI advised Lieutenant DeFilippo, who headed San Francisco Police Department's Internal Affairs-Criminal division, that neither he nor anyone in the Internal Affairs-Criminal division could share any information regarding the ongoing investigation with anyone in the Police Department, including the Internal Affairs–Administrative division.

In December 2012, the U.S. Attorney's Office had a search warrant served for the telephone records of Furminger as part of the criminal investigation. The search warrant yielded records that the Officers had exchanged offensive text messages with Furminger. The FBI and U.S. Attorney's Office investigated each of the Officers as part of the corruption investigation. (Appellants' Opening Brief at 18-19.)

In February 2014, the federal authorities indicted Furminger, San Francisco Police Officer Robles, and one other San Francisco officer. In November 2014, the trial of Furminger and Robles began. Evidence at trial included the text messages of the Officers. (Appellants' Opening Brief at 22.) On December 5, 2014, both Furminger and Robles were convicted of theft and wire fraud.

C. The Administrative Branch of Internal Affairs First Learned of the Officers' Misconduct on December 8, 2014

On December 8, 2014, just a few days after the jury rendered the convictions of Furminger and Robles, the federal corruption investigators met with San Francisco Police Department's Internal Affairs-Administrative division and authorized the Internal Affairs-Criminal division to share the information it had regarding the Officers with the Internal Affairs-Administrative division.

By April 22, 2015, the Internal Affairs-Administrative division advised the Officers that they were subject to discipline. This discipline

was based on information developed by the federal authorities during their criminal investigation of corruption, which included Furminger and his contacts. The Officers' acts and omissions were the subject of the criminal investigation and constituted significant evidence during the trial of Furminger and Robles, although the Officers were never charged with criminal misconduct. (Appellants' Opening Brief at 18-19, 22.)

III. PROCEDURAL BACKGROUND

On May 11, 2015, the Officers filed a petition for writ of mandate. On December 21, 2015, San Francisco Superior Court Judge Ernest Goldsmith granted the petition on the ground that the City had failed to advise the Officers of the discipline within one year. The City and County of San Francisco filed this appeal.

IV. LEGAL ARGUMENT

A. The Trial Court Disregards the Public's Interest in an Accountable Police Force, as Set Forth in the Public Safety Officers Procedural Bill of Rights Act

The trial court's decision ignores the careful balance of the concerns of police officers and those of the public that the Legislature put into place when it enacted the Public Safety Officers Procedural Bill of Rights Act (Government Code §§3300, *et seq*., or POBRA). The decision fails to acknowledge the public's strong interest in maintaining a police force that is accountable and professional.

POBRA sets forth rules and procedures that apply when peace officers may be subject to discipline. Government Code section 3304 "'seeks to balance competing interests—the public interest in maintaining the integrity and efficiency of the police force with the individual officer's interest in receiving fair treatment.'" (*Richardson v. City and County of*

San Francisco (2013) 214 Cal.App.4th 671, 691-92, citing *Breslin v. City and County of San Francisco* (2007) 146 Cal.App.4th 1064, 1075.)

According to the legislative history of POBRA, its authors sought to ensure that peace officer disciplinary actions are resolved in a timely manner *and* that appropriate exceptions are in place "so that a guilty peace officer will not 'slip through the cracks' procedurally." (Appellants' Request for Judicial Notice, Ex. 2 at A-3-A-4.)

POBRA thus includes procedural safeguards for law enforcement, such as a general one-year time limit by which an officer must be advised of potential discipline. At the same time, the Legislature understood that it needed to include certain exceptions to the one-year time limit, in recognition of the realities and importance of investigating officer misconduct. The exceptions underscore that investigations may take longer than one year, such as when a criminal investigation or prosecution is pending or the investigation involves multiple officers. (Gov. Code §3304(d)(2).)

By contrast, the trial court considered only the Officers' interests without regard to the public interest in the integrity of its police force. The impact of the trial court's ruling is to undermine public confidence in and the integrity of law enforcement because the Officers will escape accountability for their misconduct.

B. Basic Principles of Statutory Construction Demonstrate that the Disciplinary Action Was Timely Under Government Code Section 3304(d)

Basic principles of statutory construction demonstrate that the trial court erred in its application of Government Code section 3304(d) because the discipline was timely. The one-year time limit to take disciplinary action had not expired and/or was tolled in this case, as set forth under

several provisions of POBRA. The one-year time limit had not expired under Government Code section 3304(d)(1) because the person authorized to initiate an investigation into misconduct did not discover the alleged misconduct until December 8, 2014, and the Officers were notified of the discipline by April 22, 2015.

The one-year time limit was also tolled under Government Code section 3304(d)(2)(A) during the period in which the misconduct by the Officers was the subject of a criminal investigation or prosecution. A reasonable extension of the one-year time limit was further warranted under Government Code section 3304(d)(2)(C) because the investigation concerned approximately a dozen officers, and under Government Code section 3304(d)(2)(D) because multiple agencies were involved in the investigation.

1. The Trial Court Ignored the Plain Language and Purpose of Government Code Section 3304(d)

California courts are to "'ascertain the intent of the lawmakers so as to effectuate the purpose of the statute'" when they construe a law. (*Mays v. City of Los Angeles* (2008) 43 Cal.4th 313, 321, quoting *Allen v. Sully-Miller Contracting Co.* (2002) 28 Cal.4th 222, 227.) A court first looks to the plain language of the statute itself, which typically reflects the intent of the drafters. (*Mays v. City of Los Angeles*, *supra*, 43 Cal.4th at 321 ["We give the language its usual and ordinary meaning, and . . . presume the lawmakers meant what they said . . ."].) It applies the ordinary meaning of words. (*Id*.) A court is to read the provisions of statutes together and to harmonize the various provisions. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1099 [Courts "'read every statute with reference to the entire scheme of law which it is a part so that the whole may be harmonized and retain effectiveness.'"].)

POBRA was enacted to ensure that administrative charges against peace officers are resolved in a timely manner and concurrently included certain circumstances that extend the time, so that officers would be held accountable for misconduct and thus ensure public confidence in peace officers. These circumstances include when there is a criminal investigation or prosecution pending, an investigation involves multiple officers, and when more than one agency is conducting an investigation, as is the case here.

2. The Trial Court Decision Reads Out Language in the Statute

The trial court fails to apply the basic principles of statutory construction in its ruling. Under the plain language of Government Code section 3304(d), San Francisco provided timely notice of disciplinary action to the Officers. That section provides that, except as provided in the statute, no discipline shall be taken "for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery *by a person authorized to initiate an investigation of the allegation* of an act, omission, or other misconduct." (Gov. Code §3304(d)(1), emphasis added.)

However, the trial court's analysis reads out the italicized phrase entirely. It would allow notice to *anyone* in a public agency to trigger the running of the one-year time limit. That perspective is not supported by the plain language of the statute.

Instead, the law specifies that the one-year time limit is not triggered until "someone authorized to conduct an investigation" into the misconduct discovers the allegation of misconduct. San Francisco is a charter city that has designated its Internal Affairs-Administrative Division as the bureau authorized to investigate charges of wrongdoing that might result in

discipline. The Internal Affairs-Administrative Division did not learn of the misconduct until December 8, 2014, which is the date that triggers the one-year time limit. Internal Affairs-Administrative promptly conducted its investigation and provided notice to the Officers by April 22, 2015, thus in well under one year.

Case law confirms that San Francisco has the authority to determine its own procedures to implement POBRA, including designating who is authorized to conduct disciplinary investigations. In *Jackson v. City of Los Angeles* (2003) 111 Cal.App.4th 899, a Los Angeles Police Department special order provided that only sergeants or detective IIs or higher were authorized to conduct an investigation. (*Id.* at 910.) The Court examined the Government Code and the department's special order. (*Id.*) It acknowledged that a charter city could make that type of determination in implementing POBRA: "The Los Angeles Police Department has the power to formulate procedures to implement the rights and protections in the Bill of Rights Act." (*Id.*)

The trial court's ruling ignores that cities and counties are authorized to determine how they choose to implement POBRA procedurally. Other municipal police departments in the state organize their police department internal affairs divisions in the same manner as does San Francisco. For example, the City of San José's Police Department also has a bifurcated Internal Affairs division, with a criminal section that handles criminal misconduct and an administrative section that deals solely with officer discipline. These two sections are separate and walled-off from one another.

3. The Trial Court Ruling Runs Counter to the Mandatory Language in Government Code section 3304(d)(2)(A), Which Tolls the Time So Long as a Criminal Investigation or Prosecution Is Pending

The trial court erred when it concluded that the tolling under Government Code section 3304(d)(2)(A) does not apply because the Officers purportedly were not the subject of a criminal investigation. (ER0593.) This ruling ignores the broad and mandatory language in the statute as well as the evidence. The code provides: "If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period." (Gov. Code §3304(d)(2)(A).)

The one-year time period thus is tolled so long as the criminal investigation or prosecution is pending. Under the plain language of Government Code section 3304(d)(2)(A), the one-year time limit was tolled through December 2014, because a criminal investigation and prosecution that involved the acts of the Officers were pending until that time.

This Court interprets what constitutes a "pending criminal investigation" broadly. In *Richardson v. City and County of San Francisco* (2013) 214 Cal.App.4th 671, this Court pointed out that the statutory language "offers no guidance on the nature of the investigation that is sufficient to trigger the tolling provision" but rather "simply requires that a criminal investigation must be 'pending.'" (*Id*. at 697.) It continued that there is no requirement that the criminal investigation be "actual and active" and explained that that type of restriction would be "unworkable." (*Id*. at 697-98)

According to the corruption investigation, Furminger conducted his criminal activity via text messages. The Officers' text messages were

obtained through a search warrant and were part of this criminal investigation. The FBI and U.S. Attorney's Office investigated each of these Officers. (Appellants' Opening Brief at 18.) Their text messages were used as evidence in the criminal trial of Furminger. The tolling applies because their conduct was the subject of the criminal investigation.

That criminal charges were not ultimately filed against the Officers has no bearing on whether the tolling provision of Government Code section 3304(d)(1) applies. In *Parra v. City and County of San Francisco* (2006) 144 Cal.App.4th 977, this Court held that the one-year time limit under Government Code section 3304(d)(1) tolled even as to Parra, a lieutenant against whom no criminal charges were filed. (*Id*. at 994.) The Court of Appeal explained that Government Code section 3304(d)(1) "is straightforward, and is to be read in accordance with the 'well-established' principles of statutory construction . . ." (*Id.*) The time limit was tolled because the criminal investigation included the conduct that was at issue in the disciplinary proceedings. (*Id*.)

Moreover, the code provides that the time "shall" be tolled when the misconduct is subject to a criminal investigation or prosecution. (Gov. Code §3304(d)(2)(A).) There is no discretion in deciding whether the time limit is tolled under these circumstances, given this mandatory language. (*Breslin v. City and County of San Francisco* (2007) 146 Cal.App.4th 1064, 1078 ["The act *requires* the tolling of the one-year statute of limitations while a criminal investigation is pending if the misconduct is the subject of that investigation."].)

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4. The Trial Court Failed to Apply the Plain Language of the Statute that Allows Tolling When the Investigation Involves Multiple Officers and Jurisdictions

The trial court further errs as a matter of law when it ignores the plain language of the statute. The code allows tolling of the one-year limit when the investigation involves more than one officer and more than one jurisdiction and requires additional time. Government Code section 3304(d)(2) provides that the agency need not impose discipline within one year if the investigation: "involves more than one employee and requires a reasonable extension" or "is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies." (Gov. Code §3304(d)(2)(C), §3304(d)(2)(D).)

This case involves both circumstances. The corruption probe investigated approximately a dozen officers. It also involved multiple agencies, including the FBI, the Drug Enforcement Agency, the Bureau of Alcohol Tobacco and Firearms, and local sheriff departments. (Appellants' Opening Brief at 16-17.)

The trial court offers the conclusory statement that San Francisco failed to establish that it was entitled to an extension because multiple officers and jurisdictions were involved. (ER0594.) The court provides no guidance as to how it reached its conclusion.

It is difficult to envision a case that would justify a reasonable extension more than this one, given the complexity of the corruption probe, the number of officers under investigation, and the number of agencies involved. While neither the statutes nor case law provide guidance as to who bears the burden to trigger tolling under POBRA, the trial court's analysis renders the limited circumstances that allow for tolling or extension under Government Code section 3304(d)(2) meaningless. (See generally

Richardson v. City and County of San Francisco, *supra*, 214 Cal.App.4th at 698 [court was unable to find case law regarding who had burden of showing whether tolling was justified].) The Legislature included those provisions for a reason. The statutory language cannot be discarded or ignored.

C. The Trial Court Ruling Is Contrary to the Public Policy Interest in Maintaining the Confidentiality of Ongoing Criminal Investigations

The practical impact of the trial court's ruling is to place law enforcement agencies in the position of compromising sensitive criminal investigations or being precluded from disciplining an officer for misconduct. If the agency must notify an officer of potential disciplinary charges before a criminal investigation is complete, witnesses might recant, evidence might be destroyed, and other subjects of the investigation might be warned that they are under scrutiny. The public could suffer a double loss if the agency is forced to disclose that it is conducting a criminal investigation of an officer, in that criminal conduct might go unprosecuted and an officer may not be held to account for wrongdoing due to premature disclosures that compromise an ongoing investigation.

Court decisions and laws recognize the realities of conducting criminal investigations and the importance of safeguarding their confidentiality so that they are not jeopardized. The trial court's ruling runs counter to these significant interests.

The court in *People v. Jackson* (2003) 119 Cal.App.4th 280, pointed out the significant public benefit in maintaining the confidentiality of criminal investigations. That case involved the criminal prosecution of a defendant accused of a number of burglaries and sexual assaults. The trial court denied the defendant's request for disclosure of information about a

similar incident in which a suspect committed a burglary and sexual assault. The Court explained, "[t]he general confidentiality of police investigations accrues significant public benefit. Informants and witnesses are more likely to cooperate with law enforcement if they trust that their participation will not be made public." (*Id.* at 290, citing *County of Orange v. Superior Court* (2000) 79 Cal.App.4th 749, 764-65. Accord *People v. Littleton* (1992) 7 Cal.App.4th 906, 911 ["the government's legitimate need for confidentiality of ongoing police investigations" supported the trial court's refusal to provide the defendant with discovery of reports regarding other rapes and burglaries].)

In addition, Penal Code section 1054.7 provides exceptions to a criminal defendant's general right to discovery, such as when a prosecutor shows that disclosure would result in "possible compromise of other investigations by law enforcement." (Pen. Code. §1054.7. See *People v. Williams* (2013) 58 Cal.4th 197, 263 [trial court did not err in refusing to disclose address of witness whose testimony was critical to prosecution because to do so might compromise the integrity of an ongoing investigation, citing Penal Code §1054.7]; Evid. Code §1040 [a public official may refuse to disclose official information if "[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice . . ."].)

These cases and statutes reflect policies that are equally relevant here. The language of POBRA is consistent with the policy that ongoing criminal investigations must remain confidential so that these investigations are not jeopardized. The Legislature decided to carve out exceptions to the one-year time limit for law enforcement agencies to bring disciplinary charges after criminal investigations and prosecutions have concluded

because an agency should not have to choose between conducting a criminal investigation and disciplining an officer for misconduct. Instead, the plain language in POBRA demonstrates that it envisioned that both could take place sequentially.

V. CONCLUSION

The trial court's ruling means the Officers will avoid accountability, regardless of how egregious their conduct was. The public and law enforcement agencies across the state will be ill-served to have officers whose misconduct goes unpunished. It will undermine the public's perception of the integrity of the law enforcement agency in general. Further, peace officers who are models of integrity will be tainted by the unpunished misconduct of their colleagues. These issues are particularly relevant in the current political climate and are ones on the minds of peace officers throughout the state and country.

The League and CSAC respectfully request that this Court reverse the trial court judgment in its entirety. The one-year time limitation was tolled until December 8, 2014, under Government Code sections 3304(d)(1) and 3304(d)(2).

Respectfully submitted,

RICHARD DOYLE, City Attorney

By: _____

KATHRYN J. ZOGLIN
Senior Deputy City Attorney
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Dated: November 3, 2016

Attorneys for Amici Curiae
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CERTIFICATE REGARDING WORD COUNT

I, Kathryn J. Zoglin, counsel for Amicus Curiae, League of California Cities and California State Association of Counties, hereby certify, pursuant to California Rules of Court, Rule 8.204 (c)(1), that this brief is proportionately spaced, has a typeface of 13 points, and the word count for this Application of League of California Cities and California State Association of Counties to File Amicus Curiae Brief; Amicus Curiae Brief in Support of Appellant City and County of San Francisco, exclusive of tables, cover sheet, and proof of service, according to my computer program is 4,046 words.

Respectfully submitted,

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Dated: November 3, 2016

PROOF OF SERVICE

CASE NAME: DAUGHERTY, et al. v. CITY AND COUNTY OF SAN FRANCISCO, et al.

COURT OF APPEALS CASE NOS.: A145863 and A147385
(Superior Court, County of San Francisco Case No.: CPF-15-514302)

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred.

On November 3, 2016, I caused to be served the within:

APPLICATION OF LEAGUE OF CALIFORNIA CITIES AND CALIFORNIA STATE ASSOCIATION OF COUNTIES TO FILE AMICUS CURIAE BRIEF; AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT CITY AND COUNTY OF SAN FRANCISCO

☒ by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

Addressed as follows:

Superior Court of California
County of San Francisco
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One (1) Copy

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 3, 2016, at San Jose, California.

Christabel S. Cimbra Cruz

STATE OF CALIFORNIA
1st District Court of Appeal

PROOF OF SERVICE

(Court of Appeal)

Case Name: **Daugherty et al. v. City and County of San Francisco et al.**
Court of Appeal Case Number: **A145863**
Superior Court Case Number: **CPF15514302**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **katie.zoglin@sanjoseca.gov**

3. Title(s) of papers e-served: **League of CA Cities et als Amicus Curiae Brief**

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

11-03-2016

Date

/s/Katie Zoglin

Signature

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