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7 Attorneys for Defendant  
STATE OF CALIFORNIA

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

12 Deputy District Attorney MICHELE  
HANISEE, an individual,  
13  
14 Plaintiff,  
15  
16 v.  
17 STATE OF CALIFORNIA; and DOES 1  
through 25, inclusive,  
18  
19 Defendants.

Case No. 23STCV07718

(Assigned for all Purposes to the  
Honorable Upinder S. Kalra)

**DECLARATION OF LAURA LIVELY  
BABASHOFF IN SUPPORT OF  
DEFENDANT'S MOTION TO STRIKE  
ALLEGATIONS FROM PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

**Reservation No. 631026040870**

Date: October 11, 2023  
Time: 9:00 a.m.  
Dept.: 51

Date Action Filed: April 7, 2023  
Trial Date: None

1 I, Laura Lively Babashoff, declare:

2 1. I am an attorney duly admitted to practice before all of the courts of the State of  
3 California and am an associate at Morrison & Foerster LLP, counsel of record in the above-  
4 captioned matter for Defendant State of California. This declaration is submitted pursuant to  
5 Code of Civil Procedure sections 430.41, subdivision (a)(3) and 435.5, subdivision (a)(3).

6 2. On Monday, July 10, 2023, I emailed Mr. Joshua Robert Dale, counsel for Plaintiff  
7 Michele Hanisee, to schedule a meet and confer telephone conversation with him to discuss  
8 Defendant's planned motion to strike portions of the First Amended Complaint ("FAC"). Mr.  
9 Dale did not respond to my email.

10 3. I emailed Mr. Dale again on Wednesday, July 12, 2023, and provided Defendant's  
11 arguments and case authority for the planned motion to strike. I explained to Mr. Dale that  
12 Defendant's planned motion was based on the same arguments the parties previously discussed  
13 with regard to the original Complaint and that Defendant did not believe the changes made in the  
14 FAC cured the issues. In that same email, I offered to schedule an additional meet and confer call  
15 with Mr. Dale to discuss Defendant's planned motion.

16 4. Mr. Dale responded that same day and said that Plaintiff was unwilling to further  
17 amend the allegations in the FAC and that a further meet-and-confer call on the matter was not  
18 necessary given our previous telephone conversation and email exchanges.

19 5. Attached as Exhibit A is a redline of Plaintiff's Original Complaint and the FAC.

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

22  
23 Dated: July 18, 2023



24  
25 Laura Lively Babashoff

26  
27  
28

# EXHIBIT A

1 C. D. Michel – SBN 144258  
2 Joshua Robert Dale – SBN 209942  
3 Konstadinos T. Moros – SBN 306610  
4 Alexander A. Frank – SBN 311718  
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11 Attorneys for Plaintiff  
12 Deputy District Attorney Michele Hanisee

13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 FOR THE COUNTY OF LOS ANGELES  
15 STANLEY MOSK COURTHOUSE

16 Deputy District Attorney MICHELE  
17 HANISEE, an individual,

18 Plaintiff,

19 v.

20 STATE OF CALIFORNIA; and DOES 1  
21 through 25, inclusive,

22 Defendants.

CASE NO. 23STCV07718

23 **AMENDED** COMPLAINT FOR  
24 DAMAGES AND INJUNCTIVE RELIEF  
25 FOR:

- 26 1) VIOLATION OF CALIFORNIA’S
- 27 INFORMATION PRIVACY ACT;
- 28 2) VIOLATION OF RIGHT TO
- PRIVACY UNDER ARTICLE 1,
- SECTION 1 OF THE CALIFORNIA
- CONSTITUTION;
- 3) INTENTIONAL INFLICTION OF
- EMOTIONAL DISTRESS;
- 4) NEGLIGENT INFLICTION OF
- EMOTIONAL DISTRESS; AND
- 5) PUBLIC DISCLOSURE OF
- PRIVATE FACTS

REQUEST FOR TRIAL BY JURY

29 COMES NOW Plaintiff MICHELE HANISEE, who alleges as follows:

30 **INTRODUCTION**

31 1. Plaintiff Deputy District Attorney Michele Hanisee is a veteran Los Angeles  
32 County Deputy District Attorney. In her 23-year career as a crime fighter, she has prosecuted  
33 some of the worst criminals, including dozens of murderers, countless members of violent street

1 gangs and other criminal syndicates, and other felons with no regard for human life or civil  
2 society.

3 2. Because of the important role she plays in fighting crime in Los Angeles County,  
4 California public policy recognizes the danger she faces in her job. Thus, express public policy  
5 has made it illegal for government employees to release personally identifying information about  
6 her and other crime fighters, including judges, law enforcement officers, and other public  
7 officials.

8 3. This public policy underscores the fear that she and others who keep violent  
9 criminals off our streets have to contend with on a daily basis; if her address and other personal  
10 identifying information were released to members of the public, she would be subject to  
11 intimidation, retribution, and violence by the very people she prosecutes or by their criminal  
12 associates.

13 4. Because of the ever-present danger she faces, Plaintiff carries a firearm for  
14 protection under a concealed carry weapons (“CCW”) permit, as do many judges, law  
15 enforcement officers, correctional officers, and other crime fighters.

16 5. As a result of a political stunt by California Attorney General Rob Bonta,  
17 Plaintiff’s and thousands of other crime fighters’ personally identifying information contained in  
18 CCW permit data was publicly released in June 2022. And although the Attorney General has  
19 spent the subsequent months downplaying or flat-out ignoring the harmful effect his stunt had on  
20 the lives of all affected Californians who hold or applied for CCW permits, for crime fighters like  
21 Plaintiff, the danger is acute. She and others like her have had to constantly fear for their lives  
22 because some of the criminals they arrested, testified against, prosecuted, or sentenced now have  
23 their home addresses and other personally identifying information. And given that the Internet is  
24 forever, past and future criminal defendants will have ready access to such information for the  
25 foreseeable future.

26 6. The Attorney General’s Office has gone completely silent on how it plans to  
27 handle this massive privacy breach, including how it is going to protect all of the public officials  
28 it endangered like Plaintiff. This has left local prosecutor’s offices, law enforcement agencies,

1 and courthouse officials scrambling to find ways to identify their vulnerable employees and figure  
2 out methods to protect them. Having been reasonably patient to see what the Attorney General's  
3 Office would do to help her and other affected crime fighters, and having watched it do nothing,  
4 Plaintiff is now forced to sue to both prevent another politically motivated leak like this from  
5 happening again. She also seeks to compel some action by the state to protect her safety or  
6 otherwise compensate her for having to pay for her own increased security measures to mitigate  
7 the harm caused by the Attorney General's Office.

#### 8 JURISDICTION AND VENUE

9 7. This Court has jurisdiction over all causes of action asserted in this Complaint  
10 under Article VI, section 10 of the California Constitution because the causes of action below are  
11 not given by statute to other trial courts or administrative agencies. The amount in controversy  
12 exceeds \$25,000.00.

13 8. The injuries suffered by Plaintiff alleged herein were suffered in Los Angeles  
14 County, California.

#### 15 PARTIES

16 9. Plaintiff Deputy District Attorney MICHELE HANISEE was and is a veteran  
17 prosecutor for the County of Los Angeles, as well as resides within the County. She has  
18 prosecuted hundreds of felony cases, including dozens of murder cases and cases where the death  
19 penalty was sought and imposed. She has imprisoned members of criminal syndicates and violent  
20 repeat offenders. At the time her injuries first began, she held a CCW permit.

21 10. Defendant the STATE OF CALIFORNIA (the "State") is the sovereign  
22 government of California. Among its executive offices is the Office of the Attorney General,  
23 over which Attorney General Rob Bonta presides as the chief law enforcement officer of the  
24 State. Included within the Office of the Attorney General is the California Department of Justice,  
25 which is responsible, *inter alia*, for maintaining data and information regarding CCW permit  
26 holders, including private, personally identifiable information, as well as enforcing laws relating  
27 to firearms generally and CCW permit holders specifically. Defendant State has offices within  
28 Los Angeles County, including offices of the Department of Justice.

1           11. Plaintiff is informed and believes, and on that basis alleges, that at all times  
2 mentioned herein, defendants named or fictitiously designated, and each of them, were the agents,  
3 servants, employees or joint venturers of the other defendants, and each of them, and were, at all  
4 mentioned times, acting within the course and scope of such agency, employment, or joint  
5 venture relationship.

6           12. Plaintiff is informed and believes, and upon such information and belief, alleges  
7 that each of the defendants named herein as DOES 1 through 25, were employees of Defendant  
8 State who were responsible for, either intentionally or negligently, in the public release of  
9 Plaintiff's and other CCW permit holders' private identifying information. Thus, on information  
10 and belief, DOES 1 through 25, and each of them, are in some manner negligent or otherwise  
11 tortiously or statutorily responsible for the injuries hereinafter alleged. Plaintiff does not  
12 presently know the true names and capacities of the defendants sued herein as DOES 1 through  
13 25. Plaintiff will seek leave of the Court to amend the complaint to allege DOE defendants' true  
14 names and capacities once Plaintiff ascertains them.

15                               ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

16           13. In June 2022, the United States Supreme Court issued its landmark *New York State*  
17 *Rifle & Pistol Association, Inc. v. Bruen* decision, which reaffirmed an individual's right to carry  
18 a firearm in public for self-defense.

19           14. California's Executive and Legislative branches, including Attorney General  
20 Bonta, were incensed by the decision. They issued press releases decrying the decision and  
21 issued a flurry of legislation designed to water down or make the exercise of the right to carry a  
22 weapon for self-defense a nullity.

23           15. For his part, Attorney General Bonta issued a press release four days after the  
24 *Bruen* decision announcing that the Department of Justice would be hosting and publishing a web  
25 portal filled with CCW permit holders' data. The announced purpose of the web portal was to  
26 provide an interactive and easily searchable user experience that would promote public access to  
27 information about the holders of CCW permits, the issuance of gun violence restraining orders,  
28 and other information related to firearms laws in California. The stated goal of publishing this

1 information was to increase “transparency” and “public trust.” The real reason was that the  
2 Attorney General wanted to be seen as “doing something” immediately following a Supreme  
3 Court decision that was anathema to the firearms views of Bonta and other politicians in  
4 Sacramento.

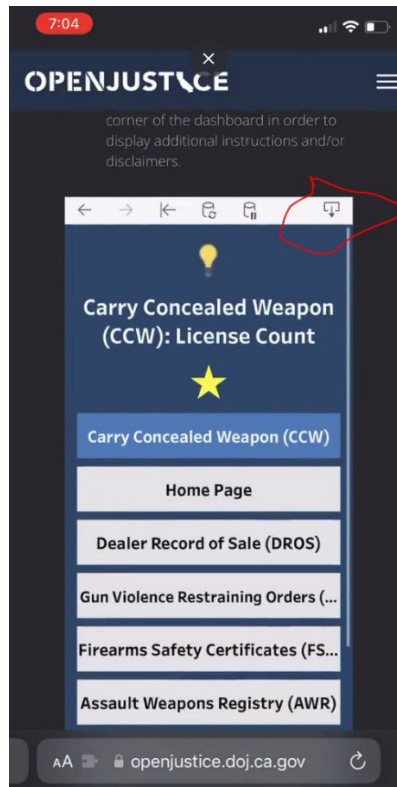
5 16. Thus, on the same day Bonta made his announcement—June 27, 2022—the  
6 Department of Justice took the firearms data web portal live. The information was published at  
7 <<https://openjustice.doj.ca.gov/>>.

8 17. From the moment the portal launched, any member of the public who accessed it  
9 was able to download the portal’s underlying data in the form of Excel spreadsheets. This was  
10 not a flaw or a bug, but a feature. For example, if someone clicked on the download icon located  
11 at the top right-hand side of the portal, it would download onto the user’s computer an electronic  
12 spreadsheet file of whatever data had been selected. Thus, when a member of the public chose to  
13 download CCW permit holder information, the portal allowed such data to be downloaded in an  
14 electronic spreadsheet containing information about CCW permit holders and applicants for a  
15 particular county or in an electronic spreadsheet containing such information about holders and  
16 applicants for the entire state.

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18. The information about CCW permit holders and applicants that could be downloaded by the public from the portal on a county-by-county or a statewide basis included each CCW permit holder's or applicant's name, contained in a line item along with:
- a. Their address;
  - b. Their date of birth;
  - c. Their gender;
  - d. Their CCW License Number;
  - e. The issue dates of their permit;
  - f. Their DOJ-assigned Criminal Identification and Information (CII) Number;
  - g. The type of CCW permit they were issued or applied for. This included the categories "judge," "custodial officer," "reserve officer," "place of employment," or "standard"; and
  - h. The status of their license.
19. During the afternoon and evening of June 27, 2022, information began disseminating on Internet message boards and on social media about the private information that


1 was being made available on the portal. People on social media began tagging the Attorney  
2 General's verified Twitter account asking for him to respond to the situation. During the evening  
3 of June 27<sup>th</sup>, the portal was taken offline, but it inexplicably went back online again. When it  
4 went online the second time on the evening of the 27<sup>th</sup>, the download icon was no longer present  
5 on the portal. Yet the issue of the availability of private information was still not resolved, as  
6 data could still be accessed for each individual county by hovering over it and clicking another  
7 icon to access the underlying spreadsheet.

8 20. The Department of Justice did not permanently take down the portal until the  
9 morning of June 28, 2022, after it had been publishing private CCW permit holders' personal  
10 information, including Plaintiff's, for well over twelve hours. As of the afternoon of June 28,  
11 2022, the ~~Portal's~~[portal's](#) site read "Website temporarily unavailable - Please try again in a few  
12 minutes."

13 21. On the afternoon of June 28<sup>th</sup>, the Attorney General's Office issued a press release  
14 stating "We are investigating an exposure of individuals' personal information connected to the  
15 DOJ Firearms Dashboard. Any unauthorized release of personal information is unacceptable.  
16 We are working swiftly to address this situation and will provide additional information as soon  
17 as possible."

18 22. As communicated by the Fresno County Sheriff's Office and in subsequent  
19 Department of Justice correspondence, the Department of Justice began immediately  
20 mischaracterizing the June 27-28 publication of the web portal as a "breach."  
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 Fresno County Sheriff's Office 3h · 🌐

DOJ Data Breach Exposes Personal Information of California CCW Holders

On Tuesday, the California State Sheriff's Association (CSSA) informed our office that the California Department of Justice (DOJ) had suffered a data breach. This occurred as part of the DOJ's launch of its "2022 Firearms Dashboard Portal." This public site allows access to certain information, however, personal information of Concealed Carry Weapon (CCW) permit holders is not supposed to be visible. This includes, but is not limited to a person's name, age, address, Criminal Identification Index (CII) number and license type (Standard, Judicial, Reserve and Custodial). This pertains to all California CCW holders, including Fresno County residents.

After learning of the breach, the DOJ pulled down the dashboard site along with all related links. However, portions of private information may have been posted on social media websites. It is unknown exactly how much time the information was accessible.

The State Attorney General's Office has stated it is working with urgency to determine the scope of the breach. It plans to contact CCW holders directly to advise them of the breach and will institute a program to reduce any harm or damages to CCW holders that resulted from the breach.

The Fresno County Sheriff's Office is urging anyone who learns their identity was compromised as a result of this data breach to please make an online report by visiting <https://www.fresnosheriff.org/report-a-crime-online.html>



*(Screenshot of the Fresno County Sheriff's Twitter feed of a tweet made on June 28, 2022)*

23. Despite the Orwellian attempt to characterize the Department of Justice's intentional publication of the information as a "breach," it was patent that the Department of Justice *twice* intentionally took the web portal live and published the information. Thus, far from being a "hack" or "breach" of the Department of Justice's servers as they attempted to characterize it, the publication of the CCW permit holders' personal information—and the functionality allowing members of the public to download or access that information—was a deliberate act by the Department of Justice. Nobody stole a password and nobody found a

1 backdoor into a server as Attorney General Bonta would like the public to believe. Rather, in a  
2 cynical attempt to publicly appear to be on the “right side” of a political debate following a  
3 controversial court decision, the Attorney General and DOES 1 through 25 made a deliberate  
4 decision to publish the data which included private or personal identifying information. The only  
5 fact that is unknown is whether the decision to include all CCW permit holders’ and applicants’  
6 home address, date of birth, and CII information on the portal was itself deliberate or accidental.  
7 So too, it is unknown whether to include any information about prosecutors, judges, and law  
8 enforcement officers was also deliberate or accidental.

9 24. The Attorney General commissioned a purported investigation of the “leak,” hiring  
10 an outside law firm. A report was made public of the investigation on November 30, 2022.  
11 Although the report attempted to paint the Attorney General and the DOJ as innocents, it did  
12 admit that the decision to publish the databases containing the protected information was done  
13 intentionally by unnamed DOJ employees or DOE contractors. And nothing in the report  
14 identified any steps the Department of Justice intended to take to protect crimefighters like  
15 Plaintiff. [from violence or retaliation, nor does it identify concrete steps the State will take to](#)  
16 [prevent republication of the personal information of Plaintiff in the State’s possession. The](#)  
17 [Attorney General’s vague conclusions and lack of follow-through have Plaintiff in reasonable](#)  
18 [fear that Defendants will not and have not taken adequate steps to redact or safeguard the](#)  
19 [personal information in their possession such that it does not get published in the future.](#)

20 25. Plaintiff has faithfully served the people of the State for almost a quarter of a  
21 century. Like many crime fighters and other public servants, she willingly entered into such  
22 service relying upon the express and implied promises made in California public policy to protect  
23 from disclosure the private, personal identifying information collected by the State and its  
24 subdivisions from judges, prosecutors, and correctional and law enforcement officers. If she  
25 protected the State, the State promised to protect her and her family. Yet, here it absolutely  
26 failed, and, through Bonta’s subsequent inaction, ran away from any effort to fulfill its promise.

27 26. Among the express public policies forbidding the disclosure of Plaintiff’s and  
28 other public officials’ information by the State to the public are Civil Code section 1798, et seq.

1 (the “Information Practices Act”) and Government Code section 6254.21. Among the implied  
2 policies preventing such disclosure are the right of privacy recognized under Article I, section 1  
3 of the California Constitution, Government Code section 6254(u)’s exception from the Public  
4 Records Act of the release of prosecutors’ and other public servants’ CCW permit information in  
5 response to a Public Records Act request, and the Penal Code prohibition against public release of  
6 individuals’ CII information under Penal Code sections 11076 and 13201.

7 27. Plaintiff is an appointed official within the meaning of Government Code section  
8 6254.1(f).

9 28. Plaintiff’s private, personal, and protected information was included in the June  
10 27-28 publication on the web portal, including her home address, date of birth, and CII Number.  
11 As a faithful servant of the people, Plaintiff neither consented to nor did she ever expect the  
12 State’s chief law enforcement officer or its chief law enforcement agency to publicly publish her  
13 personal information, including her home address and date of birth derived from her CCW permit  
14 application. Notwithstanding the political motivations behind the Attorney General’s publication  
15 of the web portal, she did expect that once he understood that his decision to publish the portal  
16 had endangered the safety of thousands of public servants like her, Bonta would take swift action  
17 to protect them. He shockingly has not, and as a result, Plaintiff sues for and is entitled to the  
18 relief set forth in the causes of action below.

19 29. Plaintiff certainly did not give her written consent to have her home address posted  
20 on the Internet.

21 30. For those claims and causes of action where it is required, Plaintiff has complied  
22 with all administrative prerequisites to bringing suit, including the claims presentment  
23 requirements of the Government Claims Act, except that for those individuals sued fictitiously  
24 herein, she has been unable to identify them in any claims presentment due to the Attorney  
25 General’s lack of transparency or follow-through regarding the investigation he has purported to  
26 undertake into the publication of the web portal.

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FIRST CAUSE OF ACTION

Violation of California's Information Privacy Act (Civil Code section 1798, et seq.)

Against Defendant State of California and DOES 1 through 25

31. Plaintiff incorporates and realleges Paragraphs 1 through 30 as if fully set forth herein.

32. On June 27 and 28, 2022, Defendants, and each of them, disclosed or caused to be disclosed to the public the personal information of Plaintiff as described hereinabove, including information protected under Section 1798.3.

33. On information and belief, thousands of individuals downloaded spreadsheets generated by the State's web portal containing Plaintiff's personal information.

34. On information and belief, the personal information of Plaintiff continues to be in possession of Defendants and Defendants desire, at some point in the future, to republish the information of Plaintiff, including the personal information which is the subject of this lawsuit, as part of the State's stated intention to have a publicly-accessible firearms data web portal. Thus, Plaintiff is fearful that a portion or all of the personal information still in the possession of Defendants will be published again.

35. ~~34.~~ As a result of the disclosure of the information, Plaintiff has been injured in her emotional health and her physical safety and has expended or will have to expend significant amounts to safeguard herself and her family.

36. ~~35.~~ As a result of the disclosures and the injuries resulting therefrom, Plaintiff is entitled to an injunction preventing further disclosure of her information by Defendants and each of them.

37. ~~36.~~ As a result of the disclosures and the injuries resulting therefrom, Plaintiff is entitled to monetary damages from Defendants, and each of them, for general and special damages, all in an amount according to proof, but no less than the jurisdictional minimum of this Court.

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SECOND CAUSE OF ACTION

Violation of Article I, section 1 of the California Constitution

Against Defendant State of California and DOES 1 through 25

38. ~~37.~~ Plaintiffs incorporate and reallege Paragraphs 1 through 30 as if fully set forth herein.

39. ~~38.~~ On June 27 and 28, 2022, Defendants, and each of them, disclosed or caused to be disclosed to the public the private information of Plaintiff as described hereinabove, including information protected under the implied right of privacy recognized in Article I, section 1 of the California Constitution.

40. ~~39.~~ At the time Defendants caused to be disseminated Plaintiff's private information, Plaintiff had a privacy interest in her home address, her date of birth, and her CII information, as evidenced by the public policies recognizing such interests set forth in Government Code section 6254(u), Penal Code sections 11076 and 13201, and Vehicle Code section 1808.21.

41. ~~40.~~ At the time Defendants disseminated or caused to be disseminated Plaintiff's private information, Plaintiff had a reasonable expectation, based on the aforementioned public policies and her inclusion in the class of persons to be protected under those policies, that the information would be kept private and not disseminated by Defendants.

42. ~~41.~~ As the Attorney General himself has represented in writing, the dissemination of Plaintiff's and other CCW permit holders' information was a serious invasion of their privacy. It was so serious as to cause Plaintiff to fear for her life and for the life of her family members.

43. ~~42.~~ As a result of the disclosure of the information, Plaintiff has been injured in her emotional health and her physical safety and has expended or will have to expend significant amounts to safeguard herself and her family.

44. ~~43.~~ As a result of the disclosures and the injuries resulting therefrom, Plaintiff is entitled to monetary damages for general and special damages, all in an amount according to proof, but no less than the jurisdictional minimum of this Court.







1 such information and the need for those who have access to it to avoid its disclosure is ~~well~~  
2 ~~established~~well-established and clear. The relationship between Defendants, as possessors of that  
3 information, and Plaintiff is therefore clearly established.

4 57. ~~55.~~ The State of California and DOE Defendants' posting of the home address  
5 information of CCW permit holders, including Plaintiff's, on the open internet with no access  
6 restrictions was a breach of that duty.

7 58. ~~56.~~ Due to the State of California and DOE Defendants' actions in publishing  
8 Plaintiff's home address information onto the open internet with no access restrictions, Plaintiff  
9 suffered and continues to suffer serious emotional distress, including but not limited to anxiety,  
10 nervousness, and worry.

11 59. ~~57.~~ The State of California and DOE Defendants' actions in publishing Plaintiff's  
12 home address information onto the open internet with no access restrictions was a substantial  
13 factor in causing Plaintiff to suffer serious and ongoing emotional distress including but not  
14 limited to nervousness, anxiety, and worry.

15 SIXTH CAUSE OF ACTION

16 Public Disclosure of Private Facts

17 Against Defendant State of California and DOES 1 through 25

18 60. ~~58.~~ Plaintiffs incorporate and reallege Paragraphs 1 through 30 as if fully set forth  
19 herein.

20 61. ~~59.~~ Under California Government Code section 820(a), Defendants, and each of  
21 them, are liable for injuries caused by their acts or omissions to the same extent as a private  
22 person.

23 62. ~~60.~~ Under California Government Code sections 815.2 and 815.4, the State of  
24 California is liable for injuries proximately caused by acts or ~~omission~~omissions of its employees  
25 and independent contractors within the scope of their employment or contracted work. Upon  
26 information and belief, at all times material to this complaint, the DOE Defendants were  
27 employed by, or were independent contractors for, the State of California and were under the  
28 State's direction and control when they engaged in the conduct described herein. Because the

1 acts of these DOE Defendants were committed within the course of their employment and/or  
2 independent contractor relationship with the State of California, the State of California is  
3 therefore liable for their negligent and wrongful conduct described herein.

4 63. ~~61.~~ The State of California and DOE Defendants publicized Plaintiff's private  
5 information, including her home address information, onto the open internet with no access  
6 restrictions whatsoever.

7 64. ~~62.~~ Any reasonable person in Plaintiff's position would consider this publicity  
8 highly offensive, as Plaintiff does.

9 65. ~~63.~~ The State of California and DOE Defendants knew, or acted with reckless  
10 disregard of the fact, that a reasonable person in Plaintiff's position would consider the publicity  
11 highly offensive, as Plaintiff does.

12 66. ~~64.~~ The private information that Defendants publicized was not of legitimate  
13 public concern, nor did it have a substantial connection to a matter of legitimate public concern.

14 67. ~~65.~~ Plaintiff was harmed by the publicity of this private information, having  
15 suffered and continuing to suffer emotional distress and the financial costs of enhanced security  
16 measures.

17 68. ~~66.~~ Defendants' conduct was a substantial factor in causing Plaintiff harms, such  
18 as but not limited to emotional distress and the financial costs of enhanced security measures.

19 PRAYER

20 WHEREFORE, Plaintiff prays for the following relief:

21 1. For special and general damages in an amount no less than the jurisdictional  
22 minimum of this Court;

23 2. For exemplary damages against DOES where allowed under statute;

24 3. For preliminary and permanent injunctive relief to prevent the further  
25 dissemination or publication of Plaintiff's home address, date of birth, or CII Number ~~by~~in the  
26 possession of Defendants ~~or~~by any of them, whether on the State's firearms data web portal or  
27 any other publicly accessible database maintained by the State or any of its departments or  
28 subdivisions;

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4. For a declaration by the Court under Code of Civil Procedure section 1060 as to the rights, responsibilities, and obligations of Plaintiff and Defendants to one another, and each of them, including, specifically, as to the obligation of Defendants of the further steps they must take to safeguard and refrain from publicly disclosing information obtained or kept by Defendants as a result of Plaintiff's application for or holding of a CCW permit, including specifically, the home address, date of birth, and CII information contained therein, and for any other declarations and orders necessary to effect a remedy sought or available under the causes of action pled hereinabove;
5. For attorney's fees as allowed by statute;
6. For an award of interest, including prejudgment interest, at the legal rate as permitted by law; and
7. For such other and further relief as the court may deem proper.

PLAINTIFF FURTHER REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: ~~April 7~~June 15, 2023 MICHEL & ASSOCIATES, P.C.

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C. D. Michel  
Joshua Robert Dale  
Konstadinos T. Moros  
Attorneys for Plaintiff  
Deputa District Attorney JANE DOE

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**PROOF OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 707 Wilshire Boulevard, Suite 6000, Los Angeles, California 90017-3543. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on July 18, 2023, I served a copy of:

**DECLARATION OF LAURA LIVELY BABASHOFF IN SUPPORT OF DEFENDANT’S MOTION TO STRIKE ALLEGATIONS FROM PLAINTIFF’S FIRST AMENDED COMPLAINT**

**BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system from NCaruthersDodson@mofa.com to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

**BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251]** by electronically mailing a true and correct copy through **FIRST LEGAL'S** electronic mail system to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

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*Attorneys for Plaintiff*  
MICHELE HANISEE

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

Executed at Los Angeles, California, this 18th day of July, 2023.

Nieka Caruthers-Dodson  
\_\_\_\_\_  
(typed)

*N. Caruthers-Dodson*  
\_\_\_\_\_  
(signature)