May 19, 2023

Hon. Judith McConnell, Administrative Presiding Judge
Hon. Associate Justices
Fourth District Court of Appeal
Division One
Symphony Towers
750 B Street, Suite 300
San Diego, California 92101

Submitted via TrueFiling

Re: ***Arturo Castañares v. Superior Court of the State of California for the County of San Diego/City of Chula Vista***
Case no. D082048
Letter Brief of *Amici Curiae* First Amendment Coalition, Reporters Committee for Freedom of the Press, and Electronic Frontier Foundation in Support of Petition for Extraordinary Writ under the California Public Records Act

Dear Administrative Presiding Justice McConnell and Associate Justices,

IDENTITY AND INTEREST OF *AMICI CURIAE*

The First Amendment Coalition (FAC) is a nonprofit, public interest organization committed to freedom of speech, more open and accountable government, and public participation in civic affairs. Founded in 1988, FAC's activities include free legal consultations on First Amendment issues, educational programs, legislative oversight of bills in California affecting access to government and free speech, and public advocacy, including extensive litigation and appellate work. FAC's members are news organizations, law firms, libraries, civic organizations, academics, freelance journalists, bloggers, community activists, and ordinary persons. FAC has frequently litigated or appeared as amicus curiae in cases arising under the California Public Records Act ("CPRA"), especially those pertaining to police transparency. (*See, e.g.*, *Becerra v. Superior Court* (2020) 44 Cal.App.5th 897.)

The Reporters Committee for Freedom of the Press is an unincorporated

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nonprofit association founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide *pro bono* legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

The Electronic Frontier Foundation ("EFF") is a San Francisco-based, member-supported, nonprofit civil liberties organization that has worked for more than 30 years to protect free speech, privacy, security, and innovation in the digital world. With more than 35,000 members, EFF represents the interests of technology users in court cases and policy debates regarding the application of law to the internet and other technologies.

In support of its mission, EFF frequently litigates CPRA and Freedom of Information Act ("FOIA") requests to scrutinize government's use of digital technology in ways that threaten individuals' privacy and free expression. (*See*, *e.g.*, *American Civil Liberties Foundation of Southern California v. Superior Court* (2017) 3 Cal.5th 1032, 1042 ["*ACLU*"] (serving as co-plaintiff in CPRA suit seeking access to Automated License Plate Reader data); *EFF v. DHS* (N.D. Cal. Nov. 12, 2019) No. 19-cv-07431 (seeking details about the government's use of Rapid DNA analyzers at the border to verify familial relationships); *EFF v. Dep't of Commerce* (D.D.C. Nov. 30, 2017) No. 17-cv-2567 (disclosing records regarding an in-development automated tattoo recognition program).)

EFF has a specific interest in this case because the trial court's legal errors could result in law enforcement categorically restricting access to a variety of records created by the technology they use, regardless of whether this is in fact a criminal investigation. That result would blunt public understanding and oversight of law enforcement's use of new technologies beyond the drone program at issue in this CPRA request.

INTRODUCTION

The Court should grant the petition because the trial court's decision contains multiple legal errors that could undermine the public's ability to understand and oversee law enforcement's use of new technologies that implicate people's free expression and privacy rights. The CPRA request at issue here sought the disclosure of drone flight videos created by the Chula Vista Police Department. The department touts its program as one of the first in the country to use drones as first responders to emergency calls for police service, and has advocated for other law enforcement throughout the state and country to create

similar programs.

Yet when journalist Arturo Castañares sought the disclosure of videos captured by the drones, the City claimed that they were categorically exempt from disclosure as investigatory records. The trial court agreed and ruled that it would be unduly burdensome to require the City to review the video footage and release redacted versions.

As explained below, the trial court committed multiple legal errors in refusing to disclose the drone footage. The Court should grant the petition and correct these errors because they cannot be squared with the text of the CPRA, the California Constitution's presumption of public access, and binding authority that narrowly construes the investigatory records exemption.

The Court should also grant the petition because those legal errors could have broader implications for the public's ability to understand how law enforcement uses new technologies that implicate people's rights. The City itself recognizes that its drones can potentially invade individuals' privacy and has created policies designed to limit the recording of private places and other situations in which people have a reasonable expectation of privacy. Under the trial court's ruling, however, the public cannot verify whether the City is complying with its own policies because the footage is categorically exempt. The inability to perform such basic community oversight is an anathema to the CPRA's text and purpose.

Moreover, the trial court's ruling has troubling implications for public access to drone footage created by other law enforcement agencies throughout the state, as many are in the process or have already begun using drones like the City does. If the investigatory record exemption does broadly shield drone footage from ever being disclosed, it would blunt public understanding of a technology that is being used to replace basic police activity when responding to emergencies.

Finally, the trial court's ruling has the potential to limit understanding of other new technologies used by law enforcement. This is problematic because many surveillance and other technologies can be used to interfere with people's privacy and free expression rights. This Court should thus grant review and reverse the trial court to ensure that the CPRA can continue to be a meaningful transparency tool for the public to learn about and oversee law enforcement's use of new technology.

ARGUMENT

I. The Trial Court Legally Erred in Finding Drone Footage Is Categorically Exempt From Disclosure.

As an initial matter, the CPRA strongly favors deciding this case on its merits. The trial court's order "refusing disclosure" of the requested records is not reviewable by direct appeal but instead "shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ." (Gov. Code, § 7923.500, subd. (a).) Because "an extraordinary writ proceeding is the only avenue of appellate review" in this case, the Court's "discretion is quite restricted," and it "may not deny an apparently meritorious writ petition" without full briefing and argument on the merits. (*Powers v. City of Richmond* (1995) 10 Cal. 4th 85, 113-14.)

The "Legislature's purpose in replacing review by direct appeal with review by extraordinary writ" in CPRA cases "was in no sense to disadvantage litigants seeking review of PRA decisions or to constrict the power of the Courts of Appeal to correct errors in those decisions. Rather, the legislative objective was to expedite the process and thereby to make the appellate remedy more effective." (*Id.* at p. 112.) That objective is served by granting review with full briefing and argument.

On the merits, the record amply shows why full briefing and argument is necessary to decide whether the trial court erred. The trial court's order runs afoul of four foundational principles: (1) exemptions from disclosure must be construed narrowly; (2) the agency bears the burden to justify withholding public records; (3) records containing any information subject to disclosure must be produced with exempt portions redacted; and (4) mere allegations of undue burden cannot defeat disclosure of records in which there is a compelling public interest.

A. The Investigatory Records Exemption Covers Only Targeted Investigations of Specific Crimes, Which Are Not Necessarily at Issue in Every Drone Video.

When a court is "determining whether the CPRA applies, or whether an exemption has been established, the California Constitution instructs that a statutory provision 'shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.'" (*Edais v. Superior Court* (2023) 87 Cal.App.5th 530, 538 [quoting Cal. Const., art. 1, § 3, subd. (b)(2)].) The trial court's ruling violated this principle by expanding the investigatory records exemption far beyond its core.

In relevant part, the exemption protects only "records of … investigations conducted by … any state or local police agency." (Gov. Code, § 7923.600, subd. (a).) The exemption covers "only those investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred. If a violation or potential violation is detected, the exemption also extends to records of investigations conducted for the purpose of uncovering information surrounding the commission of the violation and its agency." (*Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1071.) Therefore, when it is "narrowly construed" as it must be, the exemption for "records of investigations" includes only those records generated "as part of a targeted inquiry into any particular crime or crimes." (*ACLU*, *supra*, 3 Cal.5th at p. 1042.)

Drone videos do not fall within the investigatory records exemption merely because drones are "deployed in response to a call for service" and "are controlled by a human being." (Apr. 10 Min. Order at p. 4.) The trial court erred by assuming that every "call for service" necessarily involves a targeted criminal investigation. The California Supreme Court has "recognized that not every inquiry is an 'investigation' in the relevant sense." (*ACLU*, *supra*, 3 Cal.5th at p. 1042.) The investigatory records exemption does not "shield everything law enforcement officers do from disclosure. [Citation] Often, officers make inquiries of citizens for purposes related to crime prevention and public safety that are unrelated to either civil or criminal investigations." (*Haynie, supra*, 26 Cal. 4th at p. 1071.) Records of such inquiries are therefore not exempt from disclosure.

By analogy, not every drone flight is necessarily part of a criminal investigation. The City distinguishes between drone use "to respond to calls for service and emergency situations," such as "searching for lost or missing persons," and "to conduct criminal investigations," and it notes that drones can be used for noncriminal matters such as "evaluating damages after … natural disasters."[1] Drones can also be deployed for a "welfare check."[2] Because the City recognizes that not every drone flight is part of a criminal investigation, it follows that the investigatory records exemption, narrowly construed as it must be, does not automatically cover every drone video.

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[1] (City of Chula Vista, Drone Program <https://www.chulavistaca.gov/departments/police-department/programs/uas-drone-program> [as of May 18, 2023] ["Current Chula Vista Drone Program Website"].)

[2] (*See, e.g.,* Case/Incident CVL041552, Chula Vista Police, <https://app.airdata.com/u/cvpd> [as of May 18, 2023].)

B. The City Did Not Carry its Burden of Proof to Demonstrate That Every Moment of Every Drone Video Is Targeted at Investigating a Specific Crime.

An agency that withholds requested records bears the burden of demonstrating that an exemption applies. (Gov. Code, § 7922.000; *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 329.) Because the party opposing disclosure bears the burden of proof, "doubtful cases must always be resolved in favor of disclosure." (*Essick v. County of Sonoma* (2022) 81 Cal.App.5th 941, 950.) As the party with the burden to prove requested records are exempt from disclosure, the City bears the burden to prove each fact essential to its asserted exemption. (Evid. Code, §§ 500, 550; *Sargent Fletcher, Inc. v. Able Corp*. (2003) 110 Cal. App. 4th 1658, 1667.).

The trial court cited no facts demonstrating every video record of every drone flight derives from a targeted criminal investigation, as necessary to justify invoking the investigatory records exemption across the board. Even assuming some portions of some drone videos were generated as part of "focused attention on the incident" under criminal investigation, the trial court cited no facts establishing that all such videos in their entirety, "from takeoff to incident, and from incident to return to base," are "investigatory record[s]." (Apr. 10 Min. Order at p. 4.)

It is not enough to assert that "the 'to and from' portions of the footage are important for completeness" at any criminal trial that might result from a recorded incident. (*Ibid.*) The applicability of an exemption from disclosure turns only on the narrowly construed language of the CPRA itself, not the admissibility of records under the Evidence Code or the use to which they might be put in criminal trials. The CPRA authorizes withholding of public records only if they are exempt under "*express provisions of this division*." (Gov. Code, § 7922.000 [emphasis added].) The trial court's concerns that "record[ing] anything less than the full fight would risk exclusion at trial" or provoke "a defense assertion that something important was omitted," are not exemptions specified in the CPRA. (Apr. 10 Min. Order at p. 4.) Whatever weight those concerns may have for criminal defendants, they do not square with any codified justification for withholding public records from disclosure under the CPRA. For whatever reason, the City might wish to record video during an entire drone flight or only during those portions directly pertaining to a criminal investigation, just as police departments might require activation of body cameras during an officer's entire shift or only when the officer initiates certain contacts. In either case, only those portions of the recordings that are directly targeted at investigating an alleged crime fall within the investigatory

records exception, as narrowly and properly construed.

C. Any Portions of the Videos That Are Exempt from Disclosure May Be Redacted, as the CPRA Requires.

In some circumstances, some portions of drone videos might implicate the investigatory records exemption, or privacy interests might justify withholding certain portions of drone videos under the CPRA's catchall provision, under which an agency must prove "that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (Gov. Code, § 7922.000.) To justify this exemption, the City must "demonstrate a clear overbalance on the side of confidentiality." (*ACLU*, *supra*, 3 Cal.5th at p. 1043 [citation omitted].)

However, an agency must still disclose any "reasonably segregable portion of a record" that is subject to disclosure "after deletion of the portions that are exempted by law." (Gov. Code § 7922.525, subd. (b).) This provision requires agencies to "use the equivalent of a surgical scalpel to separate those portions of a record subject to disclosure from privileged portions." (*Los Angeles County Bd. of Supervisors v. Superior Court* (2016) 2 Cal.5th 282, 292.)

The trial court cited no facts showing that drone video footage cannot be redacted to remove any portions genuinely subject to the investigatory records exemption or to protect any "privacy concerns" that might be implicated. (Apr. 10 Min. Order at p. 6.) As an initial matter, the City's own policy on drone use suggests any privacy concerns should be minimal at best:

> Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

[3] (Chula Vista Police Department, Chula Vista PD Policy Manual, Policy 613, p. 1 (February 20, 2020)

According to its policy, the City should not be routinely capturing images that invade privacy, which significantly mitigates any concerns about disclosing drone video footage. The public has a right to disclosure of drone videos to monitor and oversee the extent to which the City is following that policy. (*Connell v. Superior Court* (1997) 56 Cal.App.4th 601, 617 [holding government is not entitled to "exercise absolute discretion, shielded from public accountability," and "the public interest demands the ability to verify" proper performance of official duties].) The disclosure of documents about drone use, such as official policies and procedures, is no substitute for disclosure of the videos themselves.

In any event, redaction is readily available if needed. By analogy, when disclosing a video recording of a "critical incident," agencies can and do "use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording" that implicate "the reasonable expectation of privacy of a subject depicted in the recording." (Gov. Code § 7923.625, subd. (b)(1)). There is no reason why similar technology could not be used to redact drone videos if needed. Indeed, the drone video footage posted to the City's website has apparently been redacted to blur identifying information such as faces and license plates. (Current Chula Vista Drone Program Website, *supra*.)

The trial court did not discuss the viability of redacting drone video footage in light of these undisputed facts. It thus failed to conduct any meaningful "balancing analysis" that "includes consideration of the feasibility of, and interests implicated by, methods of anonymization" that could protect any privacy interests at stake. (*ACLU*, *supra*, 3 Cal.5th at p. 1046.)

D. The City Did Not Demonstrate That Redacting Drone Videos as Might Be Needed Would Present an Undue Burden.

The trial court erred in summarily declaring that the request for drone video footage, with redactions as might be needed, imposes "an unreasonable burden on the City's resources." (Apr. 10 Min. Order at p. 4.) The mere assertion that the request might require review and redaction of "75 or 91+ hours of footage" is insufficient. (*Ibid.*)

Any assertion that the request imposes an undue burden requires the City to meet the stringent requirements of the catchall exemption by demonstrating "a clear overbalance on the side of confidentiality." (*Becerra, supra,* 44 Cal.App.5th at p. 930 [citation omitted].) The trial court's order does not meet that standard

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<https://www.chulavistaca.gov/home/showpublisheddocument/16381/637178753321100000> [as of May 18, 2023] ["Chula Vista PD Policy Manual"].)

because it contains no "meaningful detail" establishing that "public fiscal and administrative concerns over the expense and inconvenience of responding to [Castañeres's] records request clearly outweigh the public interest in disclosure." (*Ibid.*)

"There is nothing in the Public Records Act to suggest that a records request must impose *no* burden on the government agency." (*County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1327 [citation omitted].) Courts have rejected assertions of undue burden involving significantly more time and expense than alleged in this case. For example, the Court of Appeal dismissed an agency's assertion of undue burden where the agency contended it might have to review "over 109,000 records," which would take an estimated "minimum of 3,600 attorney hours." (*Becerra, supra*, 44 Cal.App.5th at p. 930.) In another case, the court held it was not unduly burdensome to require an agency to review "approximately 8700 exemptions for individuals with criminal histories who were seeking employment in a licensed day care facility," with each review taking "approximately 15 minutes," so it could "compile an accurate list of the individuals granted criminal conviction exemptions." (*CBS Broadcasting Inc. v. Superior Court* (2001) 91 Cal.App.4th 892, 898, 909.)

In the latter case, the necessary review would have taken approximately 2,175 hours, far beyond the 75-90 hours of footage at issue here. If agencies can and do routinely redact body camera footage when required to comply with disclosure mandates, there is no reason the City cannot reasonably do so here.

II. The Trial Court's Decision Undermines Public Oversight of New Law Enforcement Technology.

The legal errors described above have broader consequences for public oversight of law enforcement use of drones and other new surveillance technologies. The CPRA is an important accountability tool that should be interpreted to allow oversight of modern law enforcement technologies. If the investigatory record exemption does broadly shield drone footage from ever being disclosed, it would blunt public understanding of a technology that is being used to replace basic police activity. And that reasoning could worryingly be applied to future technologies.

A. The CPRA Provides an Essential Accountability Check on Chula Vista's Drone Program.

Public records requests provide a valuable oversight function over new law enforcement technologies that will be hampered by the trial court's ruling. The

CPRA's purpose is to provide "access to information regarding government activities." (*ACLU*, *supra*, 3 Cal. 5th at p. 1042.) It allows journalists, nonprofits, and citizens to evaluate and debate the policy implications of technologies like Chula Vista's drone program.

As described above, a number of Chula Vista's privacy promises about its drone program can only be evaluated by access to appropriately redacted drone footage that in no way implicates the investigatory records exemption or its underlying purposes. Like in *ACLU*, disclosures like the ones contemplated below are "far less likely to compromise current or future law enforcement." (*supra*, 3 Cal. 5th at p. 1041.)

Without access to redacted drone footage, the public lacks the ability to verify if Chula Vista is complying with its own policies and turning its drone cameras away from areas where people have a reasonable expectation of privacy. Chula Vista's drone policy notes that drone operators and observers "shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy." (Chula Vista PD Policy Manual, *supra*, at p. 1.) Those precautions can include "turning imaging devices away from such areas or persons during UAS operations." (*Ibid*.) The same policy notes that the use of "thermal and other imaging equipment not generally available to the public" is permissible in only limited circumstances. (*Id*. at p. 2.) Video footage from the drones could confirm whether the police are confining their user of thermal imaging to those limited circumstances.

Public access to redacted drone footage would also help the public determine whether the city has changed its practices regarding recording homeowners' back yards. The city's website notes that drone operators—with certain exceptions—will not intentionally record images where users have a reasonable expectation of privacy. Before September 2021, the city listed examples of these areas as "private backyards or inside private buildings."[4] In late 2021, the reference to "private backyards" was quietly deleted. (*See* Current Chula Vista Drone Program Website, *supra*.) Without the actual footage, it is unclear whether the city's deletion on its website resulted in a change in on-the-ground practice or whether it was a mere website edit to save space.

[4] (City of Chula Vista, Drone Program <https://web.archive.org/web/20210824001435/https:/www.chulavistaca.gov/departments/police-department/programs/uas-drone-program> [as of August 24, 2021].)

Public access would also help the public understand whether the city is following its policy to automatically tilt the camera up and zoom out when the drone returns from a flight. In questions and answers posted on Chula Vista's website, the city notes that the drone recording system "activates immediately upon launch" and operators begin using the camera as quickly as possible. When the drone is initiated to return to base, the software is "programmed to automatically tilt the camera upward and zoom-out to reduce the chances that private property is accidentally recorded."[5] Is this automatic software reliable and are the cameras in fact tilted up to avoid recording private property on all occasions? Public drone footage would help verify these claims. Those disclosures would merely help confirm the city's already stated policies, rather than compromising "certain choices that should be kept confidential." (*ACLU*, *supra*, 3 Cal. 5th at p. 1041.)

B. Categorically Exempting Drone Footage from the CPRA Would Frustrate Public Oversight of Other Municipalities' Drone Programs and Other New Surveillance Technologies.

The trial court's decision—and the bright-line exemption it creates for drone footage—will hamper oversight of other cities' surveillance programs.

Many other cities in California and around the country have adopted drone programs, some inspired by Chula Vista. This decision has the potential to limit oversight of those programs as well. On Chula Vista's website, it includes links to presentations and brochures for other police forces to learn "how to implement a [Unmanned Aircraft Systems] program in your agency." (Current Chula Vista Drone Program Website, *supra*.) Chula Vista has given more than 100 tours of its drone program,[6] and news articles have reported on similar drone programs in cities in California and across the country that are inspired by Chula Vista's program.[7] EFF's own Atlas of Surveillance project, which inventories law

[5] (City of Chula Vista Technology & Privacy Task Force, Summary of Questions and Answers<https://www.chulavistaca.gov/home/showpublisheddocument/24681/637931446980230000> [as of May 18, 2023].)

[6] (Sofía Mejías Pascoe, Voice of San Diego, Chula Vista PD's Drone Program Opened a Revolving Door for Officers (Apr. 5, 2021)<https://voiceofsandiego.org/2021/04/05/chula-vista-pds-drone-program-opened-a-revolving-door-for-officers/>[as of May 18, 2023].)

[7] (Ashley Ludwig, Patch, RivCo Cops Test Drones As First Response To 'Clear Calls, Save Lives' (Apr. 20, 2023)< https://patch.com/california/murrieta/rivco-cops-test-drones-first-response-clear-calls-save-lives>[as of May 18, 2023].)

enforcement surveillance technologies, lists 115 drone entries for California cities that have either used or purchased drones.[8]

Aside from public records requests about drones, the trial court's ruling also has the potential to shield other law enforcement surveillance techniques from public debate. For example, EFF's Atlas of Surveillance project tracks a dozen different surveillance technologies or techniques used across the country.[9] It includes more than 11,000 entries. As police surveillance technology continues to evolve, public records requests will be an important oversight mechanism. California's Supreme Court agrees. In ruling that Automated License Plate Reader data does not produce records of investigations, it found that "[o]ur case law recognizes that the CPRA should be interpreted in light of modern technological realities." (*ACLU*, *supra*, 3 Cal. 5th at p. 1041.) That principle should apply here.

CONCLUSION

For the foregoing reasons, *amici* respectfully urge the Court to grant the Petition for Extraordinary Writ.

Respectfully Submitted,

/s/ Aaron Mackey

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[8] (Atlas of Surveillance, Showing data for: California< https://atlasofsurveillance.org/search?utf8=✓&location=California&technologies%5B88%5D=on > [as of May 18, 2023]).

[9] (Atlas of Surveillance, Showing data for: United States < https://atlasofsurveillance.org/search?utf8=✓&location=>[as of May 18, 2023].)

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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am over the age of 18 years and not a party to the within action. My business address is 815 Eddy Street, San Francisco, California 94109.

On May 19, 2023, I served the foregoing document entitled:

LETTER BRIEF OF *AMICI CURIAE* FIRST AMENDMENT COALITION, REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AND ELECTRONIC FRONTIER FOUNDATION AND IN SUPPORT OF PETITION FOR EXTRAORDINARY WRIT UNDER THE CALIFORNIA PUBLIC RECORDS ACT

on the attached Service List

X BY ELECTRONIC TRANMISTION VIA TRUEFILING: I caused a copy of the foregoing documents to be sent via TrueFiling to the persons at the e-mail addresses listed in the Service List. The following parties and/or counsel of record are designated for electronic service in this matter on the TrueFiling website. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

X BY FIRST CLASS MAIL: I caused to be placed the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

Executed on May 19, 2023 at San Francisco, California.

Madeleine Mulkern

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