

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Austin Manes (CA State Bar No. 284065), KRAMER LEVIN NAFTALIS &amp; FRANKEL LLP</b> 990 Marsh Road Menlo Park, CA 94025		FOR COURT USE ONLY
TELEPHONE NO.: (650) 752-1700 FAX NO. (Optional): (650) 752-1800 ATTORNEY FOR (Name): Plaintiffs, Kelly Clark, Dianne Wooton, Kiona Millirons		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> STREET ADDRESS: 720 9th Street MAILING ADDRESS: 720 9th Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Gordon D. Schaber Sacramento County Courthouse, Civil Division		
CASE NAME: Kelly Clark, et al. v. Sacramento County District Attorney's Office, et al.		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER:
		JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Two (2)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 06/29/2020

Austin Manes, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/  
Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—  
Physicians & Surgeons  
Other Professional Health Care  
Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

### Employment

Wrongful Termination (36)  
Other Employment (15)

### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller  
Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/  
Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

### Real Property

Eminent Domain/Inverse  
Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

### Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Sacramento County District Attorney's Office; Sacramento Police Department; City of Sacramento

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Kelly Clark, Dianne Wooton, Kiona Millirons, Plaintiffs

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Superior Court of California, County of Sacramento, 720 9th Street, Sacramento CA 95814

CASE NUMBER: (Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Austin Manes, Esq., Kramer Levin Naftalis & Frankel LLP, 990 Marsh Rd., Menlo Park, CA 94025, (650) 752-1700

DATE:  
(Fecha)

Clerk, by  
(Secretario)

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

### NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date)

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26 *Attorneys for Plaintiffs and Petitioners*

27 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
28 **FOR THE COUNTY OF SACRAMENTO**  
**UNLIMITED JURISDICTION**

20 KELLY CLARK, DIANNE WOOTON,  
21 KIONA MILLIRONS,

22 Plaintiffs and Petitioners,

23 vs.

24 SACRAMENTO COUNTY DISTRICT  
25 ATTORNEY'S OFFICE, SACRAMENTO  
26 POLICE DEPARTMENT—a *political*  
27 *subdivision of the City of Sacramento*, CITY OF  
28 SACRAMENTO,

Defendants and Respondents.

Case No.

**COMPLAINT FOR DECLARATORY  
RELIEF AND VERIFIED PETITION FOR  
WRIT OF MANDATE**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND VERIFIED PETITION  
FOR WRIT OF MANDATE**

## INTRODUCTION

1. On December 11, 2018, Ronald Seay shot and killed Amber Clark while she was sitting in her car in front of the North Natomas branch of the Sacramento Public Library, where she worked as a supervisor. Seay shot her 11 times in the face and head at point-blank range.

2. Two months prior to killing Amber Clark, Ronald Seay had been banned from the library following an incident involving aggressive behavior towards library staff and customers. At the time of the shooting, Ronald Seay also had a lengthy police record and, upon information and belief, numerous mental health commitments.

3. Upon information and belief, Ronald Seay purchased the guns that he used to murder Amber Clark during the summer of 2018 at a pawn shop in Missouri. Upon information and belief, the pawn shop sold the gun to Seay even though the background check was not completed.

4. Amber Clark is survived by several people important to her in life, including plaintiffs, who are grappling with the ripple effects, both physical and emotional, of her unexpected and tragic death.

5. Plaintiff Kelly Clark, Amber's husband and a 21-year veteran of the Air Force, struggles with depression and anxiety, and requires medication in order to go about his daily life. He has trouble sleeping and has developed a discomfort with large crowds and loud noises. He also lives with a fear of being ambushed in his own car.

6. Plaintiff Dianne Wooton, Amber's mother, similarly struggles with depression, anxiety, panic, and an inability to concentrate. Dianne's experience is a mother's worst nightmare. Eighteen months after her daughter's death, she has begun to heal only after receiving counseling and taking medication. Although grief and loss will never be gone, she has slowly resumed functioning and performing daily tasks. Amber was also the co-guardian to Dianne's disabled daughter, and Dianne feels her absence acutely in raising, supporting, and nurturing her child.

7. Plaintiff Kiona Millirons, Amber's sister, likewise fears becoming a target of gun violence — particularly after speaking out about the circumstances of Amber's death. Along with her children — Amber's niece and nephew — Kiona has trouble sleeping, has lost weight, struggles with

1 concentration, and suffers from memory loss. Kiona's daughter, Amber's niece, struggles with  
2 depression and anxiety, while Kiona's son deals with both anxiety and a fear of crowds. Both children  
3 find active shooter drills in school to be traumatic. Kiona is accruing debt in order to pay for the  
4 substantial physical and mental healthcare her family needs in the wake of the shooting.

5 8. This complaint asserts the right of plaintiffs Kelly Clark, Dianne Wooton, and Kiona  
6 Millirons as victims of this crime to access public records regarding the firearm(s) and ammunition  
7 obtained and used by Ronald Seay in the murder of Amber Clark.

8 9. On March 3, 2020, plaintiffs submitted requests to the Sacramento District Attorney's  
9 Office and Sacramento Police Department under the California Public Records Act ("CPRA") (Cal.  
10 Gov't Code § 6250 *et seq.*) for ten categories of public records pertaining to the murder of Amber Clark.  
11 The requests sought, *inter alia*, records reflecting any firearm trace results received by law enforcement  
12 concerning firearm(s) recovered from the shooting and records relating to the purchase, sale, or transfer  
13 of the firearm(s) and ammunition used to murder Amber Clark.<sup>1</sup> These public records contain critical  
14 information that plaintiffs can use to seek both policy changes and civil redress. They hope that, in doing  
15 so, they may prevent similar tragedies from occurring in the future.

16 10. The Sacramento District Attorney's Office and Sacramento Police Department refuse to  
17 release to plaintiffs any of the requested public records, notwithstanding that Seay has already been  
18 apprehended and the District Attorney's Office has provided or will provide much of the requested  
19 information to Seay or his lawyers. As a result, all of plaintiffs' requests remain outstanding.

20 11. The Sacramento District Attorney's Office and Sacramento Police Department have  
21 failed to comply with their statutory mandates under the CPRA. Plaintiffs respectfully ask this Court to  
22 direct the Sacramento District Attorney's Office and Sacramento Police Department to provide them  
23  
24

25 <sup>1</sup> Firearms tracing is the systematic effort to identify the manufacturers, distributors, and retail  
26 purchasers of firearms later recovered by law enforcement. ATF conducts firearms tracing at the request  
27 of federal, state, and local law enforcement agencies pursuant to its authority under the Gun Control Act  
28 of 1968 (codified as amended at 18 U.S.C. §§ 921–931). The results of these firearms tracing efforts,  
often referred to as "trace data" or "trace results," are maintained by ATF in a computerized database  
and shared with the requesting law enforcement agency.

1 with records in compliance with their records requests. Plaintiffs also seek an award of attorneys' fees  
2 and costs.

### 3 PARTIES

4 12. Plaintiff Kelly Clark is a resident of West Sacramento, California and had been Amber  
5 Clark's husband for 12 years at the time of her death. He qualifies as a victim under the California  
6 Constitution, article I, section 28 and California Government Code Section 6254(f), with the right to  
7 inspect public records related to the murder of his wife.

8 13. Plaintiff Dianne Wooton is Amber Clark's mother and a resident of Woodward,  
9 Oklahoma. She qualifies as a victim under California Constitution, article I, section 28 and California  
10 Government Code Section 6254(f), with the right to inspect public records related to the murder of her  
11 daughter.

12 14. Plaintiff Kiona Millirons is Amber Clark's sister and a resident of Oklahoma City,  
13 Oklahoma. She qualifies as a victim under California Constitution, article I, section 28 and California  
14 Government Code Section 6254(f), with the right to inspect public records related to the murder of her  
15 sister.

16 15. Defendant Sacramento County District Attorney's Office is a "local agency" subject to  
17 the CPRA. Cal. Gov't Code § 6252(a). It is legal custodian of some or all of the records at issue. It  
18 maintains its primary place of business in Sacramento County.

19 16. Defendant Sacramento Police Department is a "local agency" subject to the CPRA. Cal.  
20 Gov't Code § 6252(a), and a custodian of some or all of the records at issue. It is a political subdivision  
21 of the City of Sacramento. It maintains its primary place of business in Sacramento County.

22 17. Defendant City of Sacramento is a "local agency" subject to the CPRA. Cal. Gov't Code  
23 § 6252(a). Because Defendant Sacramento Police Department is a political subdivision of the City of  
24 Sacramento, Defendant is named as a necessary party. Defendant is chartered and located within  
25 Sacramento County.

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19. Venue is proper in this Court pursuant to California Code of Civil Procedure Section 393 because the acts and omissions forming the basis of the cause of action occurred in Sacramento County. Venue is additionally proper in this Court pursuant to California Code of Civil Procedure Section 394 because the Sacramento Police Department and the Sacramento District Attorney's Office are local agencies situated in Sacramento County. Venue is proper pursuant to California Government Code Section 6259 because some or all of the records in question are located in Sacramento County.

20. The California Constitution, article I, section 3(b)(1), provides that “[t]he people have the right of access to information concerning the conduct of the people’s business, and, therefore...the writings of public officials and agencies shall be open to public scrutiny.”

22. The CPRA further provides that “[p]ublic records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided.” *Id.* § 6253(a). Unless records are subject to an express statutory exemption, “each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available.” *Id.* § 6253(b).

24. Although the CPRA has a statutory exemption regarding police investigations, it contains a carve-out for certain information to be disclosed to a crime victim or her authorized representative. *Id.* § 6254(f). This provision mandates disclosure of “the description of any property involved” and the “statements of the parties involved in the incident [and] . . . all witnesses, other than confidential informants,” so long as disclosure would not “endanger the safety of a witness or other person involved



1 in the investigation,” and would not “endanger the successful completion of the investigation or a related  
2 investigation.” *Id.* There also is a carve-out entitling the public to “the factual circumstances surrounding  
3 the crime or incident, and a general description of any injuries, property, or weapons involved.” *See id.*  
4 § 6254(f)(2)(A).

5 25. Where a party alleges that a public agency is unlawfully withholding public records, “the  
6 court shall order the officer or person charged with withholding the records to disclose the public record  
7 or show cause why the officer or person should not do so.” *Id.* 6259(a). “If the court finds that the public  
8 official’s decision to refuse disclosure is not justified under section 6254 or 6255, the court shall order  
9 the public official to make the record public.” *Id.* § 6259(b).

10 26. In a CPRA case, “[t]he court shall award court costs and reasonable attorney’s fees to the  
11 requester should the requester prevail in litigation.” *Id.* § 6259(d).

#### 12 **FACTUAL ALLEGATIONS**

13 27. Prior to her death, Amber Clark worked as a library supervisor at the North Natomas  
14 branch of the Sacramento Public Library.

15 28. In October 2018, after recently moving to the Sacramento area, Ronald Seay caused a  
16 disturbance in the North Natomas branch. The disturbance ended in Seay being removed from the  
17 library. The Sacramento Police Department issued a no-trespass order against Seay, effectively banning  
18 him from the library.

19 29. On December 11, 2018 at approximately 6:10 p.m., Amber Clark was sitting in her car  
20 outside the North Natomas library, preparing to drive home, when Ronald Seay approached and shot  
21 her 11 times in the face and head with a handgun before fleeing the scene. According to news reports  
22 following the shooting, investigators believed that Ronald Seay specifically targeted Amber Clark.

23 30. On December 12, 2018, Seay was arrested by the Sacramento Police Department and  
24 charged with first-degree murder.

25 31. Ronald Seay’s October 2018 disturbance in the North Natomas library and his  
26 subsequent shooting of Amber Clark were not the first known instances of his violent conduct. Even  
27  
28

1 before purchasing the gun he used in the deadly ambush, he had a documented history of erratic and  
2 aggressive behavior toward others.

3 32. Prior to moving to the Sacramento area, Ronald Seay lived in Missouri and attended the  
4 University of Missouri-St. Louis ("UMSL"). While employed as a student worker, he exhibited  
5 confrontational and aggressive behavior toward coworkers. On June 20, 2018, Seay was terminated from  
6 his student employment position due this aggressive behavior. UMSL police later barred him from  
7 UMSL property.

8 33. In addition to Ronald Seay's documented pattern of aggressive behavior, UMSL police  
9 and healthcare staff (including Seay's psychologist) were aware that he had a long history of mental  
10 health issues, an extensive criminal record, and access to a handgun. That history included an incident  
11 in June 2018 in which Seay — while sitting in the waiting area of the UMSL Health Services department  
12 — expressed a desire to commit a shooting and to kill people.

13 34. Upon information and belief, before or during the month of July 2018, a pawn shop in  
14 Missouri sold Seay two Springfield Armory pistols. Plaintiffs do not know the name of the pawn shop,  
15 its exact location, or the serial numbers of the guns that it sold to Seay.

16 35. Upon information and belief, the pawn shop sold the guns to Seay without receiving the  
17 results of a completed background check for Seay. Upon information and belief, after waiting three  
18 business days and receiving no notification as to whether the sale to Seay would violate federal law, the  
19 pawn shop proceeded to sell the guns to Seay. Upon information and belief, Seay used one of these guns  
20 to kill Amber Clark.

21 36. Ronald Seay's pattern of erratic and aggressive behavior continued following his gun  
22 purchases and was repeatedly brought to the attention of the authorities.

23 37. On August 23, 2018, the Municipal Public Library in Ferguson, Missouri, banned Seay  
24 from its premises for a year for causing multiple disturbances at the library.

25 38. On August 24, 2018, Seay was arrested for disturbing the peace after yelling and talking  
26 about shooting people at the Millennium Student Center at UMSL.

1           39.     On August 29, 2018, USML issued Seay a permanent “no trespass” letter barring him  
2 from campus and prohibiting further affiliation with the university.

3           40.     On September 4, 2018, Seay entered the public library in Brentwood, Missouri, and  
4 began telling the staff that he was banned from another library. Seay knocked over computer monitors,  
5 paced the library, and talked to himself. He loudly announced that “everyone was a slave to ignorance.”  
6 A librarian called the police and requested assistance.

7           41.     On September 5, 2018, Seay returned to the Brentwood Public Library and blocked a  
8 doorway so a librarian could not exit. After he left the library, he continued to disturb children and other  
9 patrons in the library parking lot. A librarian called the police and Seay was removed from the library  
10 and banned.

11          42.     On September 6, 2018, Seay was charged with trespassing after entering the Brentwood  
12 Public Library despite being banned from the premises.

13          43.     By October 2018, Seay had traveled to Sacramento, California, and resumed a pattern of  
14 disturbing and aggressive behavior in local libraries that culminated in the shooting of Amber Clark.

15          44.     Amber Clark’s family would like to know if her tragic death could have been avoided.  
16 There are laws and regulations in place to prevent prohibited persons — including persons with certain  
17 types of criminal and mental health histories — from possessing firearms. Plaintiffs have not been able  
18 to learn whether Seay was such a prohibited person.

19          45.     Disclosure of the information plaintiffs seek — including records regarding any trace  
20 data received by defendants from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”)  
21 — will shed light on the matter by aiding plaintiffs in determining whether the as-yet-unidentified seller  
22 did in fact provide guns to Seay without a completed background check.

23          46.     Additionally, best practices within the firearms industry direct dealers to refuse sales to  
24 individuals who exhibit erratic behavior or other red flags during the course of a transaction.

25          47.     In particular, records reflecting the identity of the seller or sellers of the guns purchased  
26 by Seay and any witness statements regarding the nature of those transactions — will be critical to  
27  
28

1 determining whether Seay exhibited the kind of aggressive or erratic behavior that should have prompted  
2 the seller to deny the sale.

3 48. Seay remains incarcerated pending trial. A competency hearing in the case is presently  
4 scheduled for September 14, 2020, and may be delayed further. A representative of the Sacramento  
5 District Attorney's office has indicated that there is no way to know when the competency hearing will  
6 be held, because "there is no right to a speedy competency trial."

7 **PLAINTIFFS' PUBLIC RECORD REQUESTS UNDER THE CPRA**

8 49. On March 3, 2020, Plaintiffs filed separate, identical records requests with the  
9 Sacramento Police Department and the Sacramento District Attorney's Office under CPRA § 6250.  
10 Each request sought the following ten targeted categories of public records relating to Ronald Seay's  
11 purchase of the firearm and ammunition used in connection with the homicide of Amber Clark:

- 12 a. Records reflecting any firearms trace request made to the ATF, and any firearms trace results  
13 received from ATF or any other law enforcement agency, concerning any firearm(s)  
14 recovered in connection with the homicide of Amber Clark.
- 15 b. All property vouchers or similar records describing any firearm(s), ammunition, ammunition  
16 casing(s), or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
- 17 c. Any other records reflecting a description of the firearm(s), ammunition, ammunition  
18 casing(s), or firearm magazine(s) involved in the offense, including but not limited to those  
19 reflecting the serial number, make, and/or model of any firearm(s) recovered.
- 20 d. Any records relating to the purchase, sale, or transfer of any firearm(s), ammunition, or  
21 firearm magazine(s) recovered in connection with the homicide of Amber Clark.
- 22 e. Records of any witness statement solely concerning when, where, how any firearm(s),  
23 ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by  
24 Ronald Seay.
- 25 f. Records reflecting the name(s) and address(es) of all person(s) from whom the firearms(s),  
26 ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by  
27 Ronald Seay.

- 1 g. Records of any statement made by Ronald Seay solely concerning the firearm(s),  
2 ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or solely  
3 concerning when, where, and/or how any such firearm(s), ammunition, or firearm  
4 magazine(s) were obtained by Ronald Seay.
- 5 h. Any records relating to statements made by Ronald Seay prior to the homicide of Amber  
6 Clark in which Mr. Seay indicated that he wanted to harm other people, including but not  
7 limited to statements made by Mr. Seay in June 2018 and documented by the University of  
8 Missouri at St. Louis Police Department.
- 9 i. Records of any search, conducted by the Sacramento Police Department in October 2018,  
10 for Ronald Seay's previous criminal arrests or convictions.
- 11 j. Records of any communications with other law enforcement agencies about the firearm(s),  
12 ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or concerning  
13 when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were  
14 obtained by Ronald Seay.

15 See March 3, 2020 Request to Sacramento Police Department, attached as Exhibit A, and March 3, 2020  
16 Request to Sacramento District Attorney's Office, attached as Exhibit B.

17 50. On March 5, 2020, the Sacramento District Attorney's Office denied Plaintiffs' records  
18 request in full, claiming the records requested were exempt from disclosure under CPRA § 6254(f) as  
19 records of complaints to or investigations conducted by a local police agency and investigatory files  
20 compiled by any other local agency for law enforcement or licensing purposes. The denial letter  
21 acknowledged that there is an explicit statutory exemption for victims under CPRA § 6254(f) but stated  
22 that the ongoing criminal case against Ronald Seay precluded disclosure of the requested information.  
23 See March 5, 2020 Sacramento District Attorney's Office denial letter, attached as Exhibit C.

24 51. The Sacramento District Attorney's denial letter did not deny possession or custody of  
25 the requested records, nor did it provide any specific justification as to why the public interest prevented  
26 the disclosure of *all* of the information requested by Plaintiffs. Notably, there is no risk that disclosure  
27 of the requested information would obstruct a pending criminal investigation. Seay is already in custody,  
28

1 the criminal case has already been charged, and there are no alleged accomplices. Indeed, under the  
2 applicable discovery rules, Seay himself has already received or will receive prior to trial much of the  
3 information plaintiffs have requested. *See* Cal. Penal Code § 1054.1.

4 52. On April 30, 2020, the Sacramento Police Department denied Plaintiffs' records request  
5 in full. *See* April 30, 2020 Sacramento Police Department denial letter, attached as Exhibit D. The  
6 Sacramento Police Department denied having any responsive records corresponding with requests (D)  
7 through (G). For all remaining requests, the Sacramento Police Department claimed that the records  
8 requested were exempt under CRPA § 6254(f) and CRPA § 6255(a). The Sacramento Police Department  
9 also claimed that records requested in requests (A), (I) and (J) were additionally exempted under CRPA  
10 § 6254(k). Finally, the Sacramento Police Department claimed that records requested in request (A) and  
11 (J) were exempt under California Evidence Code Section 1040, and request (I) was exempt under  
12 California Penal Code Sections 13100 et seq., and 13300 et seq. A subsequent letter from Deputy City  
13 Attorney Aaron Israel, dated May 12, 2020, stated that the ongoing criminal case against Ronald Seay  
14 precludes disclosure of the requested information. *See* May 12, 2020 Sacramento Police Department  
15 denial letter, attached as Exhibit E.

16 53. In its denial, the Sacramento Police Department did not indicate which federal and/or  
17 state law(s) it contends exempt or prohibit disclosure pursuant to CRPA § 6254(k). On information and  
18 belief, the Sacramento Police Department's invocation of CPRA § 6254(k) is predicated on a federal  
19 appropriations law known as the "Tiahrt Rider," enacted most recently in 2011 as part of the  
20 Consolidated and Further Continuing Appropriations Act. Pub. L. No. 112-55, 125 Stat. 552, 609-10  
21 (2011). In relevant part, the Tiahrt Rider purports to restrict ATF's use of appropriated funds to disclose  
22 trace data, and to restrict the use and further disclosure of trace data by any person or entity in a Federal,  
23 State, local or tribal law enforcement agency or prosecutorial office.

24 54. The Tiahrt Rider is not a valid basis to invoke CPRA § 6254(k) and withhold the  
25 requested records. Specifically, as applied to state and local entities like the Sacramento Police  
26 Department and Sacramento District Attorney's Office, the Tiahrt Rider exceeds Congress'  
27 constitutional authority as limited by the Tenth Amendment and longstanding principles of federalism.

1           55.     In addition, the Tiahrt Rider does not bar disclosure here, where the requests at issue are  
2 made by victims of crime, rather than members of the public. As a result, it should not bar the release  
3 of the requested records.

4                                   **FIRST CAUSE OF ACTION**

5                                   **For Declaratory Relief, against all Defendants**

6           56.     Plaintiffs repeat and re-allege each and every allegation contained in the preceding  
7 paragraphs as if fully set forth herein.

8           57.     Under the CPRA, Plaintiffs have a right to inspect, and the Sacramento Police  
9 Department – a political subdivision of the City of Sacramento – and Sacramento District Attorney’s  
10 Office have a duty to provide without delay, public records subject to disclosure.

11          58.     The Sacramento Police Department – a political subdivision of the City of Sacramento –  
12 and Sacramento District Attorney’s Office have failed to provide the records responsive to the Plaintiffs’  
13 March 03, 2020 requests.

14          59.     Plaintiffs have no administrative remedies to exhaust under California Government Code  
15 Section 6250, et seq.

16          60.     A judicial declaration that the Sacramento Police Department, the City of Sacramento,  
17 and Sacramento District Attorney’s Office have violated Plaintiffs’ rights under the California  
18 Constitution, art. I, sections 3, 28, and the CPRA, California Government Code Section 6250, et seq., is  
19 necessary and appropriate under the circumstances.

20                                   **SECOND CAUSE OF ACTION**

21                                   **For a Writ of Mandate Compelling Production of Documents under the CPRA,**  
22                                   **against all Defendants**

23          61.     Plaintiffs repeat and re-allege each and every allegation contained in the preceding  
24 paragraphs as if fully set forth herein.

25          62.     Under the CPRA, Plaintiffs have a right to inspect, and the Sacramento Police  
26 Department – a political subdivision of the City of Sacramento – and Sacramento District Attorney’s  
27 Office have a duty to provide without delay, public records subject to disclosure.

63. The Sacramento Police Department – a political subdivision of the City of Sacramento – and Sacramento District Attorney’s Office have failed to provide the records responsive to the Plaintiffs’ March 03, 2020 requests despite possessing some or all of the records.

64. By its continuing refusal to provide timely compliance with the CPRA, the Sacramento Police Department, the City of Sacramento, and Sacramento District Attorney's Office have violated the California Constitution, art. I, section 3, and the CPRA, California Government Code Section 6250, et seq.

65. Plaintiffs have no administrative remedies to exhaust under California Government Code Section 6250, et seq.

66. The issuance of a writ of mandate pursuant to California Government Code Sections 6258 and 6259 is necessary to enforce Plaintiffs' right to inspect the public records requested.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Kelly Clark, Dianne Wooton, and Kiona Millirons respectfully pray that this Court:

67. Declare that the Sacramento Police Department, the City of Sacramento, and Sacramento District Attorney's Office have violated the Plaintiffs' rights under the California Constitution, art. I, section 3, and under California Government Code Section § 6250 et seq., by failing to produce the requested public records;

68. Issue a writ of mandate directing the Sacramento Police Department, the City of Sacramento, and Sacramento District Attorney's Office to comply fully, and without further delay, with the CPRA and to furnish the Plaintiffs all public documents responsive to its request to specifically identify and describe any documents allegedly exempt from disclosure;

69. Enter judgment in Plaintiffs' favor;

70. Award the Plaintiffs' reasonable attorneys' fees and costs as authorized by California Government Code Section 6259; and

71. Grant Plaintiffs such additional relief as the Court may deem just and proper.



1 DATED: June 29, 2020

Respectfully submitted,

2  
3 By: 

Austin Manes (State Bar No. 284065)  
KRAMER LEVIN NAFTALIS  
& FRANKEL LLP  
amanes@kramerlevin.com

4  
5  
6 Darren LaVerne  
(Motion for admission *pro hac vice* pending)  
dlaverne@kramerlevin.com  
7 John McNulty  
(Motion for admission *pro hac vice* pending)  
8 jmcnulty@kramerlevin.com  
9 Anna Boltyanskiy  
(Motion for admission *pro hac vice* pending)  
10 aboltyanskiy@kramerlevin.com

11 EVERYTOWN LAW  
12 Len Hong Kamdang  
(Motion for admission *pro hac vice* pending)  
lkamdang@everytown.org  
13 Molly Thomas-Jensen  
(Motion for admission *pro hac vice* pending)  
14 mthomasjensen@everytown.org  
15 James E. Miller  
(Motion for admission *pro hac vice* pending)  
16 jedmiller@everytown.org

17 *Attorneys for Plaintiffs and Petitioners*  
18  
19  
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# **Exhibit “A”**

March 3, 2020

Sacramento District Attorney's Office  
Attn: Administration  
901 G Street  
Sacramento, CA 95814

Via Email and U.S. Mail

RE: Public Records Act Request

To Whom It May Concern,

We represent the family of Amber Clark, who was senselessly shot and killed by Ronald Seay on December 11, 2018 outside the North Natomas branch of the Sacramento Public Library where she worked.<sup>1</sup> Pursuant to the California Public Records Act, Cal. Gov't Code § 6250, we request copies of certain records relating to the death of Amber Clark. We believe these records contain critical information that may prevent similar tragedies from occurring in the future.

We make this request on behalf of Kelly Clark (Amber Clark's husband), Dianne Wooton (Amber Clark's mother), and Kiona Millirons (Amber Clark's sister). They qualify as victims of this incident, pursuant to Cal. Gov't Code § 6254(f). We enclose copies of Amber's death certificate and a signed authorization from Mr. Clark, documenting their status as Amber Clark's kin, and therefore as victims of this crime.

Pursuant to Cal. Gov't Code § 6253(c), a determination and response to these requests are due within ten days of receiving this letter.

Specifically, we request the following records:

1. Records reflecting any firearms trace request made to the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), and any firearms trace results received from ATF or any other law enforcement agency, concerning any firearm(s) recovered in connection with the homicide of Amber Clark.

---

<sup>1</sup> Hannah Darden, *"It's like losing a member of your family." Library speaks out about Amber Clark's death*, THE SACRAMENTO BEE, Dec. 12, 2018, available at: <https://www.sacbee.com/news/local/crime/article223034815.html>.

## EVERYTOWN LAW

2. All property vouchers or similar records describing any firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
3. Any other records reflecting a description of the firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) involved in the offense, including but not limited to those reflecting the serial number, make, and/or model of any firearm(s) recovered.
4. Any records relating to the purchase, sale, or transfer of any firearm(s), ammunition, or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
5. Records of any witness statement solely concerning when, where, how any firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.
6. Records reflecting the name(s) and address(es) of all person(s) from whom the firearms(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.
7. Records of any statement made by Ronald Seay solely concerning the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or solely concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.
8. Any records relating to statements made by Ronald Seay prior to the homicide of Amber Clark in which Mr. Seay indicated that he wanted to harm other people, including but not limited to statements made by Mr. Seay in June 2018 and documented by the University of Missouri at St. Louis Police Department.
9. Records of any search, conducted by the Sacramento Police Department in October 2018, for Ronald Seay's previous criminal arrests or convictions.
10. Records of any communications with other law enforcement agencies about the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.

Should you choose to deny any of these requests, please identify in writing each specific exemption you believe justifies withholding this information. *See* Cal. Gov't Code § 6255. If you determine that a responsive record contains both disclosable and exempt material, please provide a redacted copy of the record pursuant to Cal. Gov't Code § 6253. To the extent that it is possible, we ask that you produce records in an electronic format (by email, if possible).

Thank you for your prompt response to this request. You may reach me by telephone at 646-324-8226 or by email ([mthomasjensen@everytown.org](mailto:mthomasjensen@everytown.org)) concerning this request.

Sincerely,

A handwritten signature in black ink that reads "Molly Thomas-Jensen". The signature is written in a cursive, flowing style.

Molly Thomas-Jensen

Senior Counsel

Everytown Law

450 Lexington Avenue, P.O. Box 4184

New York, NY 10017

[mthomasjensen@everytown.org](mailto:mthomasjensen@everytown.org)

646-324-8226

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

3052018256897

# CERTIFICATE OF DEATH

3201834011622

OLIVIA KASIRYE, MD  
LOCAL 11-0151141





**AUTHORIZATION - RELEASE OF INFORMATION**

To Whom It May Concern:

I, Kelly Clark, am Amber Clark's next of kin.

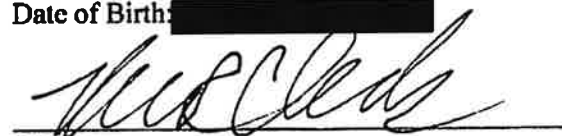
I hereby authorize the release of any and all videos, photographs, and other law enforcement records pertaining to Amber Clark to my attorneys, Everytown Law. I further authorize our attorneys at Everytown Law to make and receive any other record requests on my behalf related to my wife, Amber Clark.

July 12, 2019

Name: Kelly Clark

Address: [REDACTED]

Date of Birth: [REDACTED]

A handwritten signature in black ink, appearing to read 'Kelly Clark', is written over a horizontal line.

Kelly Clark

# **Exhibit “B”**



March 3, 2020

Sacramento Police Department  
Attn: Records Report Request  
5770 Freeport Blvd., Suite 100  
Sacramento, CA 95822

Via Online Public Records Portal and U.S. Mail

RE: Public Records Act Request

To Whom It May Concern,

We represent the family of Amber Clark, who was senselessly shot and killed by Ronald Seay on December 11, 2018 outside the North Natomas branch of the Sacramento Public Library where she worked.<sup>1</sup> Pursuant to the California Public Records Act, Cal. Gov't Code § 6250, we request copies of certain records relating to the death of Amber Clark. We believe these records contain critical information that may prevent similar tragedies from occurring in the future.

We make this request on behalf of Kelly Clark (Amber Clark's husband), Dianne Wooton (Amber Clark's mother), and Kiona Millirons (Amber Clark's sister). They qualify as victims of this incident, pursuant to Cal. Gov't Code § 6254(f). We enclose copies of Amber's death certificate and a signed authorization from Mr. Clark, documenting their status as Amber Clark's kin, and therefore as victims of this crime.

Pursuant to Cal. Gov't Code § 6253(c), a determination and response to these requests are due within ten days of receiving this letter.

Specifically, we request the following records:

1. Records reflecting any firearms trace request made to the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), and any firearms trace results received from ATF or any other law enforcement agency, concerning any firearm(s) recovered in connection with the homicide of Amber Clark.

---

<sup>1</sup> Hannah Darden, "It's like losing a member of your family." *Library speaks out about Amber Clark's death*, THE SACRAMENTO BEE, Dec. 12, 2018, available at: <https://www.sacbee.com/news/local/crime/article223034815.html>.

## EVERYTOWN LAW

2. All property vouchers or similar records describing any firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
3. Any other records reflecting a description of the firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) involved in the offense, including but not limited to those reflecting the serial number, make, and/or model of any firearm(s) recovered.
4. Any records relating to the purchase, sale, or transfer of any firearm(s), ammunition, or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
5. Records of any witness statement solely concerning when, where, how any firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.
6. Records reflecting the name(s) and address(es) of all person(s) from whom the firearms(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.
7. Records of any statement made by Ronald Seay solely concerning the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or solely concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.
8. Any records relating to statements made by Ronald Seay prior to the homicide of Amber Clark in which Mr. Seay indicated that he wanted to harm other people, including but not limited to statements made by Mr. Seay in June 2018 and documented by the University of Missouri at St. Louis Police Department.
9. Records of any search, conducted by the Sacramento Police Department in October 2018, for Ronald Seay's previous criminal arrests or convictions.
10. Records of any communications with other law enforcement agencies about the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.

Should you choose to deny any of these requests, please identify in writing each specific exemption you believe justifies withholding this information. *See* Cal. Gov't Code § 6255. If you determine that a responsive record contains both disclosable and exempt material, please provide a redacted copy of the record pursuant to Cal. Gov't Code § 6253. To the extent that it is possible, we ask that you produce records in an electronic format (by email, if possible).

Thank you for your prompt response to this request. You may reach me by telephone at 646-324-8226 or by email (mthomasjensen@everytown.org) concerning this request.

Sincerely,

A handwritten signature in black ink that reads "M Thomas Jensen" followed by a long horizontal flourish.

Molly Thomas-Jensen

Senior Counsel

Everytown Law

450 Lexington Avenue, P.O. Box 4184

New York, NY 10017

[mthomasjensen@everytown.org](mailto:mthomasjensen@everytown.org)

646-324-8226

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

3052018256897

# CERTIFICATE OF DEATH

3201834011622

**CERTIFIED COPY OF VITAL RECORDS**  
**STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

This is a true and exact reproduction of the document officially registered and placed on file with Sacramento County Department of Health and Human Services.

DATE ISSUED: December 28, 2018

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the Registrar.



\* 0 0 1 7 7 6 0 8 0 \*

Olivia / Kanye MI

OLIVIA KASIRYE, MD  
(LOCAL) REGISTRAR



**AUTHORIZATION – RELEASE OF INFORMATION**

To Whom It May Concern:

I, Kelly Clark, am Amber Clark's next of kin.

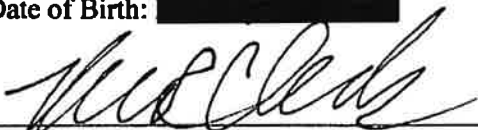
I hereby authorize the release of any and all videos, photographs, and other law enforcement records pertaining to Amber Clark to my attorneys, Everytown Law. I further authorize our attorneys at Everytown Law to make and receive any other record requests on my behalf related to my wife, Amber Clark.

July 12, 2019

Name: Kelly Clark

Address: [REDACTED]

Date of Birth: [REDACTED]

A handwritten signature in cursive script, appearing to read 'Kelly Clark', is written over a horizontal line.

Kelly Clark

# **Exhibit “C”**





# Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT  
District Attorney

Stephen J. Grippi  
Chief Deputy

Michael M. Blazina  
Assistant District Attorney

March 5, 2020

Molly Thomas-Jensen  
Senior Counsel  
Everytown Law  
450 Lexington Avenue, P.O. Box 4184  
New York, NY 10017

Dear Ms. Thomas-Jensen:

This is in response to your letter dated March 3, 2020, in which you indicated that pursuant to the California Public Records Act (CPRA) you are requesting a copy of certain records related to the investigation of the death of Amber Clark. Ronald Seay has been charged with Clark's murder, and is currently being prosecuted by this Office in Sacramento Superior Court docket number 18FE023832 and has not yet been brought to trial.

Specifically, you have requested:

1. Records reflecting any firearms trace request made to the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), and any firearms trace results received from ATF or any other law enforcement agency, concerning any firearm(s) recovered in connection with the homicide of Amber Clark.
2. All property vouchers or seminal records describing any firearm(s), ammunition, ammunition casing(s), or firearm magazines(s) recovered in connection with the homicide of Amber Clark.
3. Any other records reflecting a description of the firearm(s), ammunition, ammunition casing(s), or firearm magazines(s) involved in the offense, including but not limited to those reflecting the serial number, make, and/or model of any firearm(s) recovered.
4. Any records relating to the purchase, sale, or transfer of any firearm(s), ammunition, or firearm magazine(s) recovered in connection with the homicide of Amber Clark.
5. Records of any witness statement solely concerning when, where, how any firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.

6. Records reflecting the name(s) and address(es) of all person(s) from whom the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.
7. Records of any statement made by Ronald Seay solely concerning the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or solely concerning when, where, and/or how such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.
8. Any records relating to statements made by Ronald Seay prior to the homicide of Amber Clark in which Mr. Seay indicated that he wanted to harm other people, including but not limited to statements made by Mr. Seay in June 2018 and documented by the University of Missouri at St. Louis Police Department.
9. Records of any search, conducted by the Sacramento Police Department in October 2018, for Ronald Seay's previous criminal arrests or convictions.
10. Records of any communications with other law enforcement agencies about the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.

The materials you seek are exempt from disclosure under the CPRA. Government Code section 6254(f) exempts from CPRA disclosure records of complaints to or investigations conducted by any local police agency, investigatory files compiled by any local police agency, and investigatory files compiled by any other local agency for law enforcement or licensing purposes. Under the California Constitution and by statute, the District Attorney is vested with broad authority to investigate violations of the law, and prosecute such matters in criminal, civil, or administrative actions, as may be appropriate. The District Attorney's employees include peace officers, attorneys, and other staff who perform such investigations. There can be no question that the District Attorney's Office is a local agency that conducts police or law enforcement investigations and has complaints and investigatory files within the meaning of section 6254(f). Case law supports this conclusion. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Rackaucas v. Superior Court* (2012) 104 Cal.App.4th 169; *Fagan v. Superior Court* (2003) 111 Cal.App.4th 607; *County of Los Angeles v. Superior Court* (2005) 130 Cal.App.4th 1099.) This exemption applies not only to documents generated by the agency, but also to records gathered from victims, witnesses, and others. (See *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.) This exemption continues to apply even if the case is complete and the investigation closed. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.)

Government Code section 6254(f) does provide that:



law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, . . . as the result of the incident caused by . . . a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this division does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

You have indicated that you are the authorized representative of Kelly Clark (Amber Clark's husband), Dianne Wooton (Amber Clark's mother), and Kiona Millirons (Amber Clark's sister). However, the criminal case, Sacramento Superior Court docket number 18FE023832, is still pending. As such, disclosure of the information to which the victim's relatives may be entitled under section 6254(f) would endanger the successful completion of the investigation. Further, much of the material you have requested would not fall within the scope of information to which crime victims and/or their authorized representatives may be entitled under 6254(f) even at the conclusion of the criminal prosecution of Ronald Seay.

Therefore, your request for records is denied at this time. You may wish to consider resubmitting your request once the case is complete and closed.

Sincerely,

ANNE MARIE SCHUBERT  
DISTRICT ATTORNEY



Richard Miller  
Assistant Chief Deputy District Attorney

# **Exhibit “D”**



Public Records Reference # R014532-030920

Molly Thomas-Jensen:

This letter is in response to your California Public Records Act request dated March 09, 2020 wherein you requested records related to the homicide of Amber Clark.

The Government Affairs Unit has uploaded the response to your request to the portal. You can log into the system at [Sacramento Public Records Center](#).

Regarding the items requested, please see the response to each item below:

**1. records reflecting any firearms trace request made to the Bureau of alcohol, Tobacco, Firearms, and Explosives (ATF), and any firearms trace results received from ATF or any other law enforcement agency, concerning any firearm(s) recovered in connection with the homicide of Amber Clark.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f) [investigatory records], (k), 6255, subd. (a); Evid. Code, § 1040.

**2. All property vouchers or similar records describing any firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) recovered in connection with the homicide of Amber Clark.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f), [investigatory records, disclosure of which would endanger the successful completion of an investigation], 6255, subd. (a).

**3. Any other records reflecting a description of the firearm(s), ammunition, ammunition casing(s), or firearm magazine(s) involved in the offense, including but not limited to those reflecting the serial number, make, and/or model of any firearm(s) recovered.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f), [investigatory records, disclosure of which would endanger the successful completion of an investigation], 6255, subd. (a).

**4. Any records relating to the purchase, sale, or transfer of any firearm(s), ammunition, or firearm magazine(s) recovered in connection with the homicide of Amber Clark.**

The Sacramento Police Department has no responsive records.

**5. Records of any witness statement solely concerning when, where, how any firearm(s) ammunition or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.**

The Sacramento Police Department has no responsive records.

**6. Records reflecting the name(s) and addresses(es) of all person(s) from whom the firearm(s), ammunition or firearm magazine(s) used in the homicide of Amber Clark were obtained by Ronald Seay.**

The Sacramento Police Department has no responsive records.

**7. Records of any statement made by Ronald Seay solely concerning the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or solely concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.**

The Sacramento Police Department has no responsive records.

**8. Any records relating to statements made by Ronald Seay prior to the homicide of Amber Clark in which Mr. Seay indicated that he wanted to harm other people, including but not limited to statements made by Mr. Seay in June 2018 and documented by the University of Missouri at St. Louis Police Department.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f), [investigatory records, disclosure of which would endanger the successful completion of an investigation], 6255, subd. (a).

**9. Records of any search, conducted by the Sacramento Police Department in October 2018 for Ronald Seay's previous criminal arrests or convictions.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f) [investigatory records], (k), 6255, subd. (a); Pen. Code, §§ 13100 et seq., 13300 et seq.

**10. Records of any communications with other law enforcement agencies about the firearm(s), ammunition, or firearm magazine(s) used in the homicide of Amber Clark, or concerning when, where, and/or how any such firearm(s), ammunition, or firearm magazine(s) were obtained by Ronald Seay.**

Please be advised the records are exempt pursuant to Gov. Code, §§ 6254, subd. (f) [investigatory records], (k), 6255, subd. (a); Evid. Code, § 1040.

Thank you,

Sacramento Police Department  
Government Affairs Unit  
5770 Freeport Blvd., Suite 100  
Sacramento, CA 95822

# **Exhibit “E”**



**City Attorney**  
Susana Alcala Wood

**Assistant City Attorneys**  
Matthew D. Ruyak  
Sandra G. Talbott

**Supervising Deputy  
City Attorneys**  
Gerald C. Hicks  
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Brett M. Witter

Molly Thomas-Jensen  
Senior Counsel  
Everytown Law  
450 Lexington Avenue, P.O. Box 4184  
New York, New York 10017

**Office of the City Attorney**  
915 I Street, Fourth Floor  
Sacramento, CA 95814-2604  
PH 916-808-5346  
FAX 916-808-7455  
[www.cityofsacramento.org/cityattorney](http://www.cityofsacramento.org/cityattorney)

May 12, 2020

**Re: California Public Records Act Request R014532-030920**  
Matter ID: 20-0434  
Document No. 917447

**Deputy City Attorneys**

Audreyell A. Anderson-White  
Michael J. Benner  
Melissa D. Bickel  
Kourtney Burdick  
Emilio Camacho  
Joseph P. Cerullo  
Michael A. Fry  
Phanysha C. Gaddis  
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Jennifer V. Gore  
Maila L. Hansen  
Jeffrey C. Heeren  
Aaron M. Israel  
Kevin W. Kunderling  
Gary P. Lindsey, Jr.  
Jeffrey L. Massey  
Beau E. Parkhurst  
Sheryl N. Patterson  
Sean D. Richmond  
Kathleen T. Rogan  
Angel A. Solis  
Michael Sparks  
Chance L. Trimm  
Katherine Underwood  
Andrea M. Velasquez  
Michael Voss  
Leslie Z. Walker  
Kurt C. Wendlenner

Dear Ms. Thomas-Jensen:

I am writing to follow up on our conference call of May 8, 2020, regarding your California Public Records Act Request of March 3, 2020. Attached please find a courtesy copy of the letter issued by the Sacramento Police Department ("SPD") on April 30, 2020, in response.

I have confirmed that, as legal custodian of records identified in your March 3 request, SPD is not releasing responsive records at this time pursuant to the statutory authorities set forth therein. Thus, the attached response letter was issued appropriately.

As we discussed, the status of criminal proceedings bears on the extent to which certain records described in California Government Code section 6254, subdivision (f)—such as those identified in Items 2, 3, and 8 of your request—may be disclosed. My understanding is that trial of the criminal matter that gave rise to your request remains pending. Should your client wish to receive responsive records at a later time, you are welcome to resubmit your request upon the conclusion of criminal proceedings in the underlying matter.

If you have any additional questions or concerns, please call or email me directly.

Thank you,

SUSANA ALCALA WOOD  
City Attorney

A handwritten signature in black ink, appearing to read "Aaron M. Israel".

AARON M. ISRAEL  
Deputy City Attorney

Attachment

cc: Susana Alcala Wood, City Attorney  
Jaycob Bytel, Deputy Chief of Staff – External Affairs, Office of the Mayor

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2 Austin Manes (State Bar No. 284065)

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4 990 Marsh Road, Menlo Park, CA 94025

5 Telephone: (650) 752-1700

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7 Darren LaVerne (motion for admission *pro hac vice* pending)

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10 jmcnulty@kramerlevin.com

11 Anna Boltyanskiy (motion for admission *pro hac vice* pending)

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15 Len Hong Kamdang (motion for admission *pro hac vice* pending)

16 lkamdang@everytown.org

17 Molly Thomas-Jensen (motion for admission *pro hac vice* pending)

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19 James E. Miller (motion for admission *pro hac vice* pending)

20 jedmiller@everytown.org

21 450 Lexington Avenue, P.O. Box 4184

22 New York, NY 10017

23 Telephone: (646) 324-8226

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25 *Attorneys for Plaintiffs*

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119 KELLY CLARK, DIANNE WOOTON,  
120 KIONA MILLIRONS,

121 Plaintiffs,

122 vs.

123 SACRAMENTO COUNTY DISTRICT  
124 ATTORNEY'S OFFICE, SACRAMENTO  
125 POLICE DEPARTMENT—a *political*  
126 *subdivision of the City of Sacramento*, CITY OF  
127 SACRAMENTO,

128 Defendants.

Case No.

**VERIFICATION OF PLAINTIFF KELLY  
CLARK TO THE COMPLAINT FOR  
DECLARATORY RELIEF AND VERIFIED  
PETITION FOR WRIT OF MANDATE**

Reservation Number:

Date:

Time:

Dept.:



1                    **VERIFICATION TO COMPLAINT AND PETITION FOR WRIT OF MANDATE**

2  
3                    I, Kelly Clark, am a plaintiff in the above-entitled action. I have read the Complaint for  
4 Declaratory Relief and Verified Petition for Writ of Mandate and know the contents thereof. With  
5 respect to the allegations therein, the same is true of my own knowledge, except as to those matters  
6 which are stated on information and belief, and as to those matters I believe them to be true.  
7

8                    I declare under penalty of perjury under the laws of the State of California and the United  
9 States that the foregoing is true and correct. Executed on June 26, 2020 in

10 West Sacramento, Yolo County, California.

11   
12 Plaintiff Kelly Clark