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NO FEE PER GOV. CODE § 6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
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12

13 **ARTURO GUTIERREZ,**

14 Petitioner,

15 v.
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17 **CALIFORNIA DEPARTMENT OF**
18 **JUSTICE,**

19 Respondent.
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Case No. 25STCV07287

**RESPONDENT CALIFORNIA
DEPARTMENT OF JUSTICE'S
ANSWER TO PETITION FOR WRIT OF
MANDAMUS AND STATUTORY
MANDATE**

Judge: The Honorable Holly J. Fujie
Dept: 56
Action Filed: March 14, 2025

Respondent California Department of Justice (“Respondent” or “Department”) hereby answers the Petition for Writ of Mandamus and Statutory Mandate (“Petition”) of Petitioner Arturo Gutierrez. Respondent responds to the Complaint by admitting, denying, averring, and alleging as follows:

GENERAL DENIAL

Respondent generally denies all allegations of the Petition not expressly admitted pursuant to section 431.30, subdivision (f) of the California Code of Civil Procedure. Respondent reserves its right to amend this answer to assert other defenses, if necessary.

SPECIFIC DENIALS

1. Respondent states that the language quoted in lines 17 through 19 of page 1 of the Petition speaks for itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no response.

2. Respondent states that the language quoted in lines 20 through 22 of page 1 of the Petition speaks for itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no response.

3. Respondent denies the allegations in line 2 through 3 of page 2 of the Petition.

4. In response to line 4 through 7 of page 2 of the Petition, Respondent admits that the Department’s Task Force to Study and Develop Reparation Proposals for African Americans issued The California Reparations Report (“Report”) in 2023. Respondent states that the Report speaks for itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no response. Except as otherwise admitted or denied above, Respondent denies each and every remaining allegation in lines 4 through 7 of page 2 of the Petition.

5. Respondent denies the allegations in lines 8 through 10 of page 2 of the Petition.

6. Respondent denies the allegations in line 11 of page 2 of the Petition.

7. Answering paragraph 1 of the Petition, Respondent lacks sufficient knowledge to form a belief as to the identity of Plaintiff, or the statements herein, and on that basis denies those allegations.

1 8. Answering paragraph 2 of the Petition, Respondent admits it is a State agency for the
2 purposes of Government Code sections 7920.525 and 7920.540, subdivision (a). Respondent
3 further states that the referenced portions of the Government Code, the Code of Civil Procedure,
4 and the California Constitution speak for themselves, are the best evidence of their contents, and,
5 therefore, allegations relating thereto require no response. To the extent these lines contain
6 argument and legal conclusions or misstate the cited laws, Respondent denies those allegations.
7 Except as otherwise admitted or denied above, Respondent denies each and every remaining
8 allegation contained in paragraph

9 9. Answering Paragraph 3 of the Petition, Respondent states that Exhibit 1 speaks for
10 itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no
11 response. Respondent further states that the referenced portions of the Government Code, the
12 Code of Civil Procedure and the California Constitution speak for themselves, are the best
13 evidence of their contents, and, therefore, allegations relating thereto require no response. To the
14 extent paragraph 3 contains argument and legal conclusions or misstates Exhibit 1 or the cited
15 law, Respondent denies those allegations. Except as otherwise admitted or denied above,
16 Respondent denies each and every remaining allegation contained in paragraph 3.

17 10. Answering paragraph 4 of the Petition, Respondent states that the referenced portions
18 of the Code of Civil Procedure speak for themselves, are the best evidence of their contents, and,
19 therefore, allegations relating thereto require no response. To the extent paragraph 4 contains
20 argument and legal conclusions, Respondent denies those allegations. Except as otherwise
21 admitted or denied above, Respondent denies each and every remaining allegation contained in
22 paragraph 4.

23 11. Answering paragraph 5 of the Petition, Respondent states that Exhibits 3 and 4 speak
24 for themselves, are the best evidence of their contents, and, therefore, allegations relating thereto
25 require no response.

26 12. Answering paragraph 6(a)-(c) of the Petition, Respondent states that the referenced
27 portions of the Government Code speak for themselves, are the best evidence of their contents,
28 and, therefore, allegations relating thereto require no response. To the extent these lines contain

1 argument and legal conclusions or misstates the cited laws, Respondent denies those allegations.
2 Except as otherwise admitted or denied above, Respondent denies each and every remaining
3 allegation contained in paragraph 6(a)-(c).

4 13. Answering paragraph 7 of the Petition, Respondent states that the referenced portions
5 of Exhibit 4 and the Government Code speak for themselves, are the best evidence of their
6 contents, and, therefore, allegations relating thereto require no response. To the extent these lines
7 contain argument and legal conclusions or misstates Exhibit 4 and the cited law, Respondent
8 denies those allegations.

9 14. Answering paragraph 8 of the Petition, Respondent admits that November 28, 2024,
10 was Thanksgiving. Respondent further states that the referenced portions of Exhibit 4 speak for
11 itself, are the best evidence of their contents, and, therefore, allegations relating thereto require no
12 response. To the extent this paragraph contains argument and legal conclusions or misstates
13 Exhibit 4, Respondent denies those allegations.

14 15. Answering paragraph 9 of the Petition, Respondent admits that Petitioner did not
15 object to the Extension of Time to December 2, 2024, due to the 14th day falling on
16 Thanksgiving.

17 16. Answering paragraph 10 of the Petition, Respondent states that Exhibit 5 and Exhibit
18 6 speak for themselves, are the best evidence of their contents, and, therefore, allegations relating
19 thereto require no response. Respondent lacks sufficient knowledge to form a belief as to
20 Petitioner's remaining allegations in paragraph 10, and, for that reason, denies those allegations.

21 17. Respondent denies the allegations in paragraph 11 of the Petition.

22 18. Answering paragraph 12 of the Petition, Respondent states that Exhibit 7 speaks for
23 itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no
24 response. Respondent lacks sufficient knowledge to form a belief as to Petitioner's remaining
25 allegations in paragraph 12, and, for that reason, denies those allegations.

26 19. Answering paragraph 13 of the Petition, Respondent states that Exhibit 8 speaks for
27 itself, is the best evidence of its contents, and, therefore, allegations relating thereto require no
28 response. Respondent lacks sufficient knowledge to form a belief as to the rest of Petitioner's

1 allegations in paragraph 13, and, for that reason, denies each and every additional allegation in
2 that paragraph.

3 20. Answering paragraph 14 of the Petition, Respondent denies that no response was sent
4 in response to Exhibit 7 and Exhibit 8. Respondent lacks sufficient knowledge to form a belief as
5 to Petitioner's remaining allegations in paragraph 14, and, for that reason, denies those
6 allegations.

7 21. Respondent lacks sufficient knowledge to form a belief as to any of Petitioner's
8 allegations in paragraph 15 of the Petition, and, for that reason, denies those allegations.

9 22. Answering paragraph 16 of the Petition, Respondent states that the referenced portion
10 of cited Penal Code speaks for itself, is the best evidence of its contents, and, therefore,
11 allegations relating thereto require no response. To the extent this paragraph contains argument
12 and legal conclusions or misstates the cited law, Respondent denies those allegations.

13 23. Respondent lacks sufficient knowledge to form a belief as to the rest of Petitioner's
14 allegations in paragraph 17 of the Petition, and, for that reason, denies those allegations.

15 24. Respondent lacks sufficient knowledge to form a belief as to the rest of Petitioner's
16 allegations in paragraph 18 of the Petition, and, for that reason, denies those allegations.

17 25. Answering paragraph 19 of the Petition, Respondent lacks sufficient knowledge to
18 form a belief as to the rest of Petitioner's allegations in paragraph 19 of the Petition, and, for that
19 reason, denies each and every allegation in that paragraph.

20 26. Respondent lacks sufficient knowledge to form a belief as to the rest of Petitioner's
21 allegations in paragraph 20 of the Petition, and, for that reason, denies those allegations.

22 27. Respondent denies the allegations in paragraph 21 of the Petition.

23 28. Respondent lacks sufficient knowledge to form a belief as to the rest of Petitioner's
24 allegations in paragraph 22 of the Petition, and, for that reason, denies those allegations.

25 29. Respondent lacks sufficient knowledge to form a belief as to Petitioner's allegations
26 in paragraph 23 of the Petition, and, for that reason, denies those allegations.

27 30. Respondent lacks sufficient knowledge to form a belief as to Petitioner's allegations
28 in paragraph 24 of the Petition, and, for that reason, denies those allegations.

1 31. Respondent denies the allegations in paragraph 25 of the Petition.

2 32. Answering paragraph 26 of the Petition, Respondent states that the referenced portion
3 of cited case law speaks for itself, is the best evidence of its contents, and, therefore, allegations
4 relating thereto require no response. To the extent paragraph 26 contains argument and legal
5 conclusions or misstates the cited case law, Respondent denies those allegations.

6 33. Answering paragraph 27 of the Petition, Respondent states that the referenced portion
7 of cited case law speaks for itself, is the best evidence of its contents, and, therefore, allegations
8 relating thereto require no response. To the extent paragraph 27 contains argument and legal
9 conclusions or misstates the cited case law, Respondent denies those allegations.

10 34. Answering paragraph 28 of the Petition, Respondent states that the referenced portion
11 of cited study speaks for itself, is the best evidence of its contents, and, therefore, allegations
12 relating thereto require no response. To the extent paragraph 28 contains argument and legal
13 conclusions, Respondent denies those allegations. Respondent lacks sufficient knowledge to
14 form a belief as to Petitioner's remaining allegations in paragraph 28, and, for that reason, denies
15 those allegations.

16 35. Answering paragraph 29 of the Petition, Respondent states that the referenced portion
17 of cited case and statutory laws speak for themselves, are the best evidence of their contents, and,
18 therefore, allegations relating thereto require no response. To the extent paragraph 29 contains
19 argument and legal conclusions or misstates the cited law, Respondent denies those allegations.

20 36. Answering paragraph 30 of the Petition, Respondent states that the referenced portion
21 of cited Government Code speaks for itself, is the best evidence of its contents, and, therefore,
22 allegations relating thereto require no response. To the extent paragraph 30 contains argument
23 and legal conclusions, Respondent denies those allegations.

24 37. Answering paragraph 31 of the Petition, Respondent states that the referenced portion
25 of cited U.S. Constitution, the Geneva Slavery Convention, Federal Statutes, and Penal Code
26 speak for themselves, are the best evidence of their contents, and, therefore, allegations relating
27 thereto require no response. To the extent paragraph 31 contains argument and legal conclusions
28 Respondent denies those allegations.

1 38. Respondent denies the allegations in paragraph 32 of the Petition.

2 39. Answering paragraph 33 of the Petition, Respondent states that the referenced portion
3 of cited Penal Code speaks for itself, is the best evidence of its contents, and, therefore,
4 allegations relating thereto require no response. To the extent paragraph 33 contains argument
5 and legal conclusions or misstates the cited law, Respondent denies those allegations.

6 40. Answering paragraph 34 of the Petition, Respondent states that the November 14,
7 2024, letter to the Department of Justice (Exhibit 2) and the referenced portion of cited case law
8 speak for themselves, are the best evidence of their contents, and, therefore, allegations relating
9 thereto require no response. To the extent paragraph 34 contains argument and legal conclusions
10 or misstates the cited law, Respondent denies those allegations.

11 41. Answering paragraph 35 of the Petition, Respondent denies that no response was sent
12 in response to Exhibit 7 and Exhibit 8. To the extent paragraph 35 of the Petition contains
13 argument and legal conclusions, Respondent denies those allegations.

14 42. Answering paragraph 36 of the Petition, Respondent states that the referenced
15 portions of cited Government Code speak for themselves, are the best evidence of their contents,
16 and, therefore, allegations relating thereto require no response. To the extent paragraph 36
17 contains argument and legal conclusions or misstate the cited laws, Respondent denies those
18 allegations.

19 43. Answering paragraph 37 of the Petition, Respondent states that the referenced
20 portions of cited Penal Code, and Government Code, speak for itself, are the best evidence of
21 their contents, and, therefore, allegations relating thereto require no response. To the extent
22 paragraph 37 contains argument and legal conclusions or misstate the cited laws, Respondent
23 denies those allegations.

24 44. Answering paragraph 38 of the Petition, Respondent states that the referenced
25 portions of Exhibit 2 speak for itself, are the best evidence of their contents, and, therefore,
26 allegations relating thereto require no response. To the extent these lines contain argument and
27 legal conclusions, Respondent denies those allegations.

1 45. Answering paragraph 39(a)-(b) of the Petition, Respondent states that the referenced
2 portions of cited Penal Code speak for themselves, are the best evidence of their contents, and,
3 therefore, allegations relating thereto require no response. To the extent paragraph 39(a)-(b)
4 contains argument and legal conclusions or misstate the cited laws, Respondent denies those
5 allegations.

6 46. Answering paragraph 40 of the Petition, Respondent states that the referenced
7 portions of Exhibit 2 speak for themselves, are the best evidence of its contents, and, therefore,
8 allegations relating thereto require no response. To the extent this paragraph contains argument
9 and legal conclusions, Respondent denies those allegations.

10 47. Answering paragraph 41 of the Petition, Respondent states that the referenced
11 portions of Exhibit 2 speak for themselves, are the best evidence of their contents, and, therefore,
12 allegations relating thereto require no response. To the extent this paragraph contains argument
13 and legal conclusions, Respondent denies those allegations. Respondent lacks sufficient
14 knowledge to form a belief as to Petitioner's remaining allegations in paragraph 41 of the
15 Petition, and, for that reason, denies those allegations.

16 48. Answering paragraph 42 of the Petition, Respondent states that Exhibits 3 and 4,
17 which acknowledges receipt of Exhibit 2, speaks for themselves, is the best evidence of their
18 contents, and, therefore, allegations relating thereto require no response. Respondent denies all
19 remaining allegations in paragraph 42.

20 49. Answering paragraph 43 of the Petition, Respondent states that the referenced
21 portions of cited Government Code speak for themselves, are the best evidence of their contents,
22 and, therefore, allegations relating thereto require no response. Respondent denies all remaining
23 allegations in paragraph 43.

24 50. Respondent denies the allegations in paragraph 44 of the Petition.

25 51. Answering paragraph 45 of the Petition, Respondent states that the referenced portion
26 of cited Government Code speaks for itself, is the best evidence of its contents, and, therefore,
27 allegations relating thereto require no response. Respondent denies all remaining allegations in
28 paragraph 45.

1 52. Answering paragraph 46 of the Petition, Respondent states that the referenced
2 portions of cited case law and federal law, speak for themselves, are the best evidence of their
3 contents, and, therefore, allegations relating thereto require no response. Respondent denies all
4 remaining allegations in paragraph 46.

5 53. Answering paragraph 47 of the Petition, Respondent states that the referenced portion
6 of cited California Constitution speaks for itself, is the best evidence of its contents, and,
7 therefore, allegations relating thereto require no response. To the extent paragraph 47 contains
8 argument and legal conclusions, Respondent denies those allegations. Respondent lacks
9 sufficient knowledge to form a belief as to Petitioner's remaining allegations in paragraph 47,
10 and, for that reason, denies those allegations.

11 54. Respondent denies the allegation in paragraph 48 of the Petition.

12 55. Answering paragraph 49 of the Petition, Respondent admits Petitioner has included
13 additional facts and law in a Memorandum that is attached to the Petition. Respondent lacks
14 sufficient knowledge to form a belief as to the rest of Petitioner's allegations in paragraph 49,
15 and, for that reason, denies each and every allegation in that paragraph. To the extent this
16 paragraph contains argument and legal conclusions or misstates the law, Respondent denies those
17 allegations.

18 56. Respondent denies the allegation in paragraph 50 of the Petition.

19 57. Answering paragraph 51 of the Petition, Respondent admits it received and accepted
20 service of the writ petition and the Clerk's issuance of a summons for this matter.

21 58. Answering paragraph 52(a)-(k) of the Petition, Respondent states that Exhibit 11
22 speaks for itself, is the best evidence of its contents, and, therefore, allegations relating it to
23 require no response. To the extent this paragraph contains argument and legal conclusions or
24 misstates Exhibit 11, Respondent denies those allegations.

25 59. Answering paragraph 53 of the Petition, Respondent states that Exhibits 1 through 15
26 speak for themselves, are the best evidence of their contents, and, therefore, allegations relating
27 them to require no response. Respondent lacks sufficient knowledge to form a belief as to the
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1 remaining allegations in paragraph 53 of the Petition, and, for that reason, denies those
2 allegations.

3 60. Answering Paragraph 54, Respondent admits that it received and accepted service of
4 Exhibits 5, 6, 7, and 8. To the extent this paragraph contains argument and legal conclusions or
5 misstates the contents of Exhibits 5, 6, 7, and 8, Respondent denies those allegations. Respondent
6 lacks sufficient knowledge to form a belief as to the rest of Petitioner's allegations in paragraph
7 54 and, for that reason, denies those allegations.

8 61. Respondent lacks sufficient knowledge to form a belief as to the allegations in
9 paragraph 55 of the Petition, and for that reason, denies those allegations.

10 62. In response to the Prayer for Relief (Pet., p. 13:2-26), Respondent denies that
11 Petitioner is entitled to any relief in this matter.

12 **AFFIRMATIVE DEFENSES**

13 Without admitting any allegations contained in the Petition, Respondent asserts the
14 following defenses based on information and belief. In asserting these defenses, Respondent does
15 not assume the burden of establishing any fact or proposition where that burden is properly
16 imposed on Petitioner.

17 **FIRST AFFIRMATIVE DEFENSE**

18 The Petition, and each cause of action therein, fail to allege facts sufficient to constitute a
19 cause of action against Respondent.

20 **SECOND AFFIRMATIVE DEFENSE**

21 The Petition, and each cause of action alleged therein, fail to allege facts sufficient to state a
22 claim for declaratory relief.

23 **THIRD AFFIRMATIVE DEFENSE**

24 The Petition, and each cause of action alleged therein, fail to allege facts sufficient to state a
25 claim for damages or sanctions.

26 **FOURTH AFFIRMATIVE DEFENSE**

27 The Petition, and each cause of action alleged therein, fail to state a claim for attorneys'
28 fees or costs.

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FIFTH AFFIRMATIVE DEFENSE

The Petition, and each cause of action therein, fails because Respondent has not otherwise violated the California Public Records Act (Gov. Code, § 7920.000 et seq.) or any applicable provision regarding the maintenance or disclosure of public records, as applied to the California Public Records Act under Government Code section 7927.705.

SIXTH AFFIRMATIVE DEFENSE

Petitioner’s claims are barred by the doctrines of estoppel, laches, unclean hands, and waiver.

SEVENTH AFFIRMATIVE DEFENSE

At all times relevant to this action, Respondent’s, agents, employees, or representatives acted in good faith.

EIGHTH AFFIRMATIVE DEFENSE

Petitioner has not suffered actual injury or damages.

NINTH AFFIRMATIVE DEFENSE

Because the Petitioner’s allegations are couched in conclusory terms, Respondent cannot fully anticipate all affirmative defenses that may be applicable to this action. Thus, Respondent reserves the right to assert additional affirmative defenses, if and to the extent such affirmative defenses apply.

PRAYER FOR RELIEF

WHEREFORE, Respondent prays for relief as follows:

1. That the Petition, and all claims and prayers for relief therein, be denied in their entirety;
2. That Judgment be entered in favor of Respondent, and Petitioner take nothing by this action;
3. That the Court award costs of suit and attorneys’ fees to Respondent; and
4. That Respondent be awarded such other relief that the Court deems just and proper.

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1 Dated: April 11, 2025

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 ANTHONY P. O'BRIEN
Supervising Deputy Attorney General

5 /s/ Kelsey Kook
6 KELSEY KOOK
7 Deputy Attorney General
8 *Attorneys for Respondent*
9 *California Department of Justice.*

10 SA2025601096

DECLARATION OF SERVICE BY E-MAIL and MESSENGER

Case Name: **Gutierrez v. DOJ**

No.: **25STCV07287**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 2550 Mariposa Mall, Room 5090, Fresno, CA 93721-2271. My electronic service address is Ashanti.Billings@doj.ca.gov.

On April 11, 2025, I served the attached **RESPONDENT CALIFORNIA DEPARTMENT OF JUSTICE'S ANSWER TO PETITION FOR WRIT OF MANDAMUS AND STATUTORY MANDATE** by transmitting a true copy via electronic mail. In addition, I caused the attached to be personally served by **ACE Attorney Service** for delivery to the following person at the address below:

Arturo Gutierrez
226 West Ojai Ave.
Suite 101, PMB 547
Ojai, CA 93023

E-mail Address:

teamleader@survivinginjustice.org

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on April 11, 2025, at Fresno, California.

A. Billings
Declarant

/s/ A. Billings
Signature