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July 3, 2026

VIA EMAIL ONLY (TProuty@cde.ca.gov)

Thomas Prouty, Deputy General Counsel
Legal and Audits Branch
California Department of Education
1430 N Street, Suite 5319
Sacramento, CA 95814-5901

CC: State Superintendent of Public Instruction (superintendent@cde.ca.gov); State Bar of California, Office of Chief Trial Counsel — Intake (intake@calbar.ca.gov)

RE: California Public Records Act Request — Public School District Superintendent Contact List (Including Email Addresses); Response to CDE's July 3, 2026 Denial Under Gov. Code § 7922.000; Demand for the Exact Statute Relied Upon and Identification of the Persons Responsible for the Denial Under Gov. Code § 7922.540(b); Cheteni v. California Department of Education, No. 26-2278 (9th Cir.)

Dear Mr. Prouty:

I write in response to your email of this morning, July 3, 2026, in which the California Department of Education (“CDE”) produced a spreadsheet of local educational agency (“LEA”) superintendents that deliberately omits their email addresses, and in which you invoked Government Code section 7922.000 to justify withholding a compiled list of those email addresses on the theory that it “needlessly facilitates mass cyberattack attempts and mass commercial spam.” Two questions were put to you, and I restate them here formally.

1. DEMAND FOR THE EXACT STATUTE

Please provide the exact statute that prohibits the State from providing the email addresses of public school superintendents. Section 7922.000 is not such a statute. It is the CPRA's catch-all balancing provision, and it prohibits nothing; it permits withholding only where the agency carries its burden of demonstrating, on the facts of the particular case, that the public interest in nondisclosure clearly outweighs the public interest in disclosure. I need these email addresses to obtain the district enrollment data required to compute low-income student counts in the attendance areas of VR School students — the very computation CDE's own Audits and Investigations Division required under the EANS program, using the formula that Division itself provided to me. The retention window for EANS documentation is still open, and this data is the final evidentiary piece for state-law claims arising from CDE's own audit findings.

2. DEMAND FOR IDENTIFICATION OF THE PERSONS RESPONSIBLE FOR THE DENIAL

Please clarify in writing whether this is you personally refusing to produce the email addresses, or the California Department of Education. This is not a rhetorical question; it is a statutory requirement. Government Code section 7922.540(b) provides that a notification of denial “shall set forth the names and titles or positions of each person responsible for the denial.” Your July 3 email denies a portion of my request without identifying any responsible person. Please cure that defect today by naming each person responsible for the decision to withhold the compiled superintendent email list. The distinction is material to my next steps in obtaining this data.

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3. THE § 7922.000 INVOCATION FAILS AS A MATTER OF BLACK-LETTER LAW

The constitutional baseline. Cal. Const. art. I, § 3(b)(1): “The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Section 3(b)(2) is the interpretive engine: a statute “shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.” Every ambiguity in your position must be resolved against withholding.

The burden and the standard. Under section 7922.000, the agency — not the requester — bears the burden of demonstrating “a clear overbalance on the side of confidentiality.” *Michaelis, Montanari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, 1071; *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 652. Generalized, speculative assertions of harm do not carry that burden; courts “must be alert to contentions by government entities that exaggerate the interest in nondisclosure, lest they be used as a pretext for keeping information secret for improper reasons.”

Your “cyberattack” theory has already been rejected on stronger facts. In *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, the county invoked the catch-all exemption and even the federal Homeland Security Act to withhold its GIS basemap, claiming security risks. The Court of Appeal ordered disclosure: hypothetical security concerns do not clearly outweigh the public's right of access. Likewise, in *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, the Supreme Court held that a computer database of peace officer names and employing agencies was a disclosable “writing,” rejecting categorical safety-based withholding — for peace officers. If a statewide database of law-enforcement officers must be disclosed over safety objections, the work email addresses of public school superintendents — senior public officials whose contact information exists precisely so the public can reach them — cannot be withheld on a theory of spam.

Each address is, by your own admission, already public. Your email concedes that “[a]ny member of the public may find the provided email address of a particular superintendent by looking up the LEA in the California School Directory.” Information that the agency itself publishes, address by address, cannot generate a “clear overbalance” against disclosure merely because it is requested in aggregate. The public-interest balancing runs on the information, not on the convenience of its format. And the format question is itself answered by statute: where an agency holds an identifiable, non-exempt public record in electronic format, it must make it available in electronic format upon request, including through data compilation or extraction from its existing database. Gov. Code §§ 7922.570, 7922.575; *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157 (county required to produce its parcel database in the requested electronic format; constitutional canon requires the construction that maximizes access); *ACLU of Northern California v. Superior Court* (2017) 3 Cal.5th 1032, 1047. The email addresses reside in the same California School Directory database that generates the public webpage and the Public Districts data file. Exporting an existing database field is production of an existing record, not creation of a new one.

No personal-privacy exemption applies. Government Code section 7928.300 protects the personal contact information of an agency's employees. Work email addresses of LEA superintendents are official, not personal; superintendents are public officials of their own districts, not CDE employees; and the public's right to know how to reach the officials who administer its schools is at the core of the CPRA. See *International Federation of Professional & Technical Engineers v. Superior Court* (2007) 42 Cal.4th 319, 328–329 (public employees' names and salaries disclosable; “the public has a legitimate interest in knowing

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how the government spends its money” — and, a fortiori, in knowing who administers it and how to reach them); *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 (public business is public record wherever it resides).

CDE has already produced this exact record — in this exact format. Mr. Peter J. Stubbs produced to me a complete Excel spreadsheet of every Nonpublic School superintendent in California — name, email, address, county — the very fields nonpublic schools were required to use to determine eligible students under ARP EANS. CDE cannot claim that the identical compilation for public school superintendents “needlessly facilitates mass cyberattack” when CDE itself created and disclosed the same compilation for nonpublic school superintendents without incident. That prior production is fatal to any claimed “clear overbalance.” It also fixes the required format of your production. Gov. Code § 7922.570(b).

4. THE LITIGATION CONTEXT AND YOUR DUTY OF CANDOR

This request does not arise in a vacuum. It is part of the evidentiary record surrounding *Cheteni v. California Department of Education*, No. 26-2278 (9th Cir.), on appeal from No. 3:23-cv-06286-SI (N.D. Cal.) (Illston, J.), and the correspondence trail is now extensive: my June 16, 2026 request; your June 26 response directing me to webpages; my June 30 clarification; your July 1 response; my July 1 letter; and your July 3 production of a spreadsheet stripped of email addresses. As stated in my July 1 letter, it is my position — stated so that you have the opportunity to respond before I file anything — that representations were made to Judge Illston concerning discovery and production that the record does not support, including the representation that Ms. Lopes reviewed my interrogatory responses when her own deposition testimony states she never saw them, and the filing of declarations whose signatories deny knowledge of them. I intend to present those questions, on the record, to the appropriate tribunals.

You have been counsel of record since your Notice of Appearance on September 11, 2025 (Dkt. 138), and every defense filing thereafter bearing on the status of production carries your signature, including: Defendants' Statement Regarding Plaintiff's Non-Compliance (Dkt. 149, Oct. 20, 2025); Defendants' Statement Re: Status of Their Document Production (Dkt. 155, Oct. 28, 2025) — the operative written representation to Judge Illston concerning what had and had not been produced; Defendants' Objections (Dkts. 165, 178); the Motion for Summary Judgment and its supporting declarations of Lopes, Woodcheke, Hayano, Franco, Vella, Pierson, and McGee (Dkts. 167–170, Jan. 30, 2026); and the Opposition and Reply briefing (Dkts. 173, 175). You argued the cross-motions at the March 3, 2026 hearing (Dkt. 182). Judgment issued on the strength of that record. Dkts. 183, 185.

Take notice regarding transcripts: should the need arise, Plaintiff will obtain the official transcripts of the proceedings at which representations concerning the completeness of production were made to Judge Illston — including the March 3, 2026 summary judgment hearing (Dkt. 182, 32 minutes, Zoom-recorded) and the April 18, 2025 case management conference (Dkt. 98) — for presentation to the Ninth Circuit and to the State Bar. The Transcript Designation (Dkt. 189) and Motion for Preparation of Transcripts at Government Expense (Dkt. 190) are already on file. The record of what was said is preserved and will be quoted verbatim.

5. THE DISTRICT-COURT DOCKET: THE DATA WAS REQUESTED, AGREED TO, AND WITHHELD

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For the record — and for the State Bar's file — the docket in No. 3:23-cv-06286-SI documents that the categories of information at issue here were formally requested in discovery, that production was promised, and that it was never completed:

- **Dkt. 99 (Apr. 18, 2025):** Certificate of Service of Plaintiff's First Request for Production of Documents to Defendant Vella — 72 requests.
- **Dkt. 100 & 100-1 (May 24, 2025):** Plaintiff's emergency motion under Rules 36(a) and 37(a)(3), attaching Exhibit 1: “Malia Vella Objection to Produce any Document” — the blanket refusal to produce a single document in response to all 72 requests.
- **Dkt. 112 (June 26, 2025):** Plaintiff's emergency ex parte motion to prohibit deletion of emails by CDE employees and for an evidence-preservation order — email preservation has been squarely at issue in this case for over a year.
- **Dkt. 119 (July 29, 2025):** Plaintiff's motion to compel and for sanctions, with 31 exhibits, including Vella's July 24, 2025 production and the Alice Lee materials.
- **Dkt. 130 (Aug. 13, 2025):** Plaintiff's 332-page opposition containing Defendants' own produced emails, Bates E0015416–E0015522 — including the \$450,000 monitoring budget emails — and Dkt. 131 (Aug. 13, 2025), attaching “Lopes Allocated \$450000 to Woodcheck” and the Randi Thompson notes on FACTS-NELNET refunds.
- **Dkts. 141–142 (Sept. 12–16, 2025):** Plaintiff's emergency application to compel production of “Documents Plaintiff Identified and Respondents Agreed to Produce by September 5, 2025.” Defendants' own agreement to produce is thus a matter of record; the deadline passed under your watch as counsel of record.
- **Dkt. 147 (Sept. 25, 2025):** Plaintiff's reply attaching Defendants' privilege log — the 364 withheld emails, including the entire May 17–18, 2023 cluster.
- **Dkt. 148 (Oct. 15, 2025):** Plaintiff's memorandum on withheld responsive documents in Vella's privilege log — the withholding was briefed and preserved.
- **Dkts. 152–154 (Oct. 24, 2025):** Plaintiff's motions to compel the depositions of Woodcheke and Thompson (failure to appear at noticed depositions), McGee (90% of questions blocked at your instruction, Dkt. 153 at 2–7), and Vella.

The pattern this docket records — requests served, agreements to produce, deadlines missed, blanket objections, a privilege log burying the operative emails, and dispositive judgment granted on that artificially truncated record — is the context in which CDE now produces a superintendent spreadsheet stripped of the email field. The same pattern will be presented, docket entry by docket entry, in the pending appeal.

6. IMPACT OF THE JULY 3 DENIAL ON THE PENDING NINTH CIRCUIT APPEAL — AND THE CAPACITIES, INDIVIDUAL AND OFFICIAL, IN WHICH IT WAS MADE

The Opening Brief in No. 26-2278 was filed on April 30, 2026 (DktEntry 9.1). Argument IX of that brief presents the Rule 56(d) question: summary judgment was granted on a record whose evidentiary gaps Defendants manufactured — 364 withheld privilege-log emails, zero documents produced in response to Vella's 72 requests, a promised deposition never taken, and 90% of a director's deposition blocked at counsel's instruction. Argument IV documents the same obstruction pattern as an independent ground for

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remand. Your July 3 denial does not sit outside that appeal; it becomes part of it, because it is the same conduct — information necessary to Plaintiff's claims, requested repeatedly, acknowledged to exist in CDE's own database, and withheld — continuing after judgment, during the pendency of the appeal, by the same counsel of record.

The request was made repeatedly, and the delay was chosen, not incidental. The record of this single CPRA request now spans four written requests over seventeen days: June 16 (the request); June 30 (clarification, after your June 26 response directed me to webpages rather than the record); July 1 (renewed demand); and my July 1 letter — answered on July 3 by a production stripped of the single field requested. At no step have you denied that the compiled email field exists in the California School Directory database from which your own spreadsheet was exported. Instead, you offered a “process”: that I look up each LEA, one at a time, across every district and county office in the state. Offering a requester an extraction process that would require individually querying the entire universe of California LEAs — while the agency holds the identical data as a single exportable field — is not access. It is constructive denial dressed as access, and it was offered with full knowledge that it could not practicably be performed within the retention window that makes this data evidentiary. *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157 forecloses exactly this maneuver: where the data exists in the agency's database, the agency must export it in the requested electronic format; it may not point the requester to a piecemeal rendering that defeats aggregate use.

The individual and official capacities converge — and the July 3 email is the admission that connects them. In your official capacity as Defendants' counsel of record since September 11, 2025 (Dkt. 138), you administered the discovery posture cataloged in Section 5: the blanket objections, the agreed-then-missed production deadlines (Dkts. 141–142), the 364-email privilege log (Dkt. 147), and the deposition obstruction (Dkts. 152–154). Summary judgment was granted on that artificially truncated record — a record from which Plaintiff was denied the district-level data needed to complete the low-income student computation that CDE's own Audits and Investigations Division required under EANS, using the formula that Division itself supplied. Now, in your individual capacity — as the author of the July 3 email and the person exercising the section 7922.000 judgment on this request — you withhold the gateway to that same data on a rationale that concedes it is not exempt: that “any member of the public” may find each address in the Directory. Those two positions cannot coexist. If the information is publicly available, as your email represents in writing and in your own name, then it was equally available during the district-court proceedings, was responsive to discovery served there, and was withheld while written representations concerning the completeness of production (Dkt. 155) were before Judge Illston — and it cannot now be withheld in aggregate. If, on the other hand, it is not practicably available through the lookup “process” you describe — and it is not, as you know — then the representation of public availability is itself inaccurate. Either branch of that dilemma is material to the appeal, and either branch belongs in the State Bar's file.

This is why the § 7922.540(b) demand matters. The demand in Section 2 that you identify each person responsible for this denial is not procedural formalism. Whether the July 3 denial is the institutional act of the California Department of Education or your individual determination fixes responsibility for the pattern the Ninth Circuit will be asked to evaluate: the same attorney controlling both the discovery record on which judgment was granted below and the post-judgment public-records channel through which the withheld information would otherwise be obtained. An attorney who, in his official capacity, resisted production of evidence critical to the summary judgment record, and who, in his individual capacity, now blocks the public-records route to the same information while asserting in email that it is “publicly available,” has placed the two capacities in direct conflict — and has documented that conflict in his own correspondence.

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Notice of presentation to the Ninth Circuit. This correspondence — the June 16, 2026 request through your July 3, 2026 denial, inclusive — will be presented to the Ninth Circuit in No. 26-2278 by appropriate mechanism, including a letter of supplemental authorities and developments under FRAP 28(j) and/or a motion for judicial notice, as post-briefing developments bearing directly on Argument IX (summary judgment premature under Rule 56(d) on a record whose gaps Defendants themselves manufactured), Argument IV (the discovery-obstruction pattern), and Argument X (the cumulative evidence mosaic under *Opara v. Yellen*, 57 F.4th 709 (9th Cir. 2023)). A denial issued while the appeal is pending, by counsel of record, of the very category of information whose absence from the summary judgment record the Opening Brief documents, is not collateral to the appeal. It is confirmation of it.

7. THE GOVERNING AUTHORITY ON ATTORNEY CANDOR — PRECEDENT

So that the record is complete, the following is the black-letter law and the controlling disciplinary precedent that will accompany any State Bar complaint and any filing in the Ninth Circuit:

Bus. & Prof. Code § 6068(d): It is the duty of an attorney “[t]o employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.”

Bus. & Prof. Code § 6106: “The commission of any act involving moral turpitude, dishonesty or corruption ... constitutes a cause for disbarment or suspension.”

Cal. R. Prof. Conduct 3.3(a)(1): “A lawyer shall not knowingly ... make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.”

Cal. R. Prof. Conduct 8.4(c): It is professional misconduct for a lawyer to engage in “conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation.”

***Bach v. State Bar* (1987) 43 Cal.3d 848, 855.** Misleading or attempting to mislead a judge violates section 6068(d); such conduct “constitutes moral turpitude and warrants discipline.” The Supreme Court held the attorney “was duty bound not to mislead or attempt to mislead the court” regardless of whether he believed he had colorable arguments — the validity of the underlying position is irrelevant to the candor violation.

***Davis v. State Bar* (1983) 33 Cal.3d 231, 240.** Misrepresentation to a court is an act of moral turpitude warranting discipline.

***Grove v. State Bar* (1965) 63 Cal.2d 312, 315.** Concealment of a material fact misleads the judge as effectively as a false statement; there is no distinction between concealment, half-truth, and false statement of fact. A violation of section 6068(d) necessarily involves moral turpitude under section 6106.

***In the Matter of Jeffers* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 211.** State Bar Court precedent treating misrepresentation to a court under sections 6068(d) and 6106 as a single, serious offense of moral turpitude.

***In the Matter of Kun* (Review Dept. 2018).** Attorney disbarred where he sought to mislead a judge in filings, in violation of section 6068(d) and section 6106; the Review Department reaffirmed that seeking to mislead a judge “necessarily involves moral turpitude.”

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The teaching of this line of authority is uniform: an attorney who makes a false statement to a federal judge — or who fails to correct one — commits an act of moral turpitude, and the duty to correct under Rule 3.3(a) (1) and (c) continues through the conclusion of the proceeding, which, with the appeal pending, has not concluded.

8. DEMANDS

First, produce today, by reply email, the public school district superintendent list in the same format Mr. Stubbs used for the Nonpublic School list — same fields, same structure: name, email, address, county. This request is well past the determination and production periods of Gov. Code §§ 7922.535–7922.540, and meet-and-confer has run its course.

Second, if any portion remains withheld, identify in writing the exact statutory exemption relied upon and the names and titles of each person responsible for the denial, as § 7922.540(b) commands.

Third, preserve all records — emails, database extracts, drafts, and internal communications — concerning this request and its handling. This letter is a preservation demand.

Absent full production today, I will proceed to enforce this request, including by petition under Gov. Code § 7923.000 et seq. (with mandatory attorney's fees and costs to a prevailing requester under § 7923.115), and I will present this correspondence, together with the authorities above, to the Ninth Circuit and to the State Bar of California as previously noticed.

Govern yourself accordingly.

Respectfully submitted,

/s/ Freedom Cheteni, PhD

Freedom Cheteni, Ph.D. (“Dr. Saint Freedom”)

Superintendent, The VR School (CEEB 170588)

Plaintiff-Appellant, pro se, Cheteni v. Cal. Dep't of Education, No. 26-2278 (9th Cir.)

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Electronic Signature Statement: *This document is signed electronically. The /s/ signature above is intended by the signatory to constitute his legal signature.*