

CERTIFIED FOR PUBLICATION

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)**

STATE DEPARTMENT OF PUBLIC HEALTH,

Petitioner,

v.

THE SUPERIOR COURT OF SACRAMENTO
COUNTY,

Respondent;

CENTER FOR INVESTIGATIVE REPORTING,

Real Party in Interest.

C072325

(Super. Ct. No. 34-2012-
80001044)

ORDER MODIFYING
OPINION

[CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the Disposition of the published majority opinion filed herein on September 18, 2013, be modified as follows:

1. Delete the third sentence (and its following citation) of the Disposition, which reads “Each party shall pay its own costs in this writ review proceeding. (Cal. Rules of Court, rule 8.493(a)(1)(B); Gov. Code, § 6259, subd. (c).)”

2. At the end of the last sentence of the Disposition, which begins “To the extent the trial court” and ends with “court costs incurred in the trial court.” insert the following text “, and in this court.” so that the Disposition now reads:

DISPOSITION

Having complied with the procedural requirements for issuance of a peremptory writ in the first instance, we are authorized to issue the peremptory writ forthwith. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171.) Let a peremptory writ of mandate issue directing respondent Superior Court to vacate its judgment of October 22, 2012, and its ruling under submission of September 13, 2012, and to enter a new judgment (1) that directs Public Health to produce to News Center the requested citations in accordance with the standards set forth in this opinion, *ante*, at pages 19 to 22 (pt. III.D. of the Discussion), and (2) that grants declaratory relief to News Center to this same extent (on News Center’s parallel complaint for declaratory relief). To the extent the trial court determines that News Center prevailed in this matter, News Center is entitled to recover, upon appropriate application, reasonable attorney fees and court costs incurred in the trial court, and in this court. (Gov. Code, § 6259, subd. (d).)¹⁴

This modification represents a change in the judgment.

BY THE COURT:

_____ HULL _____, Acting P. J.

_____ BUTZ _____, J.

¹⁴ In this writ review proceeding, we have resolved the specific issue presented regarding the potential conflict between the Lanterman Act’s confidentiality provisions and the Long-Term Care Act’s public accessibility provisions in the context of the PRA request here. Public Health also asks us, more generally, whether it is obligated to produce other information and documents, and whether it is immune from sanctions for wrongful disclosures. To the extent these two issues are not covered by our resolution here, we decline to address them at this point. (See *Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 432, 434-435 [public agency may not initiate declaratory relief action to determine its duties under the PRA].)