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

30 KELLY CLARK, DIANNE WOOTON,
31 KIONA MILLIRONS,

32 Plaintiffs and Petitioners,

33 vs.

34 SACRAMENTO COUNTY DISTRICT
35 ATTORNEY'S OFFICE, SACRAMENTO
36 POLICE DEPARTMENT—a *political*
37 *subdivision of the City of Sacramento*, CITY OF
38 SACRAMENTO,

39 Defendants and Respondents.

Case No.

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

INTRODUCTION

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

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

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

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

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

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

25 7. Plaintiff Kiona Millirons, Amber’s sister, likewise fears becoming a target of gun
26 violence — particularly after speaking out about the circumstances of Amber’s death. Along with her
27 children — Amber’s niece and nephew — Kiona has trouble sleeping, has lost weight, struggles with
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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.¹ 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
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25 ¹ 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.

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
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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
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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,
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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.

1 DATED: June 29, 2020

Respectfully submitted,

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