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Contact: Mike Jacob
(415) 352-0710

PMSA Obtains Attorneys' Fees Award Against State of California in Public Access Case

*Court Finds that the Association Prevailed In Public Records Act Litigation,
Established Access to Pilot Assignment Records*

SAN FRANCISCO – The Pacific Merchant Shipping Association (PMSA) secured a significant victory yesterday when it obtained an award of over \$260,000 in attorneys' fees and costs against the State of California resulting from a Public Records Act lawsuit seeking the disclosure of the records which document pilot assignments on the San Francisco Bay.

The San Francisco Superior Court recognized that PMSA's case established that the Port Agent is a public official subject to the Public Records Act, and that, as a result, the records he uses regarding the working hours and rest periods of the state-licensed pilots who navigate vessels in and around the San Francisco Bay must now be made public.

“Our goal is to ensure that cargo vessels are safely and legally navigated in the San Francisco Bay, and for this to happen we need transparency and accountability in our state pilotage system,” said Mike Jacob, PMSA General Counsel. “When assignment documents are made public anyone can see when state-licensed pilots are dispatched to ships, evaluate pilots' actual working conditions, independently confirm pilots' work hours, or verify minimum rest period violations. We are pleased that as a result of this action we have ensured the public's right to access records used by the Port Agent and that the Superior Court has vindicated our efforts.”

The original case was filed in July 2012 in San Francisco Superior Court. The question of the Port Agent's status as a public official was resolved in PMSA's favor by the 1st District Court of Appeal in *Board of Pilot Commissioners et al. v. Superior Court* (2013) 218 Cal.App.4th 577.

The PMSA case team in this matter included Thomas R. Burke of Davis Wright Tremaine LLP, Conte Cicala of Flynn, Delich & Wise LLP, and Mike Jacob, PMSA. Final Order of the SF Superior Court provided upon request.

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Pacific Merchant Shipping Association

PMSA is a nonprofit, independent trade association representing marine terminal operators and ocean carriers operating U.S. and foreign-flagged cargo and passenger vessels engaged in trade at U.S. West Coast ports. The association maintains offices in Long Beach, San Francisco and Seattle.