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5 TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING
6

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO – CENTRAL DISTRICT**

37-2011-00085714-CU-WM-CTL

10 TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING, a California
11 Nonprofit Fictitious Business Entity,

12 Plaintiff and Petitioner,

13 v.

14
15 SAN DIEGO UNIFIED SCHOOL DISTRICT;
and DOES ONE through TWENTY, inclusive,

16 Defendants and Respondents,
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18
19

Case No.:

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

[** Including an action brought under the
California Environmental Quality Act,
Cal. Public Resource Code § 21000 et seq.]

20 **I.**

21 **INTRODUCTION**

22 1. This action challenges and seeks to overturn and set aside the January 11, 2011
23 decisions of the San Diego Unified School District (“SDUSD” or “District”) to approve an
24 expenditure of Proposition S school bond money for the construction of athletic field stadium
25 lighting and other stadium improvements, along with certification of a completed CEQA
26 environmental review and decision there can be no possible significant environmental effect
27 arising from the construction and operation of the Project.
28

1 implementation of Prop S (through itself, its members and their children) and be harmed, who
2 have collectively formed and are currently united for the purpose to monitor and ensure that
3 laws are faithfully and fully complied with during the planning, implementation and spending
4 of school bond money in the City of San Diego and greater regional San Diego County
5 community, promoting quality educational facilities, while at the same time preserving
6 neighborhood values, and ensuring strict and good faith compliance with the laws, regulations
7 and ordinances adopted to preserve the same. Plaintiff has standing to enforce such laws that
8 are designed to control the expenditure of public-approved school bond money and protect and
9 enjoin against inappropriate use of said moneys. Plaintiff has standing to enforce such laws
10 that are designed to control development and degradation of community values, and
11 unmitigated adverse environmental impacts resulting from the same. The decisions of the
12 District will have detrimental impacts on Plaintiff, its members, and the general public, who
13 reside in and around the Project, Project site, other areas within the District boundaries where
14 Hoover High School and other similar education facilities are located and stand to be similarly
15 impacted because the same restricted school bond money stands to be expended on similar
16 inappropriate facilities. Plaintiff and its members include those who use, visit and pay for
17 those subject and affected school and educational facilities. The Plaintiff organization includes
18 its members, agents and individuals who protested against respondent District's actions
19 preceding the filing of this complaint.

20 6. Respondent and Defendant SAN DIEGO UNIFIED SCHOOL DISTRICT
21 ("Respondent" or "District") is an unknown type public government agency and subdivision of
22 the State of California charged with complying with applicable provisions of state law,
23 including the California Environmental Quality Act ("CEQA"), the general laws of this State,
24 the California Constitution, and the City Charter, Municipal Code and other regulations of the
25 City of San Diego. The Board of Education is the duly constituted final decision-making body
26 for the District, and is charged with the duty of ensuring, among other things, that all applicable
27 federal, state and local laws are fully and faithfully obeyed and implemented. For the purposes
28 herein, the "District" includes all of its departments, officers, superintendent, and appointed

1 and elected representatives charged with the duties and obligations as alleged herein.

2 Respondent, through its respective officers, departments, elected officials, superintendent and
3 the final January 11, 2011 action of its Board of Education, has adopted the resolution and
4 findings, and is otherwise responsible for all actions and conduct which is the subject of this
5 litigation.

6 7. Plaintiff is ignorant of the true names and capacities of the defendants sued herein
7 as DOES ONE through TWENTY, inclusive, and therefore sues these defendants by such
8 fictitious names. Plaintiff will amend this complaint to allege their true names and capacities
9 when ascertained. Plaintiff also designates all persons unknown claiming any interests in the
10 Project as DOE Defendants.

11 8. This lawsuit has been commenced within the time limits imposed for actions
12 under the California Code of Civil Procedure and California Public Resources Code, as made
13 applicable to the District by its own policies, regulations, or by the general laws of this State.

14 9. Venue and jurisdiction in this Court are proper pursuant to the California Code
15 of Civil Procedure for a matter relating to subject property located within, and an
16 administrative action decided within, the Court's geographical venue jurisdiction.

17 10. Plaintiff, by and through its members, its residents, District staff, citizen and
18 planning group members (including residents and groups of persons living, residing or
19 operating in the Talmadge, Kensington and other local communities and greater San Diego
20 City and County areas), have made oral and written comments, and have been present,
21 participated in the public hearings or have otherwise raised the legal deficiencies asserted in
22 this complaint and petition for writ of mandate.

23 11. Plaintiff has performed all conditions precedent to filing this action by
24 complying with all requirements of the California Public Resources Code, including giving
25 written notice to Respondent by certified mail on February 9, 2011, prior to filing this action,
26 and has no other remedy other than to bring this action. All other requests of Respondent,
27 having been previously made, would be futile.

28

1 15. Under CEQA, where there is no reasonable probability (or “fair argument”) that
2 any adverse impacts *may* result from an agency action, the preparation of a Negative
3 Declaration or Mitigated Negative Declaration is appropriate. The California Supreme Court
4 and the Legislature have clearly spoken and ruled that where a project *may have* a significant
5 effect on the environment, an EIR *must be* completed before a project is approved. (Cal. Public
6 Res. Code §§ 21100, 21151; CEQA Guidelines § 15064, subs. (a)(1), (f)1)) When any
7 question, doubt or uncertainty is present about potential significant effects, there is a strong
8 presumption in favor of requiring preparation of an EIR.

9 16. Proposition S, entitled and otherwise known as the “School Repair and Safety
10 Measure of 2008,” appeared as a bond proposal on the November 4, 2008 ballot for voters
11 within the boundaries of the San Diego Unified School District. The measure authorized a
12 bond of \$2.1 billion and to pass, a supermajority of 55% of those voting was required. It was
13 approved and passed with 68.49% of those District voters. The primary published and entitled
14 language on the ballot read:

15 To improve every neighborhood school by; repairing outdated student
16 restrooms, deteriorated plumbing and roofs; upgrading career/vocational
17 classrooms and labs; providing up-to-date classroom technology;
18 improving school safety/security; replacing dilapidated portable
19 classrooms; upgrading fire alarms; and removing hazardous substances;
20 shall San Diego Unified School District issue \$2,100,000,000 in bonds at
legal interest rates, requiring independent citizen oversight, annual audits,
NO money for administrators, and bonds issued only if NO estimated tax
rate increase?

21 and the express provisions for the plan for “safety and repair” improvements plan for Hoover
22 High School was stated and reads as follows:

23 Project Improvements to Support Student Learning and Instruction

- 24 • Retrofit/build spaces to provide new and updated career technical learning
environments for the Building Trades and Construction Program and other supporting
educational spaces
- 25 • New/upgraded spaces to support academy programs and curriculum
- 26 • Provide 21st century technology upgrades, including audiovisual projection
capabilities for all students
- 27 • Provide a wireless network (WIFI)

1 School Improvements to Support Student Health, Safety and Security

- 2 • Replace obsolete fire alarm and emergency communications system
- 3 • Renovate food service area, including cafeteria, and add food kiosks to increase service efficiency and provide healthier food choices
- 4 • Install security lighting, as well as, increase vandalism and intrusion safeguards, including modifications to fencing and gates, to secure site
- 5 • Remove or minimize risks of any potentially hazardous material
- 6 • Retrofit/install a heating, ventilation, and air-conditioning system in educational spaces that do not already have air-conditioning
- 7 • Improve student drop-off and pick-up area

7 Projects to Improve School Accessibility, Code Compliance Upgrades

- 8 • Renovate existing restrooms and locker rooms
- 9 • Renovate gymnasium building to meet accessibility regulations
- 10 • Provide accessible, compliant wrestling room
- 11 • Improve accessibility to all classrooms, labs, restrooms, and other school facilities to comply with accessibility regulations, including ADA Titles I & II
- 12 • Install three-compartment sink and hand sink in kitchen
- 13 • Renovate/replace stadium bleachers, including press box
- 14 • Upgrade fields, track, and courts for accessibility compliance
- 15 • Build new two-story classroom building to replace old portable classrooms
- 16 • Provide accessible restrooms with storage for athletic equipment

14 Major Building Systems Repair/Replacement

- 15 • Replace leaking walkway canopies, sidewalks and concrete areas
- 16 • Repair/upgrade building interiors, exteriors, finishes and fixtures as needed
- 17 • Repair/replace outdated heating and ventilation systems where needed
- 18 • Replace aging wiring and upgrade electrical systems including theatre lightings and sound system
- 19 • Repair damaged walls, stairways, and ramps as needed
- 20 • Replace deteriorating sewer and plumbing systems as necessary
- 21 • Renovate/upgrade the auditorium building including new stage rigging

20 17. Prior to the placing Prop S on the 2008 election ballot, the District prepared a
21 Site-Specific Bond project list as a result of a "comprehensive planning process which included
22 input from school site representatives to cluster meetings, district departments, and other
23 assessment measures." The result was a list of projects, project descriptions, and language for
24 Hoover High School that appeared on the Prop S bond resolution. The issue and matter of
25 athletic stadium field lights was omitted from the Hoover High project list.

26 18. Consistent with the Proposition S intent and purpose of "repairs and safety," the
27 measure contained a specific list of authorized and intended project repairs and improvements
28 under the headings of (1) School Improvement to Support Student Health, Safety & Security,

1 (2) Projects to Improve School Accessibility, Code Compliance Upgrades, (3) School
2 Improvements to Support Student Learning & Instruction, and (4) Major Building Systems
3 Repair and Replacement. There are two enumerated sections in Prop S; "Part One" allowing
4 "Site Discretionary Funds" and "Part Two" listing "the following projects authorized to be
5 completed at the following school sites." Specific high schools were included in the
6 enumerated school sites, including the subject Hoover High School. Construction and
7 spending was also authorized for items "incidental to and necessary for completion" for each
8 listed project, as indicated in a last section of Prop S entitled "additional projects."

9 19. On or about November 25, 2008, immediately following Prop S approval, the
10 District presented a list of three projects for Hoover High School, one of which was described
11 as "ADA Upgrades" and entitled as "ADA Upgrades to Athletic Facilities," which included for
12 the first time, "lighting for the football field." This ADA project was fully described as:

13 The project includes football stadium bleacher replacement (home and visitor);
14 replacement of existing press box, ticket booth and restroom facilities (home and
15 visitor); new storage facility; new small parking facility in the northwest corner of
16 the site (corner of Highland Ave. and Monroe Ave.), with a total of 21 parking
17 spaces (8 handicapped accessible); **lighting for the football field**; replacement and
18 addition of bleachers in the baseball field; replacement of dugouts and repair of
19 existing city-owned sidewalks for ADA compliance. The replacement of the
20 existing chain link fencing with ornamental fencing and new landscaping should
21 improve the aesthetics in portions of Highland Avenue and Monroe Avenue.

22 20. On or about October 15, 2010 the District caused to be prepared, circulated, and
23 published in local newspapers, a Notice of Intent to adopt a Mitigated Negative Declaration for
24 the proposed project, which was now re-named the "Herbert Hoover High School Athletic
25 Facilities Upgrade Project" and was fully described as:

26 The proposed project includes the construction and operation of upgraded athletic
27 facilities within the existing Hoover High School campus in the City of San Diego.
28 The proposed upgrades include improvements to the football, track, and baseball
facilities and replacing the existing tennis courts with a new softball field. The
project would also include installing additional parking spaces, stadium lighting,
an upgraded public announcement system, and Americans with Disabilities Act
(ADA)-compliant facilities.

21 21. On or about that same date of October 15, 2010 the District caused to be made
22 available for public review an Initial Study and Mitigated Negative Declaration for the

1 proposed project as including the construction and operation of upgraded athletic facilities
2 within the existing Hoover High School campus in the City of San Diego, described as:

3 *Football/Track Field:*

- 4 • Replace existing home side bleachers;
- 5 • Replace existing visitor side bleachers and install concrete masonry screen
6 wall at bleachers and ramps;
- 7 • Replace the existing press box with new press box and elevator for
8 wheelchair access;
- 9 • Construct a new 3,436 square foot athletic services building with new
10 "Breitbard Stadium" sign;
- 11 • Install new lighting for the football field (two 100 foot light standards on
12 south side of football field and two 90 foot light standards on north side of
13 football field).
- 14 • Install an upgraded public announcement (PA system);
- 15 • Install a new ornamental steel perimeter fence surrounding the football
16 field;
- 17 • Install stand-up snack tables;
- 18 • Construct concrete base and plaque "Arnold Margulis Memorial Track"; and,
- 19 • Construct a concrete masonry wall (268 feet long, 11 feet high, with 12-
20 foot return at each end) on the northern side of visitor bleachers (parallel
21 to Monroe Avenue), which will serve to visually screen the bleachers from
22 the surrounding neighborhood.

23 *Softball Field:*

- 24 • Replace the existing tennis courts with a new softball field;
- 25 • Install a new softball scoreboard;
- 26 • Construct new accessible dugouts;
- 27 • Construct new softball batting cages; and,
- 28 • Install a new chain link perimeter fence.

Baseball Field:

- Existing bleachers (162 seats) would be replaced to accommodate 356
seats including four wheelchair spaces;
- Replace existing dugouts with new accessible dugouts;
- Construct a new 15-foot wall with sign for "Ted Williams Field";
- Install serpentine seating wall;
- Install a new baseball scoreboard;
- Construct a new maintenance equipment storage building; and,
- Install a new chain link perimeter fence.

Overall School Campus:

- Repair existing city-owned sidewalks that surround the school for ADA
compliance; and,
- Install new landscaping.

1 22. On January 11, 2011, at regularly scheduled District meeting of its Board of
2 Education, a public hearing was held and a decision was made to approve the Herbert Hoover
3 High School Athletic Facilities Upgrade Project by: (1) certifying a Mitigated Negative
4 Declaration (No. SCH 2101101041), (2) adopting a Mitigation Monitoring and Reporting
5 Program (MMRP) for the Project; and (3) included the commitment that expenditures and
6 funding for the Project was to be paid with Proposition S funds. Final signed resolutions and
7 the District's supporting documents for each of these approvals were not available at the time
8 of drafting and filing of this complaint. Hereafter these approvals and the approved project are
9 collectively referred to as the "Project" or "Project Approvals."

10 23. On or about January 12, 2011, the District prepared and caused to be filed with
11 the San Diego County Clerk, a Notice of Determination setting forth that a final CEQA
12 decision for the Project was made by the District on January 11, 2011.

13 IV.

14 **FIRST CAUSE OF ACTION – COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**
15 **(Violation of Restricted Government Spending; Waste and Misuse of Public Money)**
16 **(Cal. Code Civ. Proc. §§ 526(a), 1060)**

17 24. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-23 above, as
18 though fully set forth herein.

19 25. Plaintiff is beneficially interested in the issuance of a declaration of law and
20 injunction by virtue of the proposition of facts and law set forth herein.

21 26. Plaintiff has a clear, present and beneficial right to the proper performance by
22 the District with respect to its interpretation, application, spending and implementation of
23 Proposition S and the projects listed, contemplated and allowed therein, as well as the District's
24 duties and compliance with the laws and legal principles as set forth herein. Plaintiff has no
25 plain, speedy or adequate remedy in the ordinary course of the law other than the relief herein
26 sought.

27 27. The declaratory relief requested herein is proper to delineate and clarify the
28 parties' rights and liabilities and resolve, quiet, or stabilize an uncertain or disputed jural

1 relation. Without the grant of declaratory relief, the granting of an injunction, and/or the
2 issuance of a writ of mandate, the District will continue to proceed in a manner not allowed by
3 law and will continue to take action and spend and allocate Prop S public money outside of its
4 authority, resulting in harm to Plaintiff, its individual members, and the citizenry of the San
5 Diego community for whom Prop S was enacted by, and for who this public interest litigation
6 is being brought.

7 28. With formal and final approval of the project , the District has and continues to
8 misinterpret the spirit, intent and purpose of Proposition S as it was titled, presented, advertised
9 and specifically described for the repair and safety improvements for specific listed schools and
10 facilities, including the immediate subject Herbert Hoover High School. Nowhere in the Prop
11 S Bond Project List are athletic field stadium lights mentioned for any of the specific listed
12 schools, including the subject Herbert Hoover High School. Athletic field lights were not listed
13 in the Assessment Report as a documented need for any of the specific listed schools, including
14 the immediate subject Herbert Hoover High School.

15 29. Plaintiff requests a declaratory judgment and the issuance of an injunction to
16 enjoin and prevent any conduct or action of the District proceeding with the project or
17 spending Prop S money for construction or building of new (and previously nonexistent)
18 athletic field lights at any of the listed schools which (1) did not have such types of major
19 stadium or field lighting systems in existence at the time of advertising and promoting Prop S,
20 including Herbert Hoover High School, (2) do not have athletic field lights system disclosed as
21 a part or component in the list of projects for the specific identified schools, including Herbert
22 Hoover High School, or (3) have been approved recently for construction, such as the subject
23 Project at Herbert Hoover High School.

SECOND CAUSE OF ACTION - PETITION FOR WRIT OF MANDATE

Violation of the California Environmental Quality Act

(Cal. Public Resources Code § 21000 et seq.; 14 Cal. Code Regs. § 15000 et seq.)

30. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-29 above, and ¶¶ 35-39 below, as though fully set forth herein.

31. Respondent, in processing, circulating and analyzing existing baseline and potential Project build-out conditions, has improperly implemented CEQA by failing to adopt sufficient and legally supportable findings, failing to adopt a legally sufficient mitigation and monitoring reporting program, and failing to prepare an EIR prior to Project approval (due to potential unmitigated significant impacts) for the January 11, 2011 approved Project. The District's adoption and certification of the Initial Study Checklist and Mitigated Negative Declaration (No. 2010101041) (hereafter, "MND"), constitutes a prejudicial abuse of discretion in that Respondent has failed to proceed in a manner required by law, it did not adopt requisite findings, and/or its decisions and findings are not supported by substantial evidence.

32. Information and evidence in the yet to be constructed record, as well as in the findings made by Respondent in the MND, its resolution(s), and Project Approvals, indicate the procedural and substantive deficiencies of CEQA, as follows:

- a. Failure to Evaluate a Stable and Clearly Defined Project – The law under CEQA requires a stable and finite project description. In this case, the Project has been differently described and billed to the public, ranging from public-approved ballot measure intended for "repairs and safety," to a later "ADA Upgrades to Athletic Facilities" project, and most recently an "Athletic Facilities Upgrade Project," and there have been mentioned multiple different levels, amounts and time periods of possible daytime and/or nighttime events, as well as no commitments, conditions, restrictions or enforceable mitigation measures regarding frequency, hours, and types of users and whether use will only be allowed for school functions as opposed

1 to being combined with outside non-school third party users and events on
2 weekends and after school hours. The failure to consistently define and
3 describe the Project, and evaluate the same under different and varying
4 conditions and frequency of use and events, is a violation of CEQA, and for
5 which differing levels of significant impacts could result and therefore have
6 not and could not have been analyzed and mitigated in the MND and Project
7 Approvals.

8 b. Legally Deficient, Incomplete and Unsupported Initial Study and Initial
9 Study Checklist – CEQA requires that an Initial Study must reasonably set
10 forth the environmental setting, and identify potential adverse environmental
11 effects that could arise from approval, construction, implementation, or
12 operation of the proposed project. In addition to the above equivocal and
13 uncommitted amounts and types of daytime and nighttime athletic field uses,
14 the “Project” fails to include numerous accurate baseline conditions and
15 potential impacts arising from the following project features and/or subject
16 impact areas of permanent lighting for the football field, traffic and parking,
17 visitor gate and ticket booth, potential grading, retaining walls and drainage
18 issues at or into sensitive biological habitats and adjacent canyons, bleachers
19 and perimeter fence, public safety (including public services and emergency
20 vehicle access), community character, aesthetics, noise, historical resources,
21 community park and recreational facilities, and conflicts with general plan,
22 land use and/or zoning regulations.

23 c. Improper and Unsupported Finding There Will Be No Potential Adverse
24 Impact – CEQA requires that an EIR must be prepared if there is substantial
25 evidence supporting a fair argument that a potential adverse environmental
26 effect may arise from approval, implementation or operation of a project. In
27 addition to the above equivocal and uncommitted amounts and types
28 daytime and nighttime athletic field uses, Plaintiff and others presented

1 substantial evidence that development and operation of the Project and
2 approvals thereof, could result in potential environmental impacts arising
3 from the following project features and/or subject impact areas of permanent
4 lighting for the football field, traffic and parking, visitor gate and ticket
5 booth, potential grading, retaining walls and drainage issues at or into
6 sensitive biological habitats and adjacent canyons, bleachers and perimeter
7 fence, public safety (including public services and emergency vehicle
8 access), community character, aesthetics, noise, historical resources,
9 community park and recreational facilities, and conflicts with general plan,
10 land use and/or zoning regulations.

11 d. Failure to Evaluate, Disclose or Consider Potential Cumulative or Growth
12 Inducing Impacts – The MND failed to consider the cumulative impacts as
13 related to potential impacts arising from the following project features
14 and/or subject impact areas of permanent lighting for the football field,
15 traffic and parking, visitor gate and ticket booth, potential grading, retaining
16 walls and drainage issues at or into sensitive biological habitats and adjacent
17 canyons bleachers and perimeter fence, public safety (including public
18 services and emergency vehicle access), community character, aesthetics,
19 noise, historical resources, community park and recreational facilities, and
20 conflicts with general plan, land use and/or zoning regulations. The
21 District’s conclusions (or lack thereof) regarding cumulative impacts
22 indicate the District has failed to proceed in a manner required by law, it
23 failed to adequately study or disclose potential indirect cumulative impacts
24 findings are not supported by substantial evidence.

25 33. By approving the Project and not complying with CEQA, the District has failed
26 to proceed in a manner required by law and/or the decision(s) and findings relating to District’s
27 purported CEQA compliance are not supported by the substantial evidence. A peremptory writ
28 of mandamus is requested to be issued by this Court ordering the District to rescind its January

1 11, 2011 final Project Approvals, and remand the matter to the District for preparation of an
2 EIR, and reconsider the Project consistent with requirements of CEQA.

3 VI.

4 **THIRD CAUSE OF ACTION - PETITION FOR WRIT OF MANDATE**

5 **(Violation of Local Ordinance, Zoning and/or General Plan Height Restrictions)**

6 34. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-33 above, as though
7 fully set forth herein.

8 35. The football stadium and its stadium lighting is not a “classroom facility” as that
9 term used, meant and ordinarily understood within the meaning of California Government Code
10 § 53094, and other definitions in said code or other laws of this state.

11 36. The Project is located within and immediately adjacent to an area zoned
12 Residential 1-3 allowing a maximum structure height of 30 feet.

13 37. The Project with its proposed stadium lighting poles contains now-approved new
14 structures and facilities of stadium light poles to be constructed in substantial excess of the 30-
15 foot height restriction limit, in violation of local law, land use and planning principles which are
16 designed to protect quality of life, consistency of neighborhoods, and are conditions and
17 restrictions which persons such as Plaintiff and its members reasonably rely for protection of
18 community, property and quality of life values.

19 38. The District, in approving the Project by violating zoning ordinances and/or
20 general plan land use restrictions to allow development of tall structures and intense nighttime
21 lighted areas, wedged into and against a low-density and historically designated corridor of
22 mostly single-family detached residential neighborhood, is overall not consistent with the
23 purposes, policies and/or goals of the adopted and applicable zoning and general plan.

24 39. By approving the Project with direct conflicts with important laws, policies, goals
25 and directives of the City of San Diego’s zoning and general plan, the District has failed to
26 proceed in a manner required by law. A peremptory writ of mandamus is requested to be issued
27 by this Court ordering the District to rescind and set aside its January 11, 2011 project approvals,
28 and remand the matter to the District to reconsider the Project consistent with requirements of

1 applicable state and local laws as alleged herein and proven by Plaintiff, or otherwise as directed
2 by the Court.

3 **VII.**

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff respectfully prays for judgment as follows:

6 1. For Plaintiff's claims for declaratory and injunctive relief, that this Court order,
7 describe, and declare the proper interpretation and application of law(s) which are the subject
8 of this lawsuit, and grant an injunction or appropriate declaration of law to prevent repeated
9 violations of law by the agencies named in this lawsuit;

10 2. That this Court find that by making the final approvals for the Project,
11 Respondent has not proceeded in a manner required by law, has not adopted requisite findings,
12 and/or its decisions or findings are not supported by the substantial evidence;

13 3. That this Court issue a peremptory writ of mandamus declaring that one or more
14 of the decision(s) rendered by Respondent on January 11, 2011, and any additional resolution
15 of Respondent relating to, or dependent upon the same, are null and void and have no legal
16 force effect;

17 4. That this Court order Respondent to vacate and set aside each of the decisions
18 made on or about January 11, 2011, and each of the resolutions, administrative approvals,
19 permits, quasi-judicial, and legislative decisions of Respondent with respect thereto;

20 6. That there be issued a writ of mandamus ordering Respondent to prepare an EIR
21 within a reasonable date from the issuance of said writ of mandate, in the event the Real Parties
22 wish to pursue the Project;

23 6. That until such time as Plaintiff's above claims can be adjudicated by this Court,
24 Respondent and Real Parties be enjoined, restrained and/or Respondent's January 11, 2011
25 decisions be stayed from taking effect to preserve the status quo and prevent frustration of
26 Plaintiff's and the public's rightful claims and right to judicial review.

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7. That Plaintiff be awarded its reasonable costs incurred in this action, including attorneys' fees under Cal. Code of Civil Procedure § 1021.5 for this matter brought in the public interest; and

8. For such other and further relief as the Court deems just and proper.

Dated: February 10, 2011

LAW OFFICE OF CRAIG A. SHERMAN



Craig A. Sherman
Attorney for Plaintiff
**TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING**

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VIII.

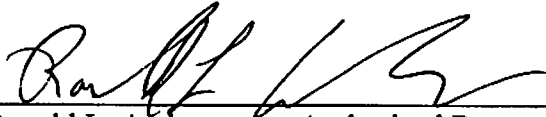
VERIFICATION

I, Ronald L. Anderson, as the duly authorized representative, member and promoter of the Plaintiff's organization, Taxpayers For Accountable School Bond Spending, hereby verify this *VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; PETITION FOR WRIT OF MANDATE* of Civil Procedure Section 446. The facts herein alleged are true of my own knowledge, except as to the matters which are based on information and belief, which I believe to be true. I declare under the penalty of perjury under the laws of California that the above foregoing is true and correct and that this verification was executed on the below stated date in San Diego County, California.

non

Dated: February 10, 2011

By:


Ronald L. Anderson, as Authorized Representative,
Member, and President of TAXPAYERS FOR
ACCOUNTABLE SCHOOL BOND SPENDING