

Subject: Lawsuit Update Regarding the Stadium Lighting for Hoover High School

Dear Talmadge Community,

As you may or may not have noticed, Hoover High School installed their stadium lighting poles last Friday. The lighting assemblies are installed on two 90 foot poles on the North side and two 100 foot poles on the South side. Many of you who live on the East side of the Aldine Canyon have a clear view of them towering over the surrounding trees.

On Oct 23, 2011 we hosted a Special Supporters Meeting at our home to provide an update on the two hearings that took place at the end of Aug and the end of Sept. There were 25 of our 117 current supporters present. All documents were available at the meeting for supporters to review. As discussed at this meeting, we did not prevail on either of the two trial hearings but, per the presiding judge, do have an excellent case for an appeal. He actually encouraged us to go forward with an appeal. A trial hearing consists of one judge presiding over the case and making a determination based on how he interprets the evidence and agency records that were presented. An appeal is different from a trial hearing in that there is a panel of three judges that independently review the evidence and make a ruling based on a majority vote. Our judge did not even address many aspects of our complaint, disregarded CEQA law, and was apparently biased in his ruling in favor of schools and nighttime sporting events disregarding the impact that night events would have on the surrounding community. It was like he made up his mind on the outcome and wrote his decision ruling to support it.

To have an attorney represent us for the initial effort required a contract. I signed this contract on behalf of our newly formed organization but I had to be personally liable for getting the immediate necessary work performed. The terms were the following: Attorney fees capped at \$20K and Administrative costs as required. Our costs to date are in excess of \$28K. This bill has been paid in full. It should be noted that the total billable hours and time expended by our attorney was well in excess of \$100K and shows the amount of pro-bono work that he and another attorney have done on this case. While there are many of you who have contributed, it was shared at our meeting that my wife Dawn and I have personally spent hundreds of hours in administration and fundraising and have assisted with litigation payments to ensure our commitments with our attorney were met. Unfortunately, Dawn and I will not be able to advance litigation costs on this same path to pursue an appeal.

The cost of an appeal will be around \$18K (\$15K fixed fee for our attorney and \$3K for the expected administration costs). There was an overwhelming response by the supporters in attendance to move forward with an appeal to mitigate the impact that the lighted events will have on our neighborhood and our lives. In order to do so, I am asking that your contribution checks for the appeal be delivered as soon as possible. They can either be dropped in our mailbox at our home or mailed to our post office box. We have about a two week window to accomplish this. If we don't have a sizeable amount of money by Nov 7th we will not be able to commit to a contract with our attorney, the new contributions would then be returned to each contributor, and the school will be able to host as many unmitigated night events at the Hoover stadium as they wish.

Please make checks payable to: Taxpayers for Accountable School Bond Spending

Send checks to: P.O. Box 601213, San Diego, CA 92160

Or just drop off your check at our house: 4583 Highland Ave, S.D. 92115.

As mentioned at yesterday's meeting, I have been in contact with some folks in the Point Loma High School area that want to contribute funds for the appeal. They will be having their own meeting this Saturday to discuss their options and I will be notified shortly thereafter how much of the 18K they are willing to fund.

Daniele Laman was in attendance at our meeting. She is a Talmadge resident but also sits on the Kensington Talmadge Planning Group board. She stated that she knew many of the El Cerrito planning group members and would be pursuing additional support from that area which is where Crawford High School is located. Residents that live around Point Loma High and Crawford High are in the same situation as us that live around Hoover High. These are older urban communities that are very dense in population with inadequate parking to accommodate the 4,000 plus spectators that can attend these events. This unfortunately spills into the residential communities and impacts their lives. Both of these other communities will be impacted by the outcome of the Hoover Lawsuit Appeal.

Attempts were made to settle this case prior to going to trial. The proposal submitted by the SDUSD Board Of Education was insulting and exposed their hand of maximizing the number of events that could take place at this field. Even though the district was advertising a maximum of 15 night events and not renting the field out to non school organizations leading up to the adoption of the Mitigated Negative Declaration (MND) in January, the MND language still allowed an unlimited number of night events and no limitations on renting out the field. Their submitted settlement proposal said they would commit to a maximum of 15 Hoover night events but also stated that they would commit to a maximum of 5 Non-Hoover night events. A total of 5 more night events than what was being promised to the community for over a year. But what makes matters worse is that this would only be restricted for the first 2 years after which time the agreement would expire and there would no longer be any limits. We countered with a very precise settlement offer with a graduating scale of hosted events with accountability built in. To date, the district has expressed no interest and has not responded to our proposal.

Action Item: We need to hear from you whether you will or will not be participating in financing the appeal. If we prevail in the appeal we would be able to have some if not all of our contribution funds paid back to us as part of a court award or other settled award paid by defendants.

If you have any questions regarding any of the information that has been provided, do not hesitate to contact Dawn or myself. Be sure to visit our website for additional updates and background information on this case.

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