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F I L E D

Clerk of the Superior Court

SEP 13 2013

By: A. Taylor, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

**TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING, a California
nonprofit fictitious business entity,**

Plaintiffs and Petitioner,

v.

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

Defendants and Respondents.

Case No. 37-2011-00085714-CU-WM-CTL

[Action Filed: February 11, 2011]

(Amended)

**JUDGMENT FOLLOWING APPEAL ON
FIRST AMENDED VERIFIED
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF; PETITION FOR
WRIT OF MANDATE**

Dept.: 72

I/C Judge: Timothy B. Taylor

Plaintiff and petitioner Taxpayers for Accountable School Bond Spending's ("Petitioner") was initially denied relief on its Second Cause of Action of the First Amended Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate, which came before this Court for hearing in Department 72 on August 26, 2011. Petitioner was subsequently denied relief on its First, Third and Fourth Causes of Action of the First Amended Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate, which came before this Court for hearing in Department 72 of this Court on September 30, 2011. In both hearings, Cameron C. Ward appeared on behalf of defendant and respondent San Diego Unified School District ("District"); and Craig A. Sherman and Todd T. Cardiff appeared on behalf of Petitioner.

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1 On October 26, 2011, the Court entered judgment in favor of the District and against
2 Petitioner denying relief and dismissing each and every cause of action, claim, and demand made in
3 First Amended Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of
4 Mandate.

5
6 On March 26, 2013, following an appeal of the October 26, 2011 judgment by Petitioner,
7 the Court of Appeal, Forth District, Division One issued a decision for the above-captioned action
8 as reported at 215 Cal.App.4th 1013, 1066-1067 (2013), review denied July 31, 2013, affirming in
9 part and reversing in part and ordering the matter be remanded for entry of a new judgment granting
10 the petition for writ of mandate and issuing the injunctive and declaratory relief sought by
11 Petitioner in its first and second causes of action of the First Amended Verified Complaint for
12 Declaratory and Injunctive Relief and Petition for Writ of Mandate.

13
14 **NOW, THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

15 1. Petitioner is granted judgment in its favor, and against defendant and respondent San
16 Diego Unified School District, on its first and second causes of action set forth in the First
17 Amended Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of
18 Mandate.

19 2. The October 26, 2011 “Judgment on First Amended Verified Complaint for
20 Declaratory and Injunctive Relief; Petitioner for Writ of Mandate” is vacated *nunc pro tunc* and is
21 wholly replaced and superseded by this Judgment.

22 3. Petitioner is denied any relief on its third and fourth causes of action.

23 4. A peremptory writ of mandamus shall issue from this Court directing and ordering
24 defendant and respondent San Diego Unified School District to vacate its approval of the Hoover
25 High School athletic facilities upgrades project and the mitigated negative declaration (MND), and
26 cause an environmental impact report (EIR) to be prepared, and cease all expenditures of
27 Proposition S funds used for planning, design, study, construction and implementation of field
28 lighting for the Hoover High School athletic facilities upgrade project and any other similar high

1 school stadiums for which Proposition S did not specifically list field lighting as part of their
2 projects in the Proposition S measure.

3 5. A permanent injunction shall issue from this Court directing and ordering that
4 defendant and respondent San Diego Unified School District be enjoined from using Proposition S
5 bond proceeds to pay for field lighting at Hoover's athletic stadium and any other high school
6 stadium for which Proposition S did not specifically list field lighting.

7 6. Petitioner and plaintiff Taxpayers for Accountable School Bond Spending shall
8 recover its costs and reasonable attorneys' fees, incurred in both the trial and appellate courts in the
9 amounts of \$ _____ for costs and \$ _____ in reasonable attorneys' fees, to be
10 awarded against and paid by defendant and respondent San Diego Unified School District.

11 7. The Court shall exercise continuing jurisdiction over the District's proceedings on
12 the project and the injunction to determine and ensure the District has fully complied.

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IT IS SO ORDERED AND ADJUDGED.

Dated: Sept. 13, 2013


TIMOTHY B. TAYLOR
Judge of the Superior Court

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F I L E D
Clerk of the Superior Court
SEP 13 2013
By: A. Taylor, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING, a California
nonprofit fictitious business entity,

Plaintiffs and Petitioner,

v.

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

Defendants and Respondents.

Case No. 37-2011-00085714-CU-WM-CTL
[Action Filed: February 11, 2011]

**PERMANENT INJUNCTION
PROHIBITING EXPENDITURES OF
PROPOSITION S FUNDS ON FIELD
LIGHTING**

Dept.: 72
I/C Judge: Hon. Timothy B. Taylor

After the March 26, 2013 decision and opinion of the Court of Appeal, Fourth District, Division One, in the above-captioned case as reported at 215 Cal.App.4th 1013 (2013), review was denied July 31, 2013 by the Supreme Court;

The Opinion of the Court of Appeal ordered the matter be remanded and that this Court grant the petition for writ of mandate and issue the injunctive and declaratory relief sought by plaintiff/petitioner in its first and second causes of action of the First Amended Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate;

In accordance with the mandate of the Court of Appeal, judgment has been granted in favor of petitioner and plaintiff Taxpayers for Accountable School Bond Spending, and against defendant and respondent San Diego Unified School District, on the first and second causes of action *set forth*

1 in the First Amended Verified Complaint For Declaratory and Injunctive Relief (the "Judgment");
2 and

3 This Court has considered the Petition for Writ of Mandate, Complaint for Declaratory and
4 Injunctive Relief, the Opinion, the Judgment, and the supporting and opposing arguments, points
5 and authorities presented by the opposing parties, it appears to the satisfaction of this Court that
6 permanent injunctive relief be granted in favor of petitioner and plaintiff Taxpayers for
7 Accountable School Bond Spending and against defendant and respondent San Diego Unified
8 School District as follows:

9 **THEREFORE, IT IS HEREBY ORDERED that defendant and respondent San Diego**
10 **Unified School District be enjoined, restrained, and prevented, pending further order of this**
11 **this Court from:**

12 Using Proposition S bond proceeds to pay for planning, design, study, construction,
13 implementation, or use of field lighting at Hoover's athletic stadium and any other high
14 school stadiums for which Proposition S did not specifically list field lighting as part of their
15 projects in the Proposition S measure.

16
17 IT IS SO ORDERED.

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19 Dated: 9/13/13

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TIMOTHY B. TAYLOR
21 Judge of the Superior Court
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F I L E D
Clerk of the Superior Court

SEP 20 2013

By: A. Taylor, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

**TAXPAYERS FOR ACCOUNTABLE
SCHOOL BOND SPENDING, a California
nonprofit fictitious business entity,**

Plaintiffs and Petitioner,

v.

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

Defendants and Respondents.

Case No. 37-2011-00085714-CU-WM-CTL

[Action Filed: February 11, 2011]

**AMENDED PEREMPTORY WRIT OF
MANDAMUS**

Dept.: 72
I/C Judge: Timothy B. Taylor

Judgment having been entered in this proceeding ordering a peremptory writ of mandamus be issued from this Court as set forth in the Opinion of the Court of Appeal and the Judgment rendered by this Court:

IT IS ORDERED THAT, defendant and respondent San Diego Unified School District shall forthwith:

1. Vacate its approval of the Hoover High School athletic facilities upgrades project and the mitigated negative declaration (MND), and cause an environmental impact report (EIR) to be prepared.

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2 2. Cease all expenditures of Proposition S funds used for planning, design, study,
3 construction, and implementation of field lighting for the Hoover High School athletic facilities
4 upgrades project and other similar high school stadiums for which Proposition S did not specifically
5 list field lighting as part of their projects in the Proposition S measure.

6 This Court will retain jurisdiction in this action and over defendant and respondent San
7 Diego Unified School District's proceedings and actions by way of requiring a return to this
8 peremptory writ of mandamus and until this Court has determined that defendant and respondent
9 San Diego Unified School District has complied with each of the requirements and provisions of
10 this writ.

11 **IT IS FURTHER ORDERED** that defendant and respondent San Diego Unified School
12 District must make and file a return to this writ of mandamus on or before January 15, 2014 setting
13 forth what it has done to comply with this writ.

14 _____, Clerk
15 [seal] By A. Taylor, Deputy Clerk
16 **A. Taylor**

17 LET THE FOREGOING WRIT ISSUE.

18
19 Dated: 9/20/13

20 _____
21 **TIMOTHY B. TAYLOR**
22 Judge of the Superior Court



23 **CLERK'S CERTIFICATE**
24 The foregoing document, consisting of
25 2 page(s), is a full, true, and correct
26 copy of the original copy on file in
27 this office.
28 Clerk of the Superior Court
Dated 10-1-13 by C. Boyle
C. BOYLE