

CITY COUNCIL MEETING  
MARCH 5, 1986

17

UPDATE GIVEN BY  
CITY ATTORNEY  
REGARDING MEASURE A  
LAWSUIT

City Attorney Ron Stein gave an update on the Measure A

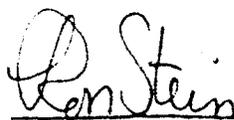
CC-30

Lawsuit and responded to questions regarding the matter as  
were posed by the Council.

## COUNCIL COMMUNICATION

TO THE CITY COUNCIL FROM THE CITY MANAGER'S OFFICE	DATE February 26, 1986	NO.
SUBJECT: MEASURE A APPEAL FILED		

Attached hereto is a copy of Judge Darrah's Judgment declaring Measure A invalid and void, entered February 19, 1986. Also attached is a copy of the Notice of Appeal of that decision filed February 25, 1986 by the City. I will keep you informed of any developments in this matter.



Ronald M. Stein  
City Attorney

RMS:vc

attachments

RECEIVED

\*21701

DATE: 2/24/86

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

Attorney(s) for .....  
Space above for Name, Address and Telephone No. of Attorney(s)

Space above for use of Court Clerk only

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

L.I.F.E. COMMITTEE, a California  
Unincorporated Association,  
Petitioner,  
vs.  
CITY OF LODI, a California General Law  
City, and DOES I through IX,  
Respondent.

CASE NUMBER 178641

NOTICE OF ENTRY OF JUDGMENT

You are notified that a judgment in this cause was entered in Civil Judgment

on February 20, 1986  
(Date)

ATTORNEYS OF RECORD

Steven A. Herum  
• Neumiller & Beardslee  
P. O. Drawer 20  
Stockton, California 95201

Daniel J. Curtin, Jr.  
Van Voorhis & Skaggs  
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Walnut Creek, California 94596

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• Ronald M. Stein, City Attorney  
221 West Pine Street  
Lodi, California 95240

Daniel P. Selmi  
1441 West Olympic Boulevard  
P. O. Box 15019  
• Los Angeles, California 90015-3980

RALPH W. EPPERSON, Clerk  
JEAN SMITH

By \_\_\_\_\_, Deputy

CERTIFICATE OF MAILING

I, RALPH W. EPPERSON, hereby certify as follows:

I am the Clerk of the above entitled Court and not a party to the above entitled action. I served the above NOTICE OF ENTRY OF JUDGMENT by depositing a true copy thereof in the United States mail in Stockton, California on February 21, 1986, enclosed in a sealed envelope with the postage thereon fully prepaid, addressed to each attorney of record at their respective Post Office addresses as set forth in this notice.

RALPH W. EPPERSON, County Clerk and Clerk of the Superior Court of the State of California, for the County of San Joaquin.

By JEAN SMITH  
Deputy

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NEUMILLER & BEARDSLEE  
A PROFESSIONAL CORPORATION  
STEVEN A. HERUM  
Post Office Drawer 20  
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Attorneys for Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

L.I.F.E. COMMITTEE, A California  
Unincorporated Association,

Petitioner,

-vs-

CITY OF LODI, a California  
General Law City, and DOES  
I through IX,

Respondent.

FILED

1986 FEB 20 PM 5:58

RALPH W. EPPERSON, CLERK

BY JEAN SMITH  
DEPUTY

NO. 178641

JUDGMENT GRANTING  
PEREMPTORY WRIT OF  
MANDAMUS

This matter came regularly before this Court on  
November 18, 1985, for hearing. Steven A. Herum, Esq. of  
Neumiller & Beardslee, and Daniel J. Curtin, Jr. of  
McCutchen, Doyle, Brown & Enersen appeared for Petitioner.  
Daniel P. Selmi, Esq., Mark I. Weinberger of Shute,  
Mihaly & Weinberger and Ronald M. Stein, Esq. appeared for  
Respondents.

On consideration of all evidence set forth in the  
papers submitted and oral arguments having been presented,  
the court having made a ruling, which is signed and filed,

IT IS ORDERED THAT:

1           1. . . A peremptory Writ of Mandate issue commanding  
2 Respondents to cease administering and enforcing the initia-  
3 tive ordinance (Measure A) adopted at a special election  
4 held August 21, 1981;

5           2. That this Court finds and declares the initiative  
6 ordinance (Measure A) adopted at a special election held  
7 August 21, 1981 is ~~unconstitutional~~, invalid and void on *SM*  
8 its face or as applied to Petitioner;

9           3. That this court finds and declares that the initia-  
10 tive ordinance (Measure A) adopted at a special election  
11 held August 21, 1981, unlawfully interferes with the pro-  
12 cess of annexation;

13           4. Petitioner recover all its costs of this proceed-  
14 ing.

15 Dated: Feb. 19, 1986.

16 *James P. Sarrah*  
17 \_\_\_\_\_  
18 JUDGE OF THE SUPERIOR COURT

19 Judgment entered on \_\_\_\_\_, 19\_\_\_\_, in the Judg-  
20 ment Book, Volume No. \_\_\_\_\_, Page \_\_\_\_\_.

21 \_\_\_\_\_ Clerk

22 By \_\_\_\_\_ Deputy Clerk

SHUTE, MIHALY & WEINBERGER  
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SAN FRANCISCO, CALIFORNIA 94102  
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E. CLEMENT SHUTE, JR.  
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MARC B. MIHALY, P. C.  
ALLETTA D'A. BELIN  
FRAN M. LAYTON  
RACHEL B. HOOPER

TERRELL J. WATT, AICP  
URBAN PLANNER  
DANIEL S. MILLER  
ENVIRONMENTAL FELLOW

February 21, 1986

Steven A. Herum, Esq.  
Neumiller & Beardslee  
Post Office Drawer 20  
Stockton, CA 95201-3020

Re: L.I.F.E. Committee v. City of Lodi, et al.

Dear Steve:

Please forward to me an endorsed copy of the judgment as soon as you receive it from the court. My client has instructed me to appeal at the earliest opportunity.

Thank you.

Very truly yours,

SHUTE, MIHALY & WEINBERGER

MARK I. WEINBERGER

MIW:ad  
026/lodi

cc: Daniel J. Curtin, Jr.  
    / Ronald M. Stein  
    Daniel P. Selmi

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Attorneys for Respondent  
City of Lodi

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN

L.I.F.E. COMMITTEE, A California )  
Unincorporated Association, )  
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Petitioner, )  
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vs. )  
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CITY OF LODI, A California )  
General Law City, and DOES I )  
through X, )  
 )  
Respondents. )

NO. 178641

NOTICE OF APPEAL,  
NOTICE OF ELECTION TO  
PROCEED UNDER THE  
PROVISIONS OF RULE 5.1  
OF THE CALIFORNIA RULES  
OF COURT, AND NOTICE TO  
PREPARE REPORTER'S  
TRANSCRIPT

FEB 26 1986



