

Court of Appeal, Third Appellate District - No. C061110

S195152

IN THE SUPREME COURT OF CALIFORNIA

En Banc

CONCERNED CITIZENS FOR RESPONSIBLE GOVERNMENT et al., Plaintiffs and
Appellants,

v.

WEST POINT FIRE PROTECTION DISTRICT et al., Defendants and Appellants.

The request for an order directing republication of the opinion in the above-titled
appeal is denied.

SUPREME COURT
FILED

DEC 19 2012

Frank A. McGuire Clerk

Deputy

CANTIL-SAKAUYE

Chief Justice

Michael G. Colantuono
MColantuono@CLLAW.US
(530) 432-7359

Colantuono & Levin, PC
11364 Pleasant Valley Road
Penn Valley, CA 95946-9000
Main: (530) 432-7357
FAX: (530) 432-7356
WWW.CLLAW.US

December 17, 2012

VIA FEDEX

The Honorable Chief Justice Tani Cantil-Sakauye
and Honorable Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4712

Re: *Concerned Citizens for Responsible Government v. West Point Fire Protection District*, Supreme Court Case No. S195152, Third District Court of Appeal Case No. C061110 (request for publication filed December 7, 2012)

Dear Chief Justice Cantil-Sakauye and Associate Justices:

I write to oppose the request filed December 7, 2012 by Stephanie J. Finelli, counsel for plaintiff and respondent Concern Citizens for Responsible Government that this Court order publication of the Third District Court of Appeal's decision in the matter identified above. I write on behalf of the following five local government associations:

California Special Districts Association
California State Association of Counties
Fire Districts Association of California
League of California Cities
Mosquito and Vector Control Association of California.

I do so for the reasons previously briefed to this Court in the following letters requesting depublication:

The Honorable Chief Justice and Associate Justices
of the California Supreme Court
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- July 28, 2011 by Richard Shanahan on behalf of the Mosquito and Vector Control Association of California;
- August 8, 2011 by myself on behalf of the other four local government associations for which I now write; and,
- August 8, 2011 by John Lambeth on behalf of the California Downtown Association.

The interests of these associations in the publication of the District Court of Appeal's decision are identified in these letters.

The local government community's concerns about the District Court of Appeal decision are further amplified by the amicus curiae brief this Court ordered filed on February 16, 2012 which I submitted on behalf of the five local government organizations for which I submit this letter. Plaintiff and respondent Concerned Citizens for Responsible Government made no reply to that brief.

The California Rules of Court do not provide for publication requests submitted directly to this Court. Compare California Rules of Court, rule 8.1125, subd. (a)(1) (request for depublication filed in Supreme Court) with California Rules of Court, rule 8.1120, subd. (a)(2) (request for publication filed in Court of Appeal and transferred to Supreme Court if time for action expires). Thus, to the extent Ms. Finelli's request is permissible, it is by analogy to the procedure for depublication requests. Accordingly, I also analogize to those procedures, which permit "any person" to respond to such a request within 10 days. California Rules of Court, rule 8.1125, subd. (b).

Accordingly, the local government associations listed at the outset of this letter respectfully assert that this Court ought not to order republication of the Third District's opinion in this matter.

Very truly yours,



Michael G. Colantuono

MGC:mgc

PROOF OF SERVICE
Supreme Court of the State of California
Case No. S195152

I, Ashley A. Lloyd, declare:

I am employed in the County of Nevada, State of California. I am over the age of 18 and not a party to the within action. My business address is 11364 Pleasant Valley Road, Penn Valley, California 95946. On DECEMBER 17, 2012, I served the document(s) described as **LETTER OPPOSING REQUEST FOR PUBLICATION FILED 12/7/12** on the interested parties in this action as by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED LIST

X **BY MAIL:** The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Penn Valley, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after service of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on DECEMBER 17, 2012, at Penn Valley, California.



Ashley A. Lloyd

Robert K. Reeve
Attorney at Law
P.O. Box 1351
1919 Vista Del Lago Drive, Suite 2
Valley Springs, CA 95252
*Plaintiff and Appellant, Concerned
Citizens for Responsible
Government*

Stephanie J. Finelli
Attorney at Law
1007 Seventh Street, Suite 500
Sacramento, CA 95814
*Plaintiff and Appellant, Concerned
Citizens for Responsible
Government*

Richard Paul Shanahan
Bartkiewicz Kronick & Shanahan
1011 22nd Street, #100
Sacramento, CA 95816
*Pub/Depublication Requestor,
Mosquito and Vector Control
Association of California*

Jack David Cohen
Attorney at Law
P.O. Box 6273
Beverly Hills, CA 90212
Pub/Depublication Requestor

John Allen Lambeth
Civitas Advisors, Inc.
7700 College Town Drive, Suite 111
Sacramento, CA 95826
*Pub/Depublication Requestor,
California Downtown Association*

Stephen N. Roberts
Nossaman, LLP
50 California Street, 34th Floor
San Francisco, CA 94111-4707
*Petitioners, Defendants,
Respondents and Cross-Appellants,
West Point Fire Protection District
and West Point Fire Protection
District Board of Directors*

William Gausewitz
Michaelman & Robinson, LLP
915 L Street, Suite 1110
Sacramento, CA 95814
*Attorneys for Amici Curiae
Howard Jarvis Taxpayers
Association*

California Court of Appeal
Third Appellate District
621 Capitol Mall, 10th Floor
Sacramento, CA 95814