

BRIGGS LAW CORPORATION [FILE: 1799.09]
Cory J. Briggs (SBN 176284)
Janna M. Ferraro (SBN 328921)
99 East "C" Street, Suite 111
Upland, CA 91786
Telephone: 909-949-7115

Attorneys for Defendants Donna Frye, California
Taxpayers Action Network, and Project for
Open Government

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – HALL OF JUSTICE

CITY OF SAN DIEGO,

Plaintiff,

vs.

ALL PERSONS INTERESTED IN THE MATTER
OF MEASURE C *etc.*,

Defendants.

CASE NO. 37-2021-00024607-CU-MC-CTL

**ANSWER TO COMPLAINT FOR
VALIDATION AND DECLARATORY
RELIEF**

Action Filed: June 4, 2021
Department: C-65 (Frazier)

Defendants Donna Frye, California Taxpayers Action Network, and Project for Open
Government (collectively, "Defendants") answer the Complaint for Validation and Declaratory Relief
by Plaintiff City of San Diego ("CITY") as follows:

DENIAL OF ALLEGATIONS

1. Under the provisions of Section 431.30 of the California Code of Civil Procedure, and
as authorized by law, Defendants deny all material allegations in the Complaint.

AFFIRMATIVE DEFENSES

2. Defendants are informed and believe and on that basis allege that the subject matter of
this lawsuit is improper for validation and/or declaratory relief.

3. Defendants are informed and believe and on that basis allege that the subject matter of
this lawsuit was not a *bona fide* citizens' initiative but rather was negotiated, sponsored, supported, and
promoted by at least one CITY official using the resources and prestige of such office. As a result, and

1 by way of example and not limitation, the subject matter should have been (but was not) subjected to
2 environmental review under the California Environmental Quality Act; and the *faux* initiative should
3 have been (but was not) approved by a two-thirds vote of the electorate. Consequently, the subject
4 matter of this lawsuit cannot be validated.

5 **PRAYER**

6 FOR ALL THESE REASONS, Defendants pray for the following relief against CITY (and any
7 and all others who may seek relief the same as or similar to that sought by CITY):

8 A. For judgment in favor of Defendants, with CITY taking nothing;

9 B. For any and all attorney fees and other costs incurred by Defendants in defending against
10 this lawsuit; and

11 C. Any further relief that this Court deems appropriate.

12 Date: July 4; , 2021.

Respectfully submitted,

13 BRIGGS LAW CORPORATION

14 By: Cory J. Briggs
15 Cory J. Briggs

16 Attorneys for Defendants Donna Frye, California
17 Taxpayers Action Network, and Project for Open
18 Government
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My ☒ business residence address is Briggs Law Corporation, 99 E. C St., Ste. 111 Upland, CA 91786.

3. On July 29, 2021, I served an original copy ☒ a true and correct copy of the following documents: ANSWER TO COMPLAINT FOR VALIDATION AND DECLARATORY RELIEF

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of Upland, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

☒ by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States ☒ of the State of California that the foregoing is true and correct.

Date: July 29, 2021

Signature: Ruth Flores

SERVICE LIST

City of San Diego v. All Interested Persons etc.,
San Diego County Superior Court case no. 37-2021-00024607-CU-MC-CTL

Mara W. Elliott, George F. Schaefer, and
M. Travis Phelps

Attorneys for Plaintiff City of San Diego

Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101-4100
Telephone: (619) 533-5800
Fax: (619) 533-5856
melliott@saniego.gov
gschaefer@saniego.gov
mphelps@saniego.gov

Jonathan M. Coupal, Timothy M. Bittle, and
Laura E. Dougherty

Attorneys for Defendant Howard Jarvis
Taxpayers Association

Howard Jarvis Taxpayers Foundation
921 Eleventh Street, Suite 1201
Sacramento CA 95814
Telephone: (916) 444-9950
Fax: (916) 444-9823
jon@hjta.org
tim@hlta.org
laura@hjta.org