

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED

JUL 03 2012

SAN LUIS OBISPO SUPERIOR COURT
BY *L. Jolley*
L. Jolley, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

SLO HOMELESS ALLIANCE; PHILLIP
DYKEMAN; DAVID DOUGLAS
MOORE,

Plaintiffs,

v.

CITY OF SAN LUIS OBISPO; STEPHEN
GESELL, in his capacity as Chief of Police
for the City of San Luis Obispo,

Defendants.

Case No.: CV 12-0204

**RULING AND ORDER
OVERRULING, IN PART,
DEFENDANTS' DEMURRER, AND
GRANTING PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I. Introduction

Plaintiffs challenge the validity of section 17.16.015 of the City of San Luis Obispo's Zoning Regulations. Located within Chapter 17 (entitled "Zoning Regulations"), Subchapter 16 (entitled "Property Development Standards"), section 17.16.015 (hereinafter "Property Development Standard 015") prohibits the use of recreational vehicles, camper shells, automobiles or similar devices for living or sleeping quarters except in a lawfully operated mobile home park, travel trailer park, or campground.

Several Plaintiffs have been cited for criminal violations of the Property Development Standard 015, and proceedings against them are pending.

1 The Complaint alleges four separate causes of action. Plaintiffs move for a
2 preliminary injunction that would restrain the City from continuing to enforce supposed
3 violations of Property Development Standard 015. Defendant City of San Luis Obispo
4 ("City") demurs to the entire complaint and opposes the motion for preliminary injunction.

5 As will be explained more fully below, the Court concludes that Property
6 Development Standard 015 was never intended to, and does not, apply to vehicles that are
7 parked on public streets. Further, because the Court has significant concerns about the City's
8 methods and manner of enforcing this inapplicable Property Development Standard, the
9 Court is issuing a preliminary injunction restraining the City from further enforcement until
10 such time as a full evidentiary hearing can be held on the merits of this case.

11 II. Statement of Facts

12 Plaintiffs consist of a group of individuals of very modest means who have been
13 living out of their vehicles for the past several years near the Prado Day Center. Plaintiffs
14 claim that they have been told in the past by various City agencies to locate their vehicles
15 near that location, where numerous City and County services are available for homeless and
16 needy people.

17 Located within the City of San Luis Obispo Zoning Regulations, Property
18 Development Standard 16.015, entitled **Recreational Vehicle as dwelling unit**, provides as
19 follows:

20 No recreational vehicle, camper shell or similar device shall be used for living
21 or sleeping quarters except in a lawfully operated mobile home park, travel
22 trailer park, or campground, except as provided in [Municipal Code] section
23 17.08.C.4.

24 In turn, Property Maintenance Standard 17.08.C.4, entitled **Recreational vehicle as**
25 **temporary dwelling**, clarifies Property Development Standard 015 in the following manner:

26 A recreational vehicle may be parked in a residential parking space or
27 driveway for periods not to exceed seven days, for the purpose of housing
28 guests of on-site residents only. Such recreational vehicles shall not be parked
so as to prevent residents of any other dwellings on the site from using their

1 assigned parking spaces, nor shall it discharge waste or sewage into the city's
2 sewage system. No hose, electrical cord, pipe, wire, or other device extending
3 from the vehicle may be permitted to encroach on any access easement or
sidewalk.

4 Although the City apparently never (or rarely) previously attempted to enforce the
5 provisions of Property Development Standard 015 as against these "campers," in the
6 beginning of 2012, the City suddenly changed course, embarking on a pattern of police
7 enforcement in a concerted effort to force Plaintiffs to move somewhere else.

8 Plaintiffs have filed multiple declarations claiming that organized police units have
9 been arriving with sirens and flashing lights blaring, late at night, to harass Plaintiffs into
10 moving out of town. Plaintiffs also claim that they have been unfairly targeted by the police,
11 who have turned a blind eye toward similar violations of Property Development Standard
12 015 by property owners who also use their recreational vehicles as living quarters within City
13 limits.

14 In brief, Plaintiffs allege that they are part of a loose community of people, including
15 children, who have no room available for them at the local overnight shelters. They claim to
16 have lived peaceably for years near the Prado Day Center. They also state that, until very
17 recently, the police have been protective, helpful and supportive.

18 In early 2012, following a loud, prolonged altercation near the Prado Day Center
19 during which the police were called, police officers abruptly changed their tone and their
20 tactics. After that incident (which did not involve people living on Prado Road), the police
21 became very confrontational. Plaintiffs were thereafter awakened in the early morning hours
22 by groups of officers banging on the vehicles and shouting at the people inside, telling them
23 that Plaintiffs had better move out of town and that the officers had orders from the City
24 Council to drive them out of town.

25 Although these police tactics were utilized against the Prado Road homeless
26 community, Plaintiffs claim that the police have completely ignored offending behavior from
27 other City residents who routinely park their recreational vehicles on the street.

28 ///

1 application deprived the individual to whom it was applied of a protected
2 right. . . . (*Tobe*, 9 Cal.4th at 1084-85.)

3 Stated somewhat differently, an “as applied” challenge contemplates an examination
4 of the facts to determine how the statute or ordinance has been applied, and to consider
5 whether, in those particular circumstances, the application deprived the individuals to whom
6 it was applied of a protected right. (*In Re Lewis* (2009) 172 Cal.App.4th 13, 28.) In such a
7 challenge, the ordinance is presumed to be valid and the Court examines its manner of
8 enforcement. (*People v. Vigil* (2001) 94 Cal.App.4th 485, 504-05.)

9 Plaintiffs’ claim that the City’s enforcement of Property Development Standard 015
10 violates due process of law in that this section of the Zoning Regulations was never intended
11 to apply (and, in fact, does not apply as a matter of law) to vehicles parked on public streets.
12 Further, Plaintiffs claim that the City is using arbitrary and irrational criminal enforcement
13 mechanisms and police methods going well beyond what is appropriate and necessary under
14 the circumstances.

15 The due process analysis begins with the presumption that a municipality has broad
16 power to enact ordinances in accord with the public health, safety, and welfare, so long as
17 they do not conflict with general laws. (*Suter v. City of Lafayette* (1997) 57 Cal.App.4th
18 1109, 1128-29; Cal. Const., Art. XI, § 7.) As a general rule, such ordinances will be upheld
19 against constitutional challenge if they are reasonably related to promoting the health, safety,
20 comfort and welfare of the public, and if the means adopted to accomplish that promotion are
21 reasonably appropriate to the purpose. (*Suter*, 57 Cal.App.4th at 1128-29; *Sunset Amusement*
22 *Co. v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 72.)

23 On the other hand, a decision to single out individuals for discriminatory treatment
24 under an ordinance, or enforcement that is shown to be arbitrary or irrational, may result in a
25 violation of due process of law. (*See, e.g., Echevarrieta v. City of Rancho Palos Verdes*
26 (2001) 86 Cal.App.4th 472, 482; *Samson v. City of Bainbridge Island* (9th Cir., June 15,
27 2012, 10-35352) 2012 WL 2161371; *Lockary v. Kayfetz* (9th Cir. 1990) 917 F.2d 1150,
28 1155-56; *Bateson v. Geisse* (9th Cir. 1988) 857 F.2d 1300, 1303.) In all cases, a clear factual

1 showing must be made. (*Echevarrieta*, 86 Cal.App.4th at 482; *Kawaoka v. City of Arroyo*
2 *Grande* (9th Cir. 1994) 17 F.3d 1227, 1237-38; *Kuster v. Foley* (9th Cir. 2011) 438
3 Fed.Appx. 543, 545.)

4 Plaintiffs' multifaceted attack alleges that: (1) section 17.16.015 of the Zoning
5 Regulations is intended to regulate people living out of vehicles on private property (such
6 yards, driveways or vacant land), rather than on public streets; (2) the City's enforcement
7 efforts are more strident than necessary (infraction ticketing and prosecution by police rather
8 than notifications by a Code Enforcement Officer, with an opportunity to correct); (3) no one
9 from the City Attorney's Office exercises prosecutorial discretion over police conduct (i.e.,
10 direct citations are issued without review by City Attorney); and, (4) sanctions are wholly out
11 of proportion to the proscribed conduct, including criminal fines, warrants, and the threat of
12 jail.

13 Plaintiffs also allege that *actual* enforcement of the Property Development Standard
14 015 has been both arbitrary and irrational. They allege that, for many years, Plaintiffs have
15 been told by various City agencies, including the police, specifically to move their vehicles
16 to, and live in, the industrial areas of the City near the Prado Day Center for the homeless. In
17 February 2012, however, the City suddenly changed course and embarked on a pattern of
18 threats and intimidation in order to force Plaintiffs to move somewhere else.

19 Most often, Plaintiffs allege that organized police units would show up with sirens,
20 flashing lights and bullhorns, between 10 p.m. and 3 a.m., on Prado Road, and begin
21 pounding on the walls and doors of Plaintiffs' vehicles in an effort to frighten the occupants
22 (some of which include small children) into coming out. Once out of their vehicles,
23 Plaintiffs claim that they were ticketed and told to "get out of town."

24 Whereas, other (more expensive appearing) recreational vehicles have been allowed
25 to remain on Prado Road, Plaintiffs allege that poor people have been threatened, harassed,
26 and followed to other locations in the City (including shops and markets) where they were
27 subsequently threatened with additional citations. Again, they would be cited under the
28 Property Development Standard 015 and told to get out of town.

1 Plaintiffs also allege that they are often subjected to notices setting bail at \$229 for a
2 first offense and arraignments in Superior Court. Further, if they admit to sleeping or living
3 in their vehicle, fines approach \$500, which is more than most Plaintiffs receive in a month.

4 These allegations regarding the Fourth Cause of Action, if proved, are sufficient to
5 state a claim for a violation of substantive due process rights. (*Compare Bateson v. Geisse*,
6 857 F.2d at 1303 (finding arbitrary administration of the local building permit regulations);
7 *Kayfetz*, 917 F.2d at 1155-56 (involving arbitrary or malicious administration of building
8 moratorium based upon misuse of water availability information).) Although courts must be
9 careful not to second-guess the judgment of local municipalities in carrying out their public
10 mandate, the Court cannot ignore conduct that, if proved, demonstrates irrationality, patent
11 unfairness, or arbitrariness. (*Echevarrieta*, 86 Cal.App.4th at 482 (alleging that City acted
12 with improper motivation and failed to adhere to procedures required by law); *Kuster v.*
13 *Foley* 438 Fed.Appx. at 545 (alleging that permit application had been delayed due to
14 arbitrary and capricious conduct of the Planning Director).)

15 The demurrer to the Fourth Cause of Action is overruled.¹

16 B. *Motion for Preliminary Injunction*

17 Plaintiffs seek a preliminary injunction prohibiting the City from issuing any further
18 citations that allege violations of Property Development Standard 015. The City opposes this
19 request, arguing that Plaintiffs are unlikely to have any success on the merits, and that the
20 City will suffer greater harm because of the multiple problems associated with the use of
21 Prado Road as a *de facto* campground by numerable people.

22 Although the Court has yet to hear all of the evidence, the declarations and exhibits
23 that have been submitted to date raise serious issues in the Court's mind about the
24
25

26 ¹ All causes of action are essentially different theories posed to invalidate Property Development Standard
27 015. Since Plaintiffs have stated a valid basis for challenge, the Court does not address the demurrer to the
28 other constitutional challenges. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490.) However, the Court
observes that Defendants have not established that Plaintiffs are unable to state a cause of action as a matter
of law. Accordingly, the demurrer to the first three causes of action is overruled.

1 applicability of the Property Development Standard 015 to public streets, as well as the
2 reasonableness of the City's ongoing enforcement efforts.

3 The Court's first concern has to do with the application of Property Development
4 Standard 015 of the Zoning Regulations to public streets. Chapter 17 comprises the San Luis
5 Obispo Zoning Regulations. It recites that "land or buildings may be used and structures
6 may be erected or altered only in accordance with these regulations." Sub-chapter 16,
7 entitled "Property Development Standards," and in which Standard 015 appears, is designed
8 to address yard setbacks, fences, walls, hedges, parking space requirements, driveways,
9 screening, satellite dishes and wireless communication devices, all on private property. None
10 of these regulations pertains to events that take place on public streets adjacent to private
11 property.

12 Moreover, Property Maintenance Standard 17.08.C.4, to which Property
13 Development Standard 015 is tethered, is an exception that specifically applies to someone's
14 driveway or parking space. Viewed in context, and as plainly stated in the text of the Zoning
15 Regulations, these guidelines clearly pertain to how individuals develop and maintain their
16 private property – the underlying rationale being that vehicles used as living quarters in
17 driveways or vacant lots will adversely affect local neighborhoods.

18 Moreover, the City's legislative intent supports the conclusion that Property
19 Development Standard 015 was adopted to address an entirely *different problem* from the
20 one now facing the Court, i.e., the problem of individuals living out of their vehicles or
21 attempting to establish mobile homes on *private property* such as yards, driveways or vacant
22 land.

23 "When construing a statute, we may consider its legislative history, including
24 committee and bill reports, and other legislative records. These rules also apply when
25 interpreting local ordinances." (*Valley Vista Services, Inc. v. City of Monterey Park* (2004)
26 118 Cal.App.4th 881, 889; See also *County of Madera v. Superior Court* (1974) 39
27 Cal.App.3d 665, 668 (The rules applying to the construction of statutes apply equally to
28 ordinances.))

1 As set forth in one 1995 City Council Agenda Report:

2 The City Council directed staff to draft property maintenance regulations, as
3 part of the neighborhood enhancement program. . . .

4 The project is the expansion of existing regulations and streamlining of
5 processing to make it easier for the City to require maintenance of both
6 commercial and residential property. . . . Primary elements of the regulation
7 are: . . . **Visiting RV limits.** A time limit on how long a recreational vehicle
8 may "camp" in a driveway, while the campers are visiting the residents of the
9 home. . . **Prohibition of RV as dwelling.** A clarification that the use of
recreational vehicles or campers as permanent dwellings is prohibited, except
in campgrounds **and** mobile home parks.

10 The City receives numerous complaints yearly about conditions that are
11 visible from the street (storage of furniture in yards, broken fences, boats and
12 driveways) and it may pose health or safety problems (RVs camping in
13 driveways, people living in campers). The intent is to get the most for the
14 least. This means that enforcement officer can 1) determine quickly of a
violation exists, 2) explain the situation to the violator easily; and 3) later
determine quickly if the problem has been corrected. *See Exhibit 2-2 through*

15 In addition to the wording and location of Property Development Standard 015 within
16 the Zoning Regulations, and the City's stated intent when adopting it, the Court's second
17 major concern has to do with whether reasonable notice is provided to local and state
18 residents about the "street camping" prohibition.

19 Due process requires that individuals receive either actual or inquiry notice about
20 prohibited conduct, especially where criminal violations are possible. (*People v. Hodges*
21 (1999) 70 Cal.App.4th 1348, 1354 ("Due process requires fair notice of what conduct is
22 prohibited..))

23 Given Standard 015's location within the Property Development Standard section of
24 the Zoning Regulations, and given that the lone regulatory exception is located within the
25 Property Maintenance Standards in Subchapter 17, the Court cannot conceive of how
26 someone would reasonably be able to understand that the prohibition on "vehicles as living
27 quarters" extends to the public streets as well as private property. Certainly, this patent
28 ambiguity undermines the purpose, if not the letter, of the Vehicle Code, which is to prevent

1 local regulations on public streets from becoming a "classic trap for the unwary"
2 (*Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4th 1173, 1179.)²

3 On top of the wording and location of Standard 015, its stated purpose, and the lack
4 of reasonable notice regarding its applicability, the Court's third concern has to do with the
5 manner in which Standard 015 has actually been enforced.

6 Typically, the City does not utilize the police to enforce the Zoning Regulations, and
7 it does not immediately resort to the issuance of criminal citations. Instead, Zoning
8 Regulation violations are ordinarily investigated by Code Enforcement Officers who conduct
9 site visits, issue notices of violation, and prepare reports for further action. If voluntary
10 compliance is not achieved, criminal complaints are an enforcement choice of last resort, and
11 they are ordinarily reviewed by the City Attorney's Office *before* they are filed. (*See, e.g.,*
12 Exhibit 2-48 through 2-51.)

13 The evidence currently before the Court shows that an entirely different enforcement
14 approach has been utilized. Prior to February 2012, or thereabouts (and for reasons yet to be
15 fully developed), City representatives (ranging from police to social workers) have been
16 specifically directing poor people living out of their vehicles to congregate and/or set up
17 residence in the vicinity of the Prado Day Center, where social services are readily available.

18 In and around February 2012, the City abruptly changed course. Rather than having
19 Code Enforcement Officers attempt to achieve voluntary compliance through site visits,
20 notices of violation, or City Attorney involvement, the evidence before the Court is that the
21 City directed the police to immediately cite alleged offenders with criminal process.

22 In addition to using an enforcement strategy that appears to be singling out poor and
23 homeless people for harsher treatment, the Court is very uneasy with the specific manner in
24 which the police have apparently been enforcing Standard 015 and issuing criminal citations.

25 As stated, Plaintiffs have submitted multiple declarations that call into question the
26 appropriateness of the police enforcement tactics and that also raise questions as to whether

27
28 ² Perhaps this is why, when initially confronted with local residents' complaints about vehicles camped on
the streets, the City chose to post the Elks Lane area with warning signage in compliance with the notice
requirement of Vehicle Code section 22507.

1 specific groups of people are being arbitrarily singled out for enforcement. These methods
2 include, but are not limited to, the use of late-night police forays needlessly utilizing flashing
3 lights, blaring horns, intimidation, threats and other scare tactics. These methods are
4 apparently designed not only to force legal compliance, but also to intimidate Plaintiffs into
5 leaving the City altogether.

6 The City's overall enforcement choices and methods cause this Court grave
7 disquietude. In particular, the Court cannot imagine that similar enforcement methods have
8 been, or ever would be, utilized against homeowners who had recreational vehicles hooked
9 up as "living quarters" in their private driveways or on vacant lots. Likewise, query whether
10 persons sleeping in more prestigious recreational vehicles on public streets would receive the
11 same harsh method of enforcement.

12 Would the police even be utilized or would Code Enforcement Officers instead make
13 initial warning visits? Would the police arrive in the middle of the night with flashing lights
14 and bullhorns? Would individuals be told to move out of the City or else? Would criminal
15 citations be issued prior to explaining the problem to them and affording them an opportunity
16 to correct the problem? The Court seriously doubts that the City would even *consider* such
17 an approach under the proposed scenarios. Why, then, would a strategy like this be utilized
18 here?

19 Although the City must be given great latitude in the way it chooses to enforce local
20 regulations, there are limits as to what can be considered reasonable and appropriate. Based
21 upon the evidence received so far, appropriate bounds appear to have been exceeded.

22 Weighing the evidence and balancing the harm to the Plaintiffs in the event an
23 injunction were not issued, against the harm to the City if an injunction were issued, the
24 Court concludes that a preliminary injunction is appropriate to enjoin enforcement of the
25 Property Development Standard 015 until a full evidentiary hearing takes place.

26 Plaintiffs have carried their burden of showing a likelihood of success on the due
27 process claims. Moreover, the financial, psychological and other harms to the Plaintiffs from
28 the actual prosecution and threat of criminal prosecution under a Property Development

1 Standard that does not apply as a matter of law far outweigh the harm to the City resulting
2 from the grant of an injunction.

3 An injunction means that the status quo existing as of early January 2012 will be
4 preserved. On the other hand, an injunction will not prevent the City from enforcing all of
5 its other health and safety regulations vis-à-vis Plaintiffs. In other words, living out of a
6 vehicle near the Prado Day Center *pendente lite* will not give Plaintiffs the right to litter,
7 disturb the peace, become publicly intoxicated, trespass, vandalize, illegally discharge septic
8 waste, threaten pedestrians, deal drugs, or commit assaults or batteries. The City retains the
9 ability to enforce the full panoply of public welfare statutes.³

10 Although the City strenuously contends that the Court lacks authority to grant a
11 preliminary injunction under the circumstances, for two reasons, the Court disagrees.

12 First, although the provisions of Code of Civil Procedure section 526, and Civil Code
13 section 3423, disallow an injunction that would prevent enforcement of a public statute by
14 officers of the law, these sections do not apply "when the activity sought to be enjoined is an
15 attempt to apply a statute or ordinance to conduct not within its terms." (*Thomsen v. City of*
16 *Escondido* (1996) 49 Cal.App.4th 884, 890 (citations omitted); *MacLeod v. City of Los Altos*
17 (1960) 182 Cal.App.2d 364, 369 (same).) That is exactly what is going on here.

18 Second, Plaintiffs have carried their burden of showing that the Property
19 Development Standard 015 "has been applied in a constitutionally impermissible manner in
20 the past" through a "pattern of impermissible enforcement." (See *Tobe v. City of Santa Ana*
21 9 Cal.4th at 1085; *Bueneman v. City of Santa Barbara*, 8 Cal.2d 405, 407-408.) Evidence of
22 this sort permits an injunction to minimize harm from unconstitutional activities.

23 Plaintiffs' request for a preliminary injunction is granted.⁴
24

25 ³ Although an *associational* relationship may exist between increased crime and the use of vehicles as living
26 quarters in the vicinity of Elks Lane or the Prado Day Center, there has been no *causal connection* yet
27 established between increased crime and presence of mobile campers. If campers break the law, they can
certainly be prosecuted for the underlying crimes.

28 ⁴ Because the Court has concluded that Property Development Standard 015 does not apply to public streets
and has been impermissibly enforced, it need not reach the issues raised by the City's demurrer with
respect to the Plaintiffs' First, Second, or Third Causes of Action for declaratory and injunctive relief. Nor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. Conclusion.

The Court is certainly not oblivious to the efforts that the City Council is making with respect to providing temporary shelter for the homeless in connection with its pilot program. Such a program is vitally important if we, as a society, are to take significant steps in the direction of reducing homelessness and poverty.

Further, the Court's decision is necessarily preliminary in that no opposing declarations have been submitted and no live testimony has yet been considered. Nevertheless, for the reasons stated, the state of the evidence currently before the Court fully supports the issuance of a preliminary injunction and it is so ORDERED.

Counsel should confer about any appropriate language, if any, that may be needed to clarify the scope of the Injunction.

The Court intends to allow discovery so that both sides can fully develop their factual positions. Accordingly, the case management conference set on August 14, 2012 is advanced to Tuesday, July 24, 2012 at 9:30 a.m., in Department 9, to discuss all management issues.

Dated: July 3, 2012



CHARLES S. CRANDALL
Judge of the Superior Court

CSC:jn

need the Court reach the issue of preemption. For purposes of ruling on the request for preliminary injunction, these issues are moot and remain for decision at a later date.

'A judicial tribunal ordinarily may consider and determine only an existing controversy, and not a moot question or abstract proposition.... [As] a general rule it is not within the function of the court to act upon or decide a moot question or speculative, theoretical or abstract question or proposition, or a purely academic question, or to give an advisory opinion on such a question or proposition....' (Id. at pp. 452-453, 246 P.2d 688.) An important requirement for justiciability is the availability of "effective" relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties' conduct or legal status. " " "It is this court's duty " "to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it. (In re I.A., (2011) 201 Cal.App.4th 1484, 1490.)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

Civil Division

CERTIFICATE OF MAILING

SLO HOMELESS ALLIANCE VS. CITY OF SAN LUIS OBISPO	CV120204
---	----------

Rizzo, Saro G.
Attorney for Plaintiff
1457 Marsh Street, Suite 100
San Luis Obispo CA 90401

Jenkins, Stewart D.
Attorney for Plaintiff
Post Office Box 511
San Luis Obispo CA 93406 0511

Dietrick, Christine J.
Attorney for Defendant
CITY OF SAN LUIS OBISPO
990 Palm Street, Room 10
San Luis Obispo CA 93401 3249

Albuquerque, Manuela
Attorney for Defendant
BURKE, WILLIAMS & SORENSEN, LLP
1901 Harrison Street, Suite 900
Oakland CA 94612 3501

*
Attached Pleading:
Ruling and Order, 7/3/12

Under penalty of perjury, I hereby certify that I deposited in the United States mail, at San Luis Obispo, California, first class postage prepaid, in a sealed envelope, a copy of the foregoing addressed to each of the above
OR

If counsel has a pickup box in the Courthouse that a copy was placed in said pickup box this date.

SUSAN MATHERLY, Court Executive Officer

by R. Pehling, Deputy Dated: 7/3/12