

James Dear

COPY

From: Bradley Hertz <bhertz@campaignlawyers.com>
Sent: Monday, June 15, 2015 8:34 AM
To: Albert Robles; Lula Davis-Holmes; Elito Santarina's Yahoo; Cecil Rhambo; ssoltani@awattorneys.com; card2cd@aol.com
Subject: JIM DEAR v. CARSON CITY COUNCIL - EX PARTE NOTICE OF 6/16/15 COURT HEARING

To:
Carson Mayor Albert Robles
Carson City Council Member Lula Davis-Holmes
Carson Mayor Pro Tempore Elito M. Santarina
Carson Interim City Manager Cecil W. Rhambo, Jr.
Carson City Attorney Sanaz (Sunny) K. Soltani, Esq.
Mr. Charles Davis

On behalf of my client, Carson City Clerk Jim Dear, PLEASE TAKE NOTICE that I will be appearing, ex parte, on Tuesday, June 16, 2015 at 8:30 a.m. in Department 85 or 86 (8th Floor) of the Los Angeles County Superior Court, 111 North Hill Street, Los Angeles, CA 90012, to seek an order shortening time for the expedited briefing of, and an expedited hearing on, a Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief (the "Petition").

The Petition, which will name the City Council of the City of Carson, the City of Carson, Carson Mayor Albert Robles, and Carson City Councilmember Lula Davis-Homes as Respondents and Charles Davis as Real Party in Interest, will be brought pursuant to California Elections Code Section 13314, California Code of Civil Procedure Sections 525, 1060, and 1085, et seq., and California Government Code Sections 54953 and 36810.

The Petition will be based on the grounds that Respondents neglected their duties and otherwise acted unlawfully in connection with the City Council's illegal noticing and conducting of a special meeting without a quorum on Friday, June 12, 2015, at which the City Council purportedly designated Mr. Davis as the City's elections official for purposes of finalizing the June 2, 2015 special municipal election.

As the City's duly-elected City Clerk and chief elections official, it is Mr. Dear's responsibility to finalize the June 2, 2015 special municipal election, which he is in the process of doing, in full compliance with all applicable laws and deadlines.

Now that Respondents and Real Party have attempted to illegally usurp Mr. Dear's powers at City Clerk and chief elections official and have created confusion as to the identity and duties of the City's elections official in connection with finalizing the June 2, 2015 special municipal election, judicial relief is needed to clarify the confusion and to set forth the duties of Mr. Dear and of Mr. Davis (if any).

Soon after tomorrow's ex parte proceeding, we will be seeking: (1) a writ of mandate that will invalidate the actions purportedly taken by the City Council at its unlawfully noticed and conducted Friday, June 12, 2015 meeting; (2) an injunction that will prevent Respondents and Real Party from carrying out their invalid actions and void the invalid actions that have already been undertaken; (3) a declaration that Respondents' actions were unlawful and invalid and that Mr. Dear is the proper party to be finalizing the June 2, 2015 special municipal election; and (4) attorneys' fees and costs from the City.