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22 SUPERIOR COURT OF THE STATE OF CALIFORNIA

23 IN AND FOR THE COUNTY OF SANTA CLARA

24 STAND FOR SAN JOSE; EILEEN  
25 HANNAN; MICHELLE BRENOT;  
26 ROBERT BROWN; KAREN SHIREY;  
27 FRED SHIREY; and ROBERT SHIELDS,

28 Petitioners and Plaintiffs,

vs.

29 CITY OF SAN JOSE; CITY COUNCIL OF  
30 THE CITY OF SAN JOSE;  
31 REDEVELOPMENT AGENCY OF THE  
32 CITY OF SAN JOSE; DIRIDON  
33 DEVELOPMENT AUTHORITY; DOES 1  
34 through 10, inclusive,

35 Respondents and Defendants.

36 ATHLETICS INVESTMENT GROUP LLC;  
37 DOES 11 through 20, inclusive,

(ENDORSED)  
**FILED**

JUL 2 2012

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY J. Alvarez DEPUTY

Case No. 111-CV-214196

STIPULATION REGARDING  
PREPARATION OF RECORD, BRIEFING  
AND HEARING SCHEDULE; AND  
[PROPOSED] ORDER

Action filed: December 2, 2011

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Real Parties in Interest.

WHEREAS, on December 2, 2011, Petitioners and Plaintiffs, Stand For San Jose, et al. ("Petitioners") filed their Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief and Attorneys' Fees and related papers ("Petition");

WHEREAS, on December 6, 2011, Petitioners served the Petition, including a request for preparation of the administrative record, on Respondents and Defendants, the City of San Jose et al. ("Respondents"), and on Real Party in Interest, Athletics Investment Group LLC ("Real Party");

WHEREAS, on December 8, 2011, Petitioners filed their Verified First Amended Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief and Attorneys' Fees ("First Amended Petition");

WHEREAS, on December 11, 2011, Petitioners served their First Amended Petition on Respondents and Real Party;

WHEREAS, on December 20, 2011, Respondents requested and Petitioner agreed to a 30-day extension for the certification of the record, providing a 90-day period up to and including March 2, 2012;

WHEREAS, on March 9, 2012, Respondents provided a draft index to the record;

WHEREAS, on March 16, 2012, Respondents made available for review the documents listed in the draft index and Petitioners conducted a review of those documents;

WHEREAS, on March 26, 2012, Petitioners responded to Respondents with initial comments in regard to the content of the draft index and the record;

WHEREAS, on April 2, 2012, Respondents and Real Party filed a joint Answer to Verified First Amended Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief and Attorneys' Fees;

WHEREAS, on April 16, 2012, the Parties participated in a settlement conference in accordance with Public Resources Code § 21167.8, and also discussed a process for finalizing

1 and certifying the record, the filing of responsive pleadings, the filing of any motions, and a  
2 briefing and hearing schedule, as set forth below;

3 WHEREAS, since the settlement conference on April 16, 2012, Respondents and  
4 Petitioners have exchanged additional comments on the draft index of record.

5 NOW, THEREFORE, Petitioners, Respondents and Real Party, through their undersigned  
6 counsel, stipulate as follows:

7 1. CERTIFICATION OF RECORD OF PROCEEDINGS.

8 (a) Respondents shall assemble and certify the record, subject to the terms and  
9 conditions set forth below.

10 (b) Respondents provided a revised draft of their index to the record on June 15, 2012.

11 (c) Petitioners shall furnish additional comments on the index and the record,  
12 including proposals to augment the record with additional documents or to strike any documents,  
13 on or before June 29, 2012, and thereafter the Parties shall negotiate in good faith regarding  
14 finalizing the index and the record.

15 (d) Respondents shall prepare the final index and certify the record on or before July  
16 13, 2012.

17 (e) In stipulating to this schedule, the parties recognize that there may be unresolved  
18 disputes about the content of the record. In the event the parties are unable to resolve any such  
19 disputes informally, nothing herein waives the right of any party to bring a motion to augment the  
20 record or a motion to strike documents from the record as provided below.

21 2. MOTIONS CONCERNING RECORD OF PROCEEDINGS.

22 A motion to augment the record, correct the record and/or strike documents from the  
23 record shall be filed within 14 days after certification of the record ("Initial Motion Date").

24 3. STATEMENT OF ISSUES.

25 Absent a different order from the Court, the requirement to file a Statement of Issues  
26 pursuant to CEQA § 21167.8(f) shall be waived.

27 4. OPENING BRIEF.

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1 (a) If no motion to augment or correct the record is filed by the Initial Motion  
2 Date, then Petitioners' opening brief, not exceeding forty (40) pages in length, shall be filed and  
3 served within thirty-five (35) days after the record is certified.

4 (b) If a motion to augment or correct the record is filed by the Initial Motion  
5 Date, then Petitioners' opening brief, not exceeding forty (40) pages in length, shall be filed and  
6 served within thirty-five (35) days after the Court's ruling on said motion to augment or correct  
7 the record.

8 5. OPPOSITION BRIEF(S).

9 Respondents and Real Party shall file and serve their opposition brief(s) within thirty-five  
10 (35) days of service of the opening brief. The number of pages of the opposition brief(s) filed by  
11 Respondents and Real Party shall not exceed sixty (60) pages in total. Respondents and Real  
12 Party may, if they elect to do so, file a single joint opposition brief.

13 6. REPLY BRIEF.

14 Petitioners shall file and serve a single reply brief within twenty (20) days of service of  
15 the opposition brief(s). Petitioners' reply brief shall not exceed twenty (20) pages in length.

16 7. SERVICE OF PAPERS.

17 All briefs and supporting papers shall be served as follows: (a) by e-mail attachment on  
18 the date due for service, and (b) hard-copy form by overnight delivery for arrival no later than on  
19 the morning of the day following the date due for service. If copies of record documents are  
20 provided to the court by any party, a copy of those documents shall be served by overnight  
21 delivery only.

22 8. CASE MANAGEMENT CONFERENCE.

23 In light of the briefing and hearing schedule set forth herein, the parties propose, and the  
24 Court finds, that a Case Management Conference is not necessary in this matter.

25 9. HEARING.

26 Within ten (10) days after the date for filing Petitioners' opening brief is set, the parties  
27 will request that the Court set a hearing date by submitting another stipulation and proposed  
28 order. If the parties are unable to agree upon such a stipulation, either party may request the

1 Court to set a hearing. By agreeing to set the hearing date pursuant to this stipulation, the parties  
2 agree that Petitioners have complied with the requirements of Pub. Res. Code § 21167.4.

3 10. MODIFICATIONS TO BRIEFING AND HEARING SCHEDULE.

4 Consistent with the requirement that CEQA actions be quickly heard and determined,  
5 modifications to this schedule shall be made only for good cause shown.

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20  
21 By [Signature]

24 IT IS SO ORDERED.

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26 Dated: July 2, 2012

JOSEPH H. HUBER  
Judge of the Superior Court.

