

FILED

MAR -9 2016

David H. Yarnall, Clerk of the Superior Court
County of Santa Clara, California

Handwritten signature: D. Mervel

1 NIELSEN MERKSAMER PARRINELLO
2 GROSS & LEONI, LLP
3 MARGUERITE MARY LEONI (SBN 101696)
4 CHRISTOPHER E. SKINNELL (SBN 227093)
5 JAMES W. CARSON (SBN 287001)
6 2350 Kerner Blvd., Suite 250
7 San Rafael, CA 94901
8 TELEPHONE: (415) 389-6800 /FAX: (415) 388-6874
9 Email: mleoni@nmgovlaw.com
10 Email: cskinnell@nmgovlaw.com
11 Email: jcarson@nmgovlaw.com

12 Attorneys for [Proposed] Intervenor Peter Constant

13 KENNETH H. LOUNSBERY (SBN 38055)
14 JAMES P. LOUGH (SBN 91198)
15 ALENA SHAMOS (SBN 216548)
16 YANA L. RIDGE (SBN 306532)
17 Lounsbery Ferguson Altona & Peak, LLP
18 960 Canterbury Place, Suite 300
19 Escondido, California 92025
20 TELEPHONE: (760) 743-1201 / FAX: (760) 743-9926
21 Email: KHL@LFAP.COM
22 Email: JPL@LFAP.COM
23 Email: ASO@LFAP.COM
24 Email: YLR@LFAP.COM

25 Attorneys for [Proposed] Intervenors, Steven Haug and Silicon Valley Taxpayers Association, a
26 California non-profit corporation.

27 SUPERIOR COURT OF THE STATE OF CALIFORNIA
28 COUNTY OF SANTA CLARA

29 THE PEOPLE OF THE STATE OF
30 CALIFORNIA on the RELATION of SAN
31 JOSE POLICE OFFICERS' ASSOCIATION,

32 *Plaintiff,*

33 v.

34 CITY OF SAN JOSE, and CITY COUNCIL OF
35 SAN JOSE,

36 *Defendants.*

CASE NO. 113-CV-245503

APPLICATION TO INTERVENE (C.C.P. § 387)

DATE: April 12, 2016

TIME: 9:00 A.M.

DEPT: 7

JUDGE: McGowen

BY FAX

1 Proposed Intervenors, Peter Constant, Steven Haug and Silicon Valley Taxpayers
2 Association, a California non-profit corporation (jointly referred to as "Intervenors") are a City of
3 San Jose retired police officer and former City Council Member, a San Jose voter and taxpayer, and
4 an interested taxpayers' group, including San Jose voters and taxpayers who supported the adoption
5 of San Jose Measure B. Intervenors directly benefit from the Measure's enactment and hereby apply
6 for leave of the court to intervene in this action to oppose the claims of Plaintiffs and support the
7 Defendants' defense of Measure B and the process by which it was enacted. A Complaint in
8 Intervention is filed herewith and incorporated herein by this reference.

9 This application is brought pursuant to Code of Civil Procedure section 387 on the grounds
10 that the Intervenors have interests in the subject of this litigation that will be directly affected in a
11 substantial manner by the outcome of this case, and those interests are not adequately represented by
12 an existing party. The Intervenors therefore seek to both protect their interests and sharpen the
13 presentation of the issues to the court. The Intervenors do not seek to expand the litigation or to delay
14 this Court's resolution of the case.

15 Pursuant to the authorities cited in the accompanying Memorandum of Points and Authorities,
16 the Court should therefore grant Intervenors' application to intervene.

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1 This application is based upon the accompanying Complaint in Intervention; Memorandum
2 of Points and Authorities; Request for Judicial Notice; the Declarations of Peter Constant, Steven
3 Haug, Silicon Valley Taxpayers Association, and James W. Carson; all the papers and records on file
4 in this action; and upon any evidence and argument presented at the hearing on this application.

5 Respectfully submitted,

6 DATED: *March 9, 2016*

DATED: *March 9, 2016*

7 **NIELSEN MERKSAMER PARRINELLO
8 GROSS & LEONI, LLP**

**LOUNSBERY FERGUSON ALTONA &
PEAK, LLP**

9 *By: Marguerite Mary Leoni*
10 **MARGUERITE MARY LEONI
11 CHRISTOPHER E. SKINNELL
12 JAMES W. CARSON**

By: *[Signature]*
**KENNETH H. LOUNSBERY
13 JAMES P. LOUGH
14 ALENA SHAMOS
15 YANA L. RIDGE**

**Attorneys for Intervenor, PETER
16 CONSTANT**

**Attorneys for Intervenors, STEVEN
17 HAUG and SILICON VALLEY
18 TAXPAYERS ASSOCIATION**

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