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GOVERNMENT CODE §6103

13 *Attorneys for Plaintiffs John Tos, Quentin Kopp,*
14 *Town of Atherton, County of Kings, Morris Brown,*
15 *Patricia Louise Hogan-Giorni, Anthony Wynne,*
16 *Community Coalition on High-Speed Rail,*
17 *Transportation Solutions Defense and Education Fund,*
18 *and California Rail Foundation*

19 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **IN AND FOR THE COUNTY OF SACRAMENTO**

21 JOHN TOS, QUENTIN KOPP, TOWN OF
22 ATHERTON, a municipal corporation,
23 COUNTY OF KINGS, a subdivision of the State
24 of California, MORRIS BROWN, PATRICIA
25 LOUISE HOGAN-GIORNI, ANTHONY
26 WYNNE, COMMUNITY COALITION ON
27 HIGH-SPEED RAIL, a California nonprofit
28 corporation, TRANSPORTATION SOLUTIONS
29 DEFENSE AND EDUCATION FUND, a
30 California nonprofit corporation, and
31 CALIFORNIA RAIL FOUNDATION, a
32 California nonprofit corporation,
33 Plaintiffs

34 vs.

35 CALIFORNIA HIGH SPEED RAIL
36 AUTHORITY, a public entity, BOARD OF
37 DIRECTORS OF THE CALIFORNIA HIGH-
38 SPEED RAIL AUTHORITY, and DOES 1-20
39 inclusive,
40 Defendants

No. 34-2016-00204740

PLAINTIFFS' OBJECTIONS TO
DECLARATION OF SHARON L.
O'GRADY

Date: April 19, 2017

Time: 11:00 AM (specially set)

Department: 54

Action filed: December 13, 2016

Trial Date: Not Yet Set

1 Plaintiffs John Tos *et al.* hereby object to the following portions of the Declaration of
2 Sharon L. O’Grady in Opposition to Motion for Preliminary Injunction: Paragraphs 4, 5, 6, and 7,
3 and Exhibits 3, 4, 5, and 6 attached to that declaration. The basis of the objection is lack of
4 relevance.

5 In order for a document to be admissible evidence, it must be relevant to one or more issues
6 that are before the court. (Evidence Code § 350; *People v. Solis* (1961) 193 Cal.App.2d 68, 75.)
7 For evidence to be relevant, it must have a tendency to prove or disprove a disputed, material fact.
8 (Evidence Code § 210; *People v. Freeman* (1994) 8 Cal.4th 450, 491.)

9 Here, Defendants ask that the Court accept into evidence a number of court documents
10 relating to cases that one or more of the Plaintiffs have filed and which relate in some way to the
11 California high-speed rail system. Defendants cite to these facts and exhibits in a portion of the
12 background section of their brief entitled, “Plaintiffs’ Previous Efforts to Stop High-speed Rail.”
13 (Defendants’ Opposition to Plaintiffs’ Motion for Preliminary Injunction at pp. 7-9.)

14 Defendants claim that, “The rulings made and positions taken by plaintiffs in *some* of these
15 related actions are relevant to this motion.” (emphasis added) However, Defendants never explain
16 how these other legal actions are relevant to the Court’s consideration of any issue before the
17 Court in this case. Indeed, several of the cases cited by Defendants are still pending before courts
18 with no final determination in those actions¹.

19 Because Defendants have not shown that the cases and the references thereto are relevant
20 to any disputed issue currently before the Court, Plaintiffs object to their admission as evidence.

21 Dated: April 12, 2017
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24 ¹ Defendants are also inaccurate in their descriptions of some of the cases involved. For example,
25 The Second Amended Petition for Peremptory Writ of Mandate in *Transportation Solutions*
26 *Defense and Education Fund v. California Air Resources Board* does not even name the California
High-Speed Rail Authority as a party, so that suit obviously cannot, and does not, seek to “cut off
cap and trade funding for high-speed rail.”


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Respectfully submitted,

Michael J. Brady

Stuart M. Flashman

Attorneys for Plaintiffs John Tos et al.

By: 
Stuart M. Flashman