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SACRAMENTO COURTS
DEPT. #53

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9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **HIGH-SPEED RAIL AUTHORITY and
14 HIGH-SPEED PASSENGER TRAIN
FINANCE COMMITTEE, for the STATE
15 OF CALIFORNIA,**

16 Plaintiffs,

17 v.

18 **ALL PERSONS INTERESTED IN THE
19 MATTER OF THE VALIDITY OF THE
AUTHORIZATION AND ISSUANCE OF
20 GENERAL OBLIGATION BONDS TO BE
RELIABLE HIGH-SPEED PASSENGER
21 TRAIN BOND ACT FOR THE 21ST
CENTURY AND CERTAIN
22 PROCEEDINGS AND MATTERS
RELATED THERETO,**

23 Defendants.
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Case No. *34-2012-00140689*

[EXEMPT FROM FILING FEES PER GOV.
CODE § 6103]

~~[PROPOSED]~~ ORDER FOR
PUBLICATION OF SUMMONS

Date:
Time:
Dept:
Judge:
Trial Date: None
Action Filed: March 19, 2013

1 The complaint for validation, this order for publication of summons, and related papers by
2 Plaintiffs High-Speed Rail Authority and High-Speed Passenger Train Finance Committee
3 (collectively, "Plaintiffs") have been duly submitted to and reviewed by this Court in accordance
4 with Code of Civil Procedure section 860 et seq., and good cause appearing,

5 IT IS HEREBY ORDERED:

6 1. The summons in the form attached to this order as Exhibit A is hereby approved, and
7 the Clerk of the Court shall issue said summons. Pursuant to Code of Civil Procedure sections
8 861 and 861.1, the Judicial Council form of summons does not provide the required notice of this
9 action and the clerk shall not require the use of such form of summons.

10 2. Plaintiffs shall cause the summons to be published in THE SACRAMENTO BEE,
11 THE SAN FRANCISCO CHRONICLE, THE SAN DIEGO UNION TRIBUNE, THE LOS
12 ANGELES TIMES, and THE FRESNO BEE once each week for three successive weeks
13 pursuant to Government Code section 6063.


14 3. Plaintiffs shall cause a true and correct copy of the summons and complaint to be
15 deposited in the United States mail, postage prepaid, and addressed to counsel of record for the
16 plaintiffs in *Tos, et al. v. California High-Speed Rail Authority, et al.* (Sacramento Superior Court
17 Case No. 34-2011-00113919) and those persons, if any, or their attorneys, who, not later than ten
18 days after publication of the summons is complete, or such other time as the Court may order,
19 have notified Plaintiffs' attorneys of record in writing of their interest in the subject matter of this
20 action. Said deposit shall occur not later than two court days after receipt by Plaintiffs' attorneys
21 of record of each such written request. Said deposit shall constitute valid service of the summons
22 and complaint on the persons expressing an interest in this matter, and the date for his response
23 shall be the date specified in the summons.

24 4. All persons interested in the subject matter of this action shall have until the date
25 specified in the summons to file a written response to the complaint. The date specified in the
26 published summons will be determined by the applicant in accordance with Government Code
27 section 6063 and Code of Civil Procedure section 861, and will not be less than ten days after the
28 completion of publication of the summons.

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5. The Court hereby finds that this order provides for publication of the summons required by Code of Civil Procedure sections 861 and 861.1 and for the best practicable additional notice to persons who may have an interest in the subject matter of this action.

Dated: MAR 29 2013



Judge of the Superior Court

DAVID I. BROWN

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EXHIBIT A

1 KAMALA D. HARRIS
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **HIGH-SPEED RAIL AUTHORITY and
14 HIGH-SPEED PASSENGER TRAIN
FINANCE COMMITTEE, for the STATE
15 OF CALIFORNIA,**

16 Plaintiffs,

17 v.

18 **ALL PERSONS INTERESTED IN THE
19 MATTER OF THE VALIDITY OF THE
AUTHORIZATION AND ISSUANCE OF
20 GENERAL OBLIGATION BONDS TO BE
ISSUED PURSUANT TO THE SAFE,
21 RELIABLE HIGH-SPEED PASSENGER
TRAIN BOND ACT FOR THE 21ST
22 CENTURY AND CERTAIN
PROCEEDINGS AND MATTERS
23 RELATED THERETO,**

24 Defendants.

Case No.

[EXEMPT FROM FILING FEES PER GOV.
CODE § 6103]

SUMMONS

1 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
2 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN
3 [], WHICH IS TEN DAYS OR MORE AFTER COMPLETION OF
4 THE PUBLICATION OF THIS SUMMONS. READ THE INFORMATION BELOW.

5 ¡AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR
6 CONTRA USTED SIN AUDIENCIA A MENOS QUE USTED RESPONDA NO MAS
7 TARDE QUE EL DIA [] DE [] DE 2013, QUE ES DIEZ DIAS O MAS
8 DESPUES DE TERMINACION DE PUBLICATION DE ESTA CITACION JUDICIAL.
9 LEA LA INFORMACION QUE SIGUE.

10 TO ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF THE
11 AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS TO BE ISSUED
12 PURSUANT TO THE SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND ACT
13 FOR THE 21ST CENTURY, AND CERTAIN PROCEEDINGS AND MATTERS RELATED
14 THERETO:

15 Plaintiffs have filed a civil complaint against you. You may contest the legality or validity
16 of the above matter by appearing and filing with the Court a written responsive pleading to the
17 complaint not later than [], which is ten days or more after the completion of
18 the publication of this summons. Your pleading must be in the form required by the California
19 Rules of Court. Your original pleading must be filed in this Court with proper filing fees and
20 proof that a copy thereof was served on Plaintiffs' attorney. Unless you so respond, your default
21 will be entered upon Plaintiffs' application, and Plaintiffs may apply to the Court for the relief
22 demanded in the complaint. Persons who contest the legality or validity of the matter described
23 below and in the complaint will not be subject to punitive action, such as wage garnishment or
24 seizure of their real or personal property.

25 DETAILED SUMMARY OF MATTER TO BE VALIDATED:

26 In November 2008, the voters enacted Proposition 1A, codified as the Safe, Reliable High-
27 Speed Passenger Train Bond Act for the 21st Century, Streets and Highways Code section 2704
28 et seq. (the "Bond Act"). The Bond Act, among other things, authorizes the issuance of bonds

1 and other obligations by the State of California (“State”), in a principal amount of up to nine
2 billion dollars (\$9,000,000,000), in order to fund the development of a high-speed train system in
3 California. (Sts. & Hy. Code, §§ 2704.04, subds. (b)-(c), 2704.06.)

4 Public Utilities Code section 185020 created the High-Speed Rail Authority (the
5 “Authority”), which has various duties under the Bond Act.

6 The Bond Act created the High-Speed Passenger Train Finance Committee (the
7 “Committee”) for the purpose, among other things, of authorizing the issuance and sale of bonds
8 pursuant to and authorized by the Bond Act. The Committee consists of the Treasurer, the
9 Director of Finance, the Controller, the Secretary of Business, Transportation and Housing, and
10 the chairperson of the Authority. (Sts. & Hy. Code, § 2704.12.) Pursuant to the Bond Act and
11 Government Code section 16730, upon request of the Authority, the Committee “shall determine
12 whether or not it is necessary or desirable to issue bonds authorized pursuant to [the Bond Act],”
13 and, if so, “the amount of bonds to be issued and sold.” (Sts. & Hy. Code, § 2704.13.)

14 On March 18, 2013, pursuant to Government Code section 16730, and after public notice,
15 the Authority requested that the Committee determine whether or not it is necessary or desirable
16 to issue bonds authorized pursuant to the Bond Act, and, if so, the amount of bonds to be issued
17 and sold.

18 On March 18, 2013, the Committee, pursuant to the Bond Act, and after public notice,
19 adopted its Resolution IX, entitled, “High-Speed Passenger Train Finance Committee, Resolution
20 IX (2013),” authorizing the issuance of State of California High-Speed Passenger Train Bonds or
21 Commercial Paper notes in an amount not to exceed \$8,599,715,000 to carry out the purposes of
22 the Bond Act.

23 Also on March 18, 2013, the Committee adopted a companion resolution, entitled, “High-
24 Speed Passenger Train Finance Committee, Resolution X (2013)” that authorized the issuance of
25 State of California High-Speed Passenger Train Refunding Bonds to refund any bonds or
26 commercial paper notes issued under Resolution IX or bonds issued under Resolution X.

27 Plaintiffs, for the State, request that this Court issue a judgment declaring the validity of:
28 (1) the general obligation bonds or commercial paper notes Plaintiffs have authorized to be issued

1 and sold, for the State, and pursuant to and consistent with the Bond Act for the purpose of
2 funding construction of a high-speed train system as authorized in sections 2704.04 and 2704.06
3 of the Streets and Highways Code; (2) any refunding bonds issued to refund the bonds,
4 commercial paper notes, or refunding bonds; (3) any contracts related to the issuance and sale of
5 the bonds, commercial paper notes, or refunding bonds; (4) the resolutions authorizing the
6 issuance and sale of the bonds, commercial paper notes, or refunding bonds; and (5) certain
7 proceedings and other matters related thereto. Plaintiffs further request a judgment declaring that
8 all proceedings taken by Plaintiffs in connection with the issuance and sale of the bonds, the
9 commercial paper notes, and the refunding bonds are in conformity with the applicable provisions
10 of all laws and enactments at any time in force or controlling upon such proceedings, whether
11 imposed by constitution, statute, regulation, or otherwise; and that once declared valid, any
12 challenges (including pending challenges) based on uses of proceeds of the bonds, commercial
13 paper notes, or refunding bonds will not affect the determination of validity of the bonds,
14 commercial paper notes, and refunding bonds, or the determination of validity of any contracts
15 related to the issuance and sale of the bonds, commercial paper notes, or refunding bonds.

16 **YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER**
17 **CONNECTED WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY**
18 **SHOULD BE CONSULTED PROMPTLY SO THAT YOUR PLEADING MAY BE FILED**
19 **OR ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.**

20 **SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE**
21 **ASUNTO, DEBERIA HACERLO INMEDIATAMENTE. TAL ABOGADO DEBERIA**
22 **SER CONSULTADO PRONTO PARA QUE SU REPUESTA ESCRITA PUEDA SER**
23 **REGISTRADA DENTRO DEL TIEMPO REQUERIDO POR ESTA CITACION**
24 **JUDICIAL.**

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The name and address of the Court is:

Superior Court of the State of California
County of Sacramento
720 9th Street
Sacramento, California 95814-1398

The name and address of Plaintiffs' attorney is:

Stephanie F. Zook
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550

Dated: _____

Clerk
(Actuario)

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DECLARATION OF SERVICE BY E-MAIL and OVERNIGHT COURIER

Case Name: **HIGH-SPEED RAIL AUTHORITY, et al. v. ALL PERSONS INTERESTED**
No.:

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **Golden State Overnight courier service**. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On March 19, 2013, I served the attached

COMPLAINT FOR VALIDATION (Code Civ. Proc., § 860 et seq.);

[PROPOSED] ORDER FOR PUBLICATION OF SUMMONS (SUMMONS attached);

**EX PARTE APPLICATION FOR ORDER APPROVING FORM OF AND
PUBLICATION OF SUMMONS; MEMORANDUM OF POINTS AND AUTHORITIES;
DECLARATION OF STEPHANIE F. ZOOK; and**

NOTICE OF RELATED CASE

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

Michael J. Brady
1001 Marshall Street, Suite 500
Redwood City, CA 94063
E-Mail Address: mbradv@rnknb.com

Stuart M. Flashman
Law Offices of Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
E-Mail Address: stu@stuflash.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 19, 2013, at Sacramento, California.

Brenda Apodaca
Declarant


Signature