

**Civ. No. C075668**

**CALIFORNIA COURT OF APPEAL  
THIRD APPELLATE DISTRICT**

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**CALIFORNIA HIGH-SPEED RAIL AUTHORITY *et al.*,**

Petitioners

v.

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

**SACRAMENTO**

Respondent

**JOHN TOS *et al.*,**

Real Parties in Interest

Sacramento County Superior Court Case Number 34-2011-0113919-CU-MC-GDS and 34-2013-00140689-CU-MC-GDS; Department 31, Hon. Michael P. Kenny, Judge. Tel.: 916-874-6353

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**OBJECTIONS OF REAL PARTIES IN INTEREST JOHN TOS  
ET AL. TO NONCOMPLIANCE OF AMICUS CURIAE  
BRIEFS OF STATE BUILDING AND CONSTRUCTION  
TRADES COUNCIL OF CALIFORNIA, BAY AREA TRANSIT  
AGENCIES, L.A. COUNTY MTA, SCAG, AND SENATOR  
CATHLEEN GALIANI WITH CALIFORNIA RULE OF  
COURT 8.200(c)(3).**

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Stuart M. Flashman, SBN 148396  
Law Offices of Stuart M. Flashman  
5626 Ocean View Drive  
Oakland, CA 94618-1533  
Telephone and fax: (510) 652-5373  
e-mail: [stu@stuflash.com](mailto:stu@stuflash.com)

Michael J. Brady, SBN 40693  
1001 Marshall Street, Ste 500  
Redwood City, CA 94063-2052  
Telephone: (650) 364-8200  
Facsimile: (650) 780-1701  
e-mail: [mbrady@rmkb.com](mailto:mbrady@rmkb.com)

Attorneys for Real Parties in Interest

**JOHN TOS, AARON FUKUDA, AND COUNTY OF KINGS**

Real Parties in Interest John Tos, Aaron Fukuda, and County of Kings (“Tos et al.”) hereby object to the noncompliance with California Rule of Court 8.200(c)(3) of the Amicus Curiae Briefs filed by: 1) State Building and Construction Trades Council of California (“SBCTCC”), 2) Various Bay Area Transit Agencies (“BATA”), 3) Los Angeles County Metropolitan Transportation Authority and Southern California Association of Governments (“LAC MTA and SCAG”), and 4) State Senator Cathleen Galgiani.

Rule 8.200(c)(3) requires that an application for leave to file an appellate amicus brief must identify any party or counsel for a party in the pending appeal who:

- (i) Authored the proposed amicus brief in whole or in part; or
- (ii) Made a monetary contribution intended to fund the preparation or submission of the brief.

The application must as well identify every person or entity who made a monetary contribution intended to fund the preparation or submission of the brief, other than the amicus curiae, its members, or its counsel in the pending appeal.

The applications of BATA and of LAC MTA and SCAG are totally devoid of any disclosure statement under Rule 8.200(c)(3). The disclosures in the applications of SBCTCC and Senator Galgiani are defective in that, while they state that no person or entity, other than the amicus curiae, its members, or its counsel made a monetary contribution intended to fund the

preparation or submission of the brief, they fail to disclose whether any party or counsel for any party authored the amicus brief, in whole or in part.

In failing to substantially comply with Rule 8.200(c)(3), the amici curiae have withheld from the Court, and from other parties and amici, information that could be material in evaluating the briefs submitted by these amici.

Tos et al. therefore respectfully request that the Court issue an order requiring the noncompliant amici to submit to the Court statements that will bring them into substantial compliance with Rule 8.200(c)(3) and that once those statements have been submitted, the Court re-evaluate whether ordering filing of any of those briefs should be reconsidered.

Tos et al. also request that the Court consider applying appropriate sanctions if the amici curiae fail to come into substantial compliance with Rule 8.200(c)(3) within a reasonable time.

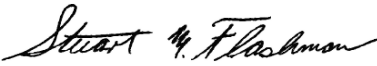
Dated: April 26, 2014

Respectfully submitted,

Michael J Brady

Stuart M. Flashman

Attorneys for Real Parties in Interest  
John Tos, Aaron Fukuda, and County of  
Kings

By:   
\_\_\_\_\_  
Stuart M. Flashman

## PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

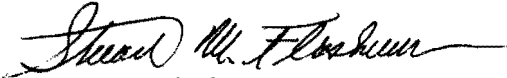
I am a citizen of the United States and a resident of Alameda County. I am over the age of eighteen years and not a party to the within above-titled action. My business address is 5626 Ocean View Drive, Oakland, CA 94618-1533.

On April 26, 2014 I served the within OBJECTIONS OF REAL PARTIES IN INTEREST JOHN TOS *ET AL.* TO NONCOMPLIANCE OF AMICUS CURIAE BRIEFS OF STATE BUILDING AND CONSTRUCTION TRADES COUNCIL OF CALIFORNIA, BAY AREA TRANSIT AGENCIES, L.A. COUNTY MTA, SCAG, AND SENATOR CATHLEEN GALIANI WITH CALIFORNIA RULE OF COURT 8.200(C)(3). on the parties listed on the attached service list by placing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in a U.S. mailbox at Oakland, California addressed as shown on said service list.

In addition, on the above-same day, I served the above-same document on the parties indicated with an asterisk on the attached service list by electronic delivery by attaching a copy of said document, converted to "pdf" file format, to e-mails sent to the e-mail addresses shown on the attached service list.

I, Stuart M. Flashman, hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California on April 26, 2014.

  
Stuart M. Flashman

## Service List

Stephanie Zook, Deputy Attorney General\*  
California Attorney General  
1300 I Street, Ste. 125  
Sacramento, CA 95814  
[Stephanie.Zook@doj.ca.gov](mailto:Stephanie.Zook@doj.ca.gov)

Raymond L. Carlson, Esq.\*  
Griswold, LaSalle, Cobb, Dowd & Gin LLP  
111 East Seventh Street  
Hanford, CA 93230  
[carlson@griswoldlasalle.com](mailto:carlson@griswoldlasalle.com)

Tim Bittle\*  
Howard Jarvis Taxpayers Foundation  
921 11<sup>th</sup> Street, Ste. 1201  
Sacramento, CA 95814  
[tim@hjta.org](mailto:tim@hjta.org)

Blaine Green, Esq.\*  
Pillsbury Winthrop Shaw Pittman LLP  
Four Embarcadero Ctr., 22<sup>nd</sup> Fl.  
P.O. Box 2824  
San Francisco, CA 94126-2824  
[blaine.green@pillsburylaw.com](mailto:blaine.green@pillsburylaw.com)

Harold Johnson\*  
Pacific Legal Foundation  
930 G Street  
Sacramento, CA 95814  
[hej@pacificlegal.org](mailto:hej@pacificlegal.org)

Scott A. Kronland  
Altshuler Berzon LLP  
177 Post Street Ste. 300  
San Francisco, CA 94108

David J Miller  
Julia H. Veit  
Hanson Bridgett LLP  
425 Market Street, 26<sup>th</sup> Fl.  
San Francisco, CA 94105

Ellen Berkowitz  
Stephanie Field  
Daniel Freedman  
Gresham Savage Nolan & Tilden  
3750 University Ave., Ste 250  
Riverside, CA 92501-3335

Peter D. Kelly, III  
Kelly Crane Law LLP  
611 Wilshire Blvd., Ste 913  
Los Angeles, CA 90017

John F. Krattli  
County Counsel  
County of Los Angeles  
648 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Joanna G. Africa, Chief Counsel  
Southern Calif. Association of Governments  
818 West 7<sup>th</sup> Street, 12<sup>th</sup> Fl.  
Los Angeles, CA 90017

Nicole M. Misner, Deputy County Counsel\*  
Office of the County Counsel  
Kern County Administrative Ctr.  
1115 Truxtun Ave., 4<sup>th</sup> Fl.  
Bakersfield, CA 93301  
[nmisner@co.kern.ca.us](mailto:nmisner@co.kern.ca.us)

Thomas P. Feher, Esq.\*  
LeBeau & Thelen LLP  
5001 E. Commercecenter Dr. #300  
P.O. Box 12092  
Bakersfield, CA 93309  
[tfeher@lebeauthelen.com](mailto:tfeher@lebeauthelen.com)

Hon. Michael Kenny, Dept. 31  
c/o Clerk of Court, Sacramento County Superior  
Court  
Gordon D. Schaber Courthouse  
720 9<sup>th</sup> Street  
Sacramento, CA 95814-1398

Presiding Judge  
c/o Clerk of Court, Sacramento County Superior  
Court  
Gordon D. Schaber Courthouse  
720 9<sup>th</sup> Street  
Sacramento, CA 95814-1398

Robert Fabela  
Santa Clara Valley Transportation Authority  
3331 N. First Street, Bldg. C-2  
San Jose, CA 95134

Adrienne D. Weil  
Metropolitan Transportation Commission  
101 8<sup>th</sup> Street  
Oakland, CA 94607

Therese M. Stewart  
City & County of San Francisco  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

Charles M. Safer, Asst. County Counsel  
Richard p. Chastang, Dep. County Counsel  
County of Los Angeles  
Office of County Counsel  
Transportation Division  
One Gateway Plaza  
Los Angeles, CA 90012