

Civ. No. C075668

**CALIFORNIA COURT OF APPEAL
THIRD APPELLATE DISTRICT**

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

**APPLICATION OF REAL PARTIES IN INTEREST JOHN
TOS *ET AL.* FOR LEAVE TO FILE RESPONSES TO BRIEFS
OF AMICI CURIAE AND/OR, IN THE ALTERNATIVE, TO
LIMIT FILINGS OF AMICI BRIEFS**

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Attorneys for Real Parties in Interest
**JOHN TOS, AARON FUKUDA, AND COUNTY OF
KINGS**

**APPLICATION FOR LEAVE TO FILE RESPONSE TO BRIEF OF
AMICUS CURIAE STATE BUILDING AND CONSTRUCTION
TRADES COUNCIL OF CALIFORNIA**

Real Parties in Interest John Tos *et al.* (“Tos *et al.*”) respectfully seek the Court’s leave to file a response to the brief of Amicus Curiae State Building and Construction Trades Council of California (“BCTC”), as well as to the briefs that have been submitted to the Court by other proposed Amici Curiae¹ in support of the Petitioners in the above-entitled matter.

If all these briefs are accepted by the Court, they will amount to an additional forty-four pages of briefing in support of Petitioners, considerably more than the total length of Petitioners’ Reply. In addition to the question of the fairness of allowing this additional argument on behalf of Petitioners without allowing the Real Parties in Interest an opportunity to respond, this additional briefing will require additional time for the Court to review the new arguments presented in them, thereby delaying resolution of the petition and contradicting the very urgency that Petitioners claimed in filing this petition.

Tos *et al.* believe that the interest of fairness dictates that they, and other real parties in interest in this case, be allowed the opportunity to answer the arguments proposed in the BCTC Amicus Brief. (*See, e.g., Roddy v. Superior Court (Brown)* (2007) 151 Cal.App.4th 1115, 1132.)

Beyond this, however, Tos *et al.* would urge, in the interest of reaching a

¹ In addition to the brief of Amicus Curiae State Building and Construction Trades Council of California, which the Court has already accepted for filing, two additional and substantial applications for amicus status in support of Petitioners have also been submitted.

timely resolution of the issues, that the Court reject any further amicus
briefs.²

In the alternative, if the Court is inclined to consider further amicus
briefs, Tos *et al.* respectfully request that they, as well as the other real
parties in interest in this case, be allowed the opportunity to submit
responses to the additional arguments that those briefs raise.

Dated: April 14, 2014

Respectfully submitted,

Michael J. Brady
Stuart M. Flashman

Attorneys for Real Parties in Interest
John Tos et al.

By: 
Stuart M. Flashman

² Tos et al would further note that the amicus brief submitted by Various
Bay Area Transportation Agencies lacks the disclosure required by
California Rule of Court 8.200(c)(3) and should be rejected on that basis
alone.

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

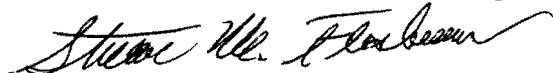
I am a citizen of the United States and a resident of Alameda County. I am over the age of eighteen years and not a party to the within above-titled action. My business address is 5626 Ocean View Drive, Oakland, CA 94618-1533.

On April 14, 2014 I served the within APPLICATION OF REAL PARTIES IN INTEREST JOHN TOS *ET AL.* FOR LEAVE TO FILE RESPONSES TO BRIEFS OF AMICI CURIAE AND/OR, IN THE ALTERNATIVE, TO LIMIT FILINGS OF AMICI BRIEFS 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 14, 2014.


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