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[Exempt from filing fees per Government
Code §6103]

7 Attorneys for Defendants John Tos, Aaron Fukuda, and County of Kings

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SACRAMENTO**

10 HIGH-SPEED RAIL AUTHORITY AND
11 HIGH-SPEED PASSENGER TRAIN
12 FINANCE COMMITTEE, for the STATE OF
CALIFORNIA

13 Plaintiffs

14 vs.

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

19 Defendants

20 KINGS COUNTY WATER DISTRICT,
Cross-Complainant,

21 vs.

22 HIGH-SPEED RAIL AUTHORITY aka
23 CALIFORNIA HIGH-SPEED RAIL
24 AUTHORITY, and ALL PERSONS
25 INTERESTED IN THE MATTER OF THE
26 VALIDITY OF THE AWARD FOR THE
DESIGN AND CONSTRUCTION OF
CONSTRUCTION PACKAGE 1 OF THE
CALIFORNIA HIGH-SPEED RAIL PROJECT
AND CERTAIN PROCEEDINGS AND
MATTERS RELATED THERETO

27 Cross-Defendants

No. 34-2013-00140689 filed March 19, 2013

Assigned for all purposes to Department 31,
Hon. Michael P. Kenny

JOINDER OF DEFENDANTS JOHN TOS,
AARON FUKUDA, AND COUNTY OF
KINGS IN MOTION OF DEFENDANT
KINGS COUNTY WATER DISTRICT'S
MOTION TO STAY UNDERLYING ACTION

Date: September 27, 2013

Time: 9:00 AM

Department: 31

Judge: Hon. Michael P. Kenny

Trial Date: September 27, 2013

1 Defendants John Tos, Aaron Fukuda, and County of Kings hereby join in the motion of
2 Defendant Kings County Water District to stay the underlying action herein pending a ruling
3 from the Third District Court of Appeal in the consolidated appellate case, number C070877,
4 *Town of Atherton et al. v. California High-Speed Rail Authority*, on the question of federal
preemption.

5 Defendants' joinder is based on the principle of judicial economy. If the Court of Appeal
6 finds that CEQA review of California's High-Speed Rail Project is preempted under the
7 Interstate Commerce Commission Termination Act, then the condition precedent set in Streets &
8 Highways Code §2704.08(c)(2)(K), that all project-level environmental clearances must have
9 been completed prior to the California High-Speed Rail Authority approving and submitting a
10 funding plan for a corridor of the high-speed rail system, or usable segment thereof, cannot be
11 fulfilled. Consequently, the conditions precedent for expenditure of bond funds approved by
12 California's voters towards construction of any corridor or usable segment thereof also cannot be
13 complied with and the bond approval itself must therefore be voided on the basis of
14 impossibility. It would, under those circumstances, be a waste of the Court's time to continue to
consider Plaintiffs' action seeking validation of their authorizations for issuance of those bonds.

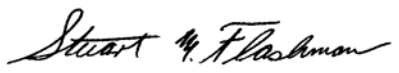
15 Dated: September 20, 2013

16 Respectfully submitted,

17 Michael J. Brady

18 Stuart M. Flashman

19 Attorneys for Defendants John Tos,
20 Aaron Fukuda and County of Kings

21 By: 
22 Stuart M. Flashman

PROOF OF SERVICE BY 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 September 20, 2013, I served the within JOINDER OF DEFENDANTS JOHN TOS, AARON FUKUDA, AND COUNTY OF KINGS IN MOTION OF DEFENDANT KINGS COUNTY WATER DISTRICT TO STAY UNDERLYING ACTION on the parties listed below by placing a true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in a U.S. mailbox at Oakland, California addressed as follows:

Stephanie Zook, Deputy Attorney General
California Attorney General
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In addition, on the above-same day, I served the above-same document on the above-same parties by electronic delivery by attaching a copy of said document, converted to "pdf" file format, to an e-mail sent to the above-same parties at the e-mail addresses shown above.

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 September 20, 2013.



Stuart M. Flashman

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