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California High-Speed Rail Authority, et al.

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

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**JOHN TOS, AARON FUKUDA; AND
COUNTY OF KINGS, A POLITICAL
SUBDIVISION OF THE STATE OF
CALIFORNIA,**

Plaintiffs and Petitioners,

v.

**CALIFORNIA HIGH SPEED RAIL
AUTHORITY; et al.**

Defendants and
Respondents.

Case No. 34-2011-00113919

**NOTICE OF ENTRY OF ORDER
GRANTING RESPONDENTS' MOTION
FOR ORDER THAT THE SCOPE OF
EVIDENCE AT TRIAL IS LIMITED TO
THE ADMINISTRATIVE RECORD**

Date: July 25, 2014
Time: 9:00 a.m.
Dept: 31
Judge: The Honorable Michael P.
Kenny
Trial Date: None Set
Action Filed: November 14, 2011

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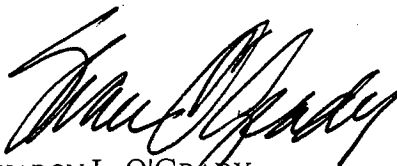
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on August 13, 2014, the Order Granting Respondents' Motion for Order That the Scope of Evidence at Trial Is Limited to the Administrative Record was entered in the above-entitled action. A true and correct copy of the Order is attached to this Notice and incorporated herein for all purposes.

Dated: August 18, 2014

Respectfully Submitted,

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18
19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 COUNTY OF SACRAMENTO

21 **JOHN TOS, AARON FUKUDA, et al.,**

22 Plaintiffs and Petitioners,

23 v.

24 **CALIFORNIA HIGH SPEED RAIL
25 AUTHORITY, et al.,**

26 Defendants and
27 Respondents.
28

Case No. 34-2011-00113919

**[PROPOSED] ORDER GRANTING
RESPONDENTS' MOTION FOR ORDER THAT
THE SCOPE OF EVIDENCE AT TRIAL IS
LIMITED TO THE ADMINISTRATIVE RECORD**

Date: July 25, 2014

Time: 9:00 a.m.

Dept: 31

Judge: The Honorable Michael P. Kenny

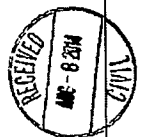
Trial Date: None Set

Action Filed: November 14, 2011

FILED/ENDORSED

AUG 13 2014

By S. Lee, Deputy Clerk



[Proposed] Order Granting Motion for Order that the Scope of Evidence at Trial
Is Limited to the Administrative Record (34-2011-00113919)

1 The motion of Respondents CALIFORNIA HIGH-SPEED RAIL AUTHORITY et al. for
2 an order limiting the scope of evidence at trial to the administrative record came on regularly for
3 hearing on July 25, 2014, in Department 31 of the Superior Court, the Honorable Michael P.
4 Kenny presiding.

5 Petitioners JOHN TOS, AARON FUKUDA, AND COUNTY OF KINGS appeared by
6 counsel Stuart M. Flashman, Esq. and Michael J. Brady, Esq. Respondents CALIFORNIA HIGH
7 SPEED RAIL AUTHORITY (hereinafter, "Authority"); JEFF MORALES, CEO OF THE
8 AUTHORITY; GOVERNOR EDMUND G. BROWN JR.; STATE TREASURER BILL
9 LOCKYER; DIRECTOR OF FINANCE ANA MATOSANTOS; SECRETARY OF
10 TRANSPORTATION BRIAN KELLY; and STATE CONTROLLER JOHN CHIANG; appeared
11 by Deputy Attorney General Sharon L. O'Grady and Supervising Deputy Attorney General
12 Tamar Pachter. Respondent Authority was also represented by Stephen C. Neal and Kathleen
13 Goodhart of Cooley LLP and Thomas Fellenz, Chief Legal Counsel for California High-Speed
14 Rail Authority. Amicus curiae Kings County Water District appeared by Raymond L. Carlson,
15 Esq. of Griswold, LaSalle, Cobb, Dowd & Gin, LLP.

16 The Court, having considered the papers and evidence submitted by the parties, and the
17 arguments of counsel at the hearing, and good cause appearing, rules as follows:

18 1. Respondents' motion is GRANTED.

19 2. The scope of admissible evidence at trial in this case shall include the
20 administrative record for the Court's writ proceedings of May 31, 2013, together with the
21 administrative record before the Authority for the 2014 Business Plan, subject to the right of the
22 parties to file motions to augment the record.

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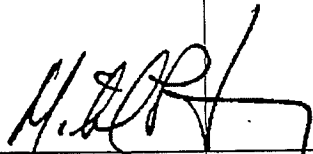
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IT IS SO ORDERED

DATED: 8/13/14



Hon. Michael P. Kenny
Judge of the Superior Court

Approved as to form:

Dated: _____

Stuart M. Flashman
Counsel for Petitioners

DECLARATION OF SERVICE BY E-MAIL and U.S. Mail

Case Name: **Tos, et al. v. California High Speed Rail Authority, et al.**

No.: **34-2011-00113919**

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. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal 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 United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 18, 2014, I served the attached

NOTICE OF ENTRY OF ORDER GRANTING RESPONDENTS' MOTION FOR ORDER THAT THE SCOPE OF EVIDENCE AT TRIAL IS LIMITED TO THE ADMINISTRATIVE RECORD

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, addressed as follows:

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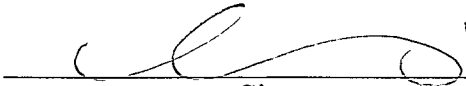
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Attorneys for Kings County Water District

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 August 18, 2014, at San Francisco, California.

Susan Chiang

Declarant



Signature