

January 14, 2020

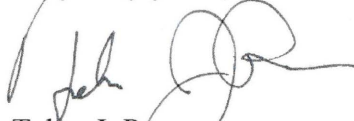
**Via U.S. Mail**State Clearinghouse  
1400 10<sup>th</sup> St. #12  
Sacramento, CA 95814**Re: Notice of Commencement of Action under the California Environmental Quality Act**

To Whom It May Concern:

Please take notice that Andrew Midler, Monica Midler, and Moses Property, LLC have commenced an action in California Superior Court alleging, among other things, violations of the California Environmental Quality Act ("CEQA") against the City of San Diego to challenge the Abbott Residence Negative Declaration No. 538814 ("Negative Declaration"). Among other things, the petition seeks to vacate the approval of the Negative Declaration, and to enjoin the City from taking any further steps to implement and proceed with the associated project.

Pursuant to California Public Resources Code section 21167.6.5(c), notice of the action is hereby given. A copy of the conformed complaint packet is enclosed along with this letter.

Very truly yours,

Talon J. Powers  
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

TJP/tp

Enclosures

Governor's Office of Planning &amp; Research

JAN 21 2020

STATE CLEARINGHOUSE

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CITY OF SAN DIEGO, municipal corporation organized and existing under the laws of the State of California, and DOES 1 through 20, inclusive

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

PLEASE SEE ATTACHMENT

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**12/17/2019** at 03:30:48 PM

Clerk of the Superior Court  
By Maria Acevedo, Deputy Clerk

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California-County of San Diego  
330 W. Broadway  
San Diego, CA 92101

CASE NUMBER: (Número del Caso):

37-2019-00067083-CU-TT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Talon J. Powers (SBN 295928) - Hecht Solberg, et al. - 600 W. Broadway, #800, San Diego, CA 92101 - 619-239-3444

DATE: 12/18/2019  
(Fecha)

Clerk, by  
(Secretario)

*M. Acevedo*  
M. Acevedo

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date)

Governor's Office of Planning & Research  
Page 1 of 1

JAN 21 2020

STATE CLEARINGHOUSE

SHORT TITLE: Midler, et al. v. City of San Diego, et al.	CASE NUMBER:
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☒ ~~Cross-Defendant~~ Real Parties in Interest

ROGER B. ABBOTT and ROSALIND M. ABBOTT, individually and as Co-Trustees of the ABBOTT FAMILY TRUST dated April 16, 2007; and DOES 21 through 40, inclusive,

1 Talon J. Powers (SBN 295928)  
2 **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**  
3 600 West Broadway, Suite 800  
4 San Diego, California 92101  
5 Tel: (619) 239-3444  
6 Fax: (619) 232-6828

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**12/17/2019 at 03:30:48 PM**  
Clerk of the Superior Court  
By Maria Acevedo, Deputy Clerk

7 Attorneys for Petitioners/Plaintiffs,  
8 **ANDREW MIDLER, individually; MONICA MIDLER, individually; and MOSES PROPERTY,**  
9 **LLC, a California limited liability company**

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 **ANDREW MIDLER, individually;**  
13 **MONICA MIDLER, individually; and**  
14 **MOSES PROPERTY, LLC, a California**  
15 **limited liability company,**

16 **Petitioners/Plaintiffs,**

17 **v.**

18 **CITY OF SAN DIEGO, municipal**  
19 **corporation organized and existing under**  
20 **the laws of the State of California, and**  
21 **DOES 1 through 20, inclusive,**

22 **Respondents/Defendants,**

23 **ROGER B. ABBOTT and ROSALIND M.**  
24 **ABBOTT, individually and as Co-Trustees**  
25 **of the ABBOTT FAMILY TRUST dated**  
26 **April 16, 2007; and DOES 21 through 40,**  
27 **inclusive,**

28 **Real Parties in Interest.**

**CASE NO. 37-2019-00067083-CU-TT-CTL**

**VERIFIED PETITION FOR WRIT OF**  
**MANDATE; COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE**  
**RELIEF**

(Including California Environmental  
Quality Act Claims)

Petitioners/Plaintiffs Andrew Midler, Monica Midler, and Moses Property, LLC allege as follows:

**GENERAL ALLEGATIONS**

1. Venue is proper in this Court because the real property and proposed development in question is located in San Diego, California.

2. Petitioners/Plaintiffs Andrew Midler and Monica Midler are individuals who at all times alleged herein resided at the real property located at 6350 Camino De La Costa, La Jolla,

1 total of 11,731 square feet of development (collectively, the "Project").

2 7. On or about September 18, 2017, Les Reed ("Reed"), an experienced geotechnical  
3 engineer with Geotechnical Exploration, Inc. filed with the La Jolla Development Permit Review  
4 Committee a letter identifying bluff stability issues associated with the Project and the proposed  
5 CDP/SDP 538814.

6 8. On or about September 19, 2017, the Midlers, through counsel, filed with the La Jolla  
7 Development Permit Review Committee a letter identifying certain issues with the Project and the  
8 proposed CDP/SDP 538814. Specifically, the letter identified issues with: (a) geotechnical and bluff  
9 stability and recession issues concerning the sensitive coastal bluff the Project is situated on, (b)  
10 general inconsistency with the community and neighborhood character, and (c) the Project's  
11 compliance with the City's Previously Conforming Use Requirements.

12 9. On or about November 8, 2017, the Midlers filed with the City a Code Enforcement  
13 Request for violations of: (a) Coastal Development Permit 41-0068, which required that all fences and  
14 retaining walls shall comply with San Diego Municipal Code Section 142.0301, (b) San Diego  
15 Municipal Code Section 126.0704(a)(4), which required a coastal development permit prior to the  
16 Abbotts' removal of vegetation throughout the coastal bluff area including their removal of a mature  
17 palm tree situated on the boundary between the Abbott Property and the Midler Property, and (c) San  
18 Diego Municipal Code Section 132.0403 regarding preservation of existing or potential public views.

19 10. Within the 60-day window in which response to the Code Enforcement Request was  
20 due, staff at the City contacted the Midlers' counsel via telephone to inform the Midlers that their  
21 request for inspection of the violations of Coastal Development Permit 41-0068 and the San Diego  
22 Municipal Code would be evaluated and resolved as part of CDP/SDP 538814.

23 11. On or about March 30, 2018, the Midlers, through counsel, filed with the City a letter  
24 identifying issues with the Project, including: (a) failure to map a visible sea cave that appeared to be  
25 expanding on the sensitive coastal bluff, (b) failure to account for the status of the existing retaining  
26 wall on the property as a protective device requiring a full 40-foot bluff top setback, and (c) failure to  
27 account for new development in relying on previously conforming uses on the Abbott Property.

28 12. On or about August 17, 2018, the Midlers, through counsel, filed with the City a letter



1 Declaration.

2 18. On or about August 16, 2019, the Midlers, though counsel, appealed the City Hearing  
3 Officer's approval of CDP/SDP 538814 to the Planning Commission on the basis that: (a) the Hearing  
4 Officer erred in concluding that the Code Enforcement issues had been addressed separately rather  
5 than incorporated into the new coastal development permit process, and the Project requires separate  
6 mitigation and restoration efforts prior to any approval, (b) the proposed 25 foot setback was  
7 unsupported by previously conforming uses in light of potential environmental harm, and (c) no  
8 easement language existed to ensure opaque items like trash barrels did not obstruct the view corridor  
9 required under the San Diego Municipal Code.

10 19. On or about August 16, 2019, the Midlers, though counsel, appealed the City Hearing  
11 Officer's approval of the Negative Declaration to the City Council on that basis that: (a) the Hearing  
12 Officer failed to evaluate the evidence proffered by a geotechnical engineering expert that the project  
13 could cause environmental harm, (b) the proposed 25 foot setback was unsupported by previously  
14 conforming uses in light of potential environmental harm, and (c) the findings on the seawall  
15 constituted factual error in assuming that the historical conditions concerning the protective device  
16 will continue to be the conditions moving forward in light of sea level rise and climate change.

17 20. On or about November 15, 2019, the Midlers, through counsel, circulated a letter to the  
18 City Clerk and City Councilmembers laying out the legal and factual basis for the appeal of the  
19 Negative Declaration.

20 21. The City made a final decision approving the Negative Declaration for the Project on  
21 November 18, 2019 via a unanimous vote of the City Council.

22 22. The Midlers fully exhausted any and all administrative remedies available to them  
23 related to the appeal of the Negative Declaration by the above correspondence and by their  
24 presentation before the City Council.

25 23. Under the City's procedures, the Midlers' appeal of CDP/SDP 538814 is still pending  
26 before the Planning Commission. Petitioners will request leave to amend and supplement this pleading  
27 once the adjudication of its administrative rights and remedies relating to CDP/SDP 538814 concludes.

28 24. The Midlers have complied with the requirements of Public Resources Code Section

1 **FIRST CAUSE OF ACTION**

2 (Petition for Writ Of Mandate: C.C.P. §1094.5 and/or §1085)

3 (California Environmental Quality Act)

4 (Against Respondent and Real Parties in Interest)

5 30. Petitioners incorporate by this reference the allegations of paragraphs 1 through 29,  
6 inclusive, as though fully set forth herein.

7 31. Petitioners and others presented substantial evidence to support a fair argument that the  
8 Project may have a significant effect on the environment in the following ways, among others:

9 a. Expert geotechnical opinion that the Project risked the overall stability of the  
10 sensitive coastal bluff on which the Abbott Property is situated.

11 b. Evidence that the Project fails to address soil strength, safety, subsidence,  
12 managed retreat, and the nature (as a "bluff protection device") and role of the seawall.

13 c. Evidence that the City failed to address, through mitigation or otherwise, the  
14 Abbotts' removal of a mature palm tree and other vegetation from a sensitive coastal bluff.

15 d. Evidence that the City erred in justifying its standard of environmental review  
16 by relying on the setbacks established in the Municipal Code, while approving a Negative Declaration  
17 of the Project with reduced setbacks from the sensitive coastal bluff.

18 32. Respondent prejudicially abused its discretion under CEQA by failing to proceed in the  
19 manner required by law, by coming to a decision not supported by the findings, and by relying on  
20 findings not supported by the evidence, in the following ways, among others:

21 a. Respondent failed to give appropriate deference to the expert opinion offered  
22 by Reed in ratifying the Negative Declaration instead of requiring an Environmental Impact Report.

23 b. Respondent failed to provide evidence supporting its findings that the Project  
24 would have no impact on soil strength, safety, subsidence, managed retreat and the nature and role of  
25 the seawall.

26 c. Respondent determined that the Code Enforcement issues with the Project,  
27 specifically the unpermitted destruction of a mature palm tree and other vegetation, had been addressed  
28 separately when they in fact were rolled into the broader review of the Project.

1           39.     For such other and further relief as the Court deems just and proper, including at an  
2 appropriate time leave to amend and supplement this Petition if the City makes a final decision to  
3 approve CDP/SDP 538814 .  
4

5     DATED: December 17, 2019

**HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**

6  
7     By: 

Talon J. Powers  
Attorneys for Plaintiffs ANDREW MIDLER,  
individually; MONICA MIDLER, individually; and  
MOSES PROPERTY, LLC, a California limited  
liability company  
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I am a Petitioner in the above-entitled action and I have read the foregoing writ of mandate and know the contents thereof. The same is true of my own personal knowledge, except as to those matters which are stated therein to be on my information or belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Min. Kide

MONICA MIDLER

**Exhibit "1"**

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		COURT USE ONLY
TITLE OF CASE (ABBREVIATED) <b>MIDLER, et al. v. CITY OF SAN DIEGO</b>		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): <b>Talon J. Powers (SBN 295928)</b> <b>HECHT SOLBERG ROBINSON GOLDBERG &amp; BAGLEY LLP</b> <b>600 WEST BROADWAY, SUITE 800</b> <b>SAN DIEGO, CALIFORNIA 92101</b>	TELEPHONE NO.: <b>Tel. (619) 239-3444</b> <b>Fax: (619) 232-6828</b>	
ATTORNEYS FOR: <b>ANDREW MIDLER, MONICA MIDLER</b> <b>and MOSES PROPERTY, LLC.</b>	HEARING DATE - TIME - DEPT	CASE NUMBER:

**PROOF OF SERVICE**

At the time of service I was over 18 years of age and not a party to this action. My business address is **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP, 600 West Broadway, Suite 800, San Diego, CA 92101.**

On December 17, 2019, I served the following documents:

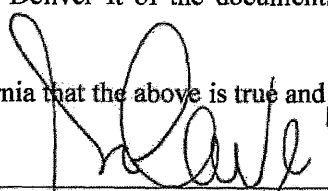
1. VERIFIED PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I served the documents on the person below, as follows:

City Clerk  
City of San Diego  
202 C St., Second Floor  
San Diego, CA 92101

- ☒ **By United States mail:** I enclosed the documents in a sealed envelope or package addressed to the persons addressed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☒ **By e-mail or electronic transmission:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☐ **By overnight delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By fax transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine used.
- ☐ **By Personal Delivery:** By causing the personal delivery by Deliver It of the documents listed above to the persons at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 17, 2019, at San Diego, California.

  
Sandra Olave

1 Talon J. Powers (SBN 295928)  
2 **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**  
3 600 West Broadway, Suite 800  
4 San Diego, California 92101  
5 Tel: (619) 239-3444  
6 Fax: (619) 232-6828

7 Attorneys for Petitioners/Plaintiffs,  
8 ANDREW MIDLER, individually; MONICA MIDLER, individually; and MOSES PROPERTY,  
9 LLC, a California limited liability company

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SAN DIEGO**

12 ANDREW MIDLER, individually;  
13 MONICA MIDLER, individually; and  
14 MOSES PROPERTY, LLC, a California  
15 limited liability company,

16 Petitioners,

17 v.

18 CITY OF SAN DIEGO, municipal  
19 corporation organized and existing under  
20 the laws of the State of California, and  
21 DOES 1 through 20, inclusive,

22 Respondents,

23 ROGER B. ABBOTT and ROSALIND M.  
24 ABBOTT, individually and as Co-Trustees  
25 of the ABBOTT FAMILY TRUST dated  
26 April 16, 2007; and DOES 21 through 40,  
27 inclusive,

28 Real Parties in Interest.

**CASE NO.**

**REQUEST FOR PREPARATION OF  
RECORD**

(Pub. Resources Code, § 21167.6, subd.  
(a))

TO: RESPONDENT CITY OF SAN DIEGO

PLEASE TAKE NOTICE that, in accordance with Pub. Resources Code § 21167.6, subd. (a),  
Petitioners ANDREW MIDLER, individually; MONICA MIDLER, individually; and MOSES  
PROPERTY, LLC, a California limited liability company, hereby request that you prepare and certify  
the administrative record for the matter at issue in this action, i.e., your November 18, 2019 approval  
of the Negative Declaration for the real property located at 6340 Camino De La Costa, La Jolla,  
California 92037 (the "Negative Declaration").

1 public agency with respect to compliance with this division or with respect to the project.

2 (8) Any proposed decisions or findings submitted to the decisionmaking body of the  
3 respondent public agency by its staff, or the project proponent, project opponents, or other  
4 persons.

5 (9) The documentation of the final public agency decision, including the final environmental  
6 impact report, mitigated negative declaration, or negative declaration, and all documents, in  
7 addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement  
8 of overriding considerations adopted pursuant to this division.

9 (10) Any other written materials relevant to the respondent public agency's compliance with  
10 this division or to its decision on the merits of the project, including the initial study, any drafts  
11 of any environmental document, or portions thereof, that have been released for public review,  
12 and copies of studies or other documents relied upon in any environmental document prepared  
13 for the project and either made available to the public during the public review period or  
14 included in the respondent public agency's files on the project, and all internal agency  
15 communications, including staff notes and memoranda related to the project or to compliance  
16 with this division.

17 (11) The full written record before any inferior administrative decisionmaking body whose  
18 decision was appealed to a superior administrative decisionmaking body prior to the filing of  
19 litigation.

20 Please inform Petitioners what the anticipated cost of the preparation of the record will be, and  
21 please prepare the record timely in accordance with statute.

22 DATED: December 17, 2019

HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

23  
24 By: 

25 Talon J. Powers  
26 Attorneys for Plaintiffs ANDREW MIDLER,  
27 individually; MONICA MIDLER, individually; and  
28 MOSES PROPERTY, LLC, a California limited  
liability company

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		COURT USE ONLY
TITLE OF CASE (ABBREVIATED) <b>MIDLER, et al. v. CITY OF SAN DIEGO</b>		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): <b>Talon J. Powers (SBN 295928)</b> <b>HECHT SOLBERG ROBINSON GOLDBERG &amp; BAGLEY LLP</b> 600 WEST BROADWAY, SUITE 800 SAN DIEGO, CALIFORNIA 92101	TELEPHONE NO : Tel. (619) 239-3444 Fax: (619) 232-6828	
ATTORNEYS FOR: <b>ANDREW MIDLER, MONICA MIDLER</b> <b>and MOSES PROPERTY, LLC.</b>	HEARING DATE - TIME - DEPT	CASE NUMBER:

**PROOF OF SERVICE**

At the time of service I was over 18 years of age and not a party to this action. My business address is **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**, 600 West Broadway, Suite 800, San Diego, CA 92101.

On December 17, 2019, I served the following documents:

1. VERIFIED PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I served the documents on the person below, as follows:

California Attorney General  
Service Deputy  
300 South Spring St.  
Los Angeles, CA 90013

- ☒ **By United States mail:** I enclosed the documents in a sealed envelope or package addressed to the persons addressed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **By e-mail or electronic transmission:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☐ **By overnight delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By fax transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine used.
- ☐ **By Personal Delivery:** By causing the personal delivery by Deliver It of the documents listed above to the persons at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 17, 2019, at San Diego, California.

Sandra Olave

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Talon J. Powers (SBN 295928)</b> <b>Hecht Solberg Robinson Goldberg &amp; Bagley LLP</b> <b>600 W. Broadway, Suite 800</b> <b>San Diego, CA 92101</b> TELEPHONE NO.: <b>619-239-3444</b> FAX NO.: <b>619-232-6828</b> ATTORNEY FOR (Name): <b>Andrew Midler, Monica Midler and Moses Property LLC</b>		<b>FOR COURT USE ONLY</b>  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego  <b>12/17/2019 at 03:30:48 PM</b>  Clerk of the Superior Court By Maria Acevedo, Deputy Clerk	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: <b>330 W. Broadway</b> MAILING ADDRESS: <b>Same</b> CITY AND ZIP CODE: <b>San Diego 92101</b> BRANCH NAME: <b>Central Division</b>		CASE NUMBER: <b>37-2019-00067083-CU-TT-CTL</b>	
CASE NAME: <b>Andrew Midler, et al. v. City of San Diego, et al.</b>		JUDGE: <b>Judge Timothy Taylor</b> DEPT:	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

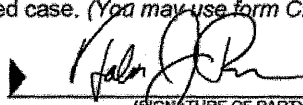
<b>1. Check one box below for the case type that best describes this case:</b>		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☐ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☐ punitive
4. Number of causes of action (specify): **1**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 17, 2019

Talon J. Powers

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



Talon J. Powers (SBN 295928)  
**HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**  
600 West Broadway, Suite 800  
San Diego, California 92101  
Tel: (619) 239-3444  
Fax: (619) 232-6828

Attorneys for Petitioners/Plaintiffs,  
ANDREW MIDLER, individually; MONICA MIDLER, individually; and MOSES PROPERTY,  
LLC, a California limited liability company

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN DIEGO**

ANDREW MIDLER, individually;  
MONICA MIDLER, individually; and  
MOSES PROPERTY, LLC, a California  
limited liability company,

Petitioners,

v.

CITY OF SAN DIEGO, municipal  
corporation organized and existing under  
the laws of the State of California, and  
DOES 1 through 20, inclusive,

Respondents,

ROGER B. ABBOTT and ROSALIND M.  
ABBOTT, individually and as Co-Trustees  
of the ABBOTT FAMILY TRUST dated  
April 16, 2007; and DOES 21 through 40,  
inclusive,

Real Parties in Interest.

**CASE NO. 37-2019-00067083-CU-TT-CTL**

**REQUEST FOR PREPARATION OF  
RECORD**

(Pub. Resources Code, § 21167.6, subd.  
(a))

**TO: RESPONDENT CITY OF SAN DIEGO**

PLEASE TAKE NOTICE that, in accordance with Pub. Resources Code § 21167.6, subd. (a),  
Petitioners ANDREW MIDLER, individually; MONICA MIDLER, individually; and MOSES  
PROPERTY, LLC, a California limited liability company, hereby request that you prepare and certify  
the administrative record for the matter at issue in this action, i.e., your November 18, 2019 approval  
of the Negative Declaration for the real property located at 6340 Camino De La Costa, La Jolla,  
California 92037 (the "Negative Declaration").

1 public agency with respect to compliance with this division or with respect to the project.

2 (8) Any proposed decisions or findings submitted to the decisionmaking body of the  
3 respondent public agency by its staff, or the project proponent, project opponents, or other  
4 persons.

5 (9) The documentation of the final public agency decision, including the final environmental  
6 impact report, mitigated negative declaration, or negative declaration, and all documents, in  
7 addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement  
8 of overriding considerations adopted pursuant to this division.

9 (10) Any other written materials relevant to the respondent public agency's compliance with  
10 this division or to its decision on the merits of the project, including the initial study, any drafts  
11 of any environmental document, or portions thereof, that have been released for public review,  
12 and copies of studies or other documents relied upon in any environmental document prepared  
13 for the project and either made available to the public during the public review period or  
14 included in the respondent public agency's files on the project, and all internal agency  
15 communications, including staff notes and memoranda related to the project or to compliance  
16 with this division.

17 (11) The full written record before any inferior administrative decisionmaking body whose  
18 decision was appealed to a superior administrative decisionmaking body prior to the filing of  
19 litigation.

20 Please inform Petitioners what the anticipated cost of the preparation of the record will be, and  
21 please prepare the record timely in accordance with statute.

22 DATED: December 17, 2019

HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP

23  
24 By: 

25 Talon J. Powers  
26 Attorneys for Plaintiffs ANDREW MIDLER,  
27 individually; MONICA MIDLER, individually; and  
28 MOSES PROPERTY, LLC, a California limited  
liability company

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		COURT USE ONLY <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego <b>12/17/2019</b> at 03:30:48 PM Clerk of the Superior Court By Maria Acevedo, Deputy Clerk
TITLE OF CASE (ABBREVIATED) <b>MIDLER, et al. v. CITY OF SAN DIEGO</b>		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): <b>Talon J. Powers (SBN 295928)</b> <b>HECHT SOLBERG ROBINSON GOLDBERG &amp; BAGLEY LLP</b> <b>600 WEST BROADWAY, SUITE 800</b> <b>SAN DIEGO, CALIFORNIA 92101</b>	TELEPHONE NO.: Tel. (619) 239-3444 Fax: (619) 232-6828	
ATTORNEYS FOR: <b>ANDREW MIDLER, MONICA MIDLER</b> <b>and MOSES PROPERTY, LLC.</b>	HEARING DATE - TIME - DEPT	CASE NUMBER: <b>37-2019-00067083-CU-TT-CTL</b>

**PROOF OF SERVICE**

At the time of service I was over 18 years of age and not a party to this action. My business address is **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP, 600 West Broadway, Suite 800, San Diego, CA 92101.**

On December 17, 2019, I served the following documents:

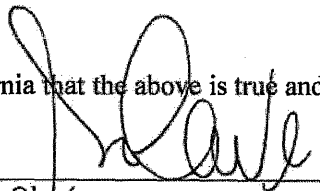
1. VERIFIED PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I served the documents on the person below, as follows:

City Clerk  
 City of San Diego  
 202 C St., Second Floor  
 San Diego, CA 92101

- ☒ **By United States mail:** I enclosed the documents in a sealed envelope or package addressed to the persons addressed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☒ **By e-mail or electronic transmission:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☐ **By overnight delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By fax transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine used.
- ☐ **By Personal Delivery:** By causing the personal delivery by Deliver It of the documents listed above to the persons at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 17, 2019, at San Diego, California.

  
 Sandra Olave

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		COURT USE ONLY <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego <b>12/17/2019 at 03:30:48 PM</b> Clerk of the Superior Court By Maria Acevedo, Deputy Clerk
TITLE OF CASE (ABBREVIATED) MIDLER, et al. v. CITY OF SAN DIEGO		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): Talon J. Powers (SBN 295928) <b>HECHT SOLBERG ROBINSON GOLDBERG &amp; BAGLEY LLP</b> 600 WEST BROADWAY, SUITE 800 SAN DIEGO, CALIFORNIA 92101	TELEPHONE NO : Tel. (619) 239-3444 Fax: (619) 232-6828	
ATTORNEYS FOR: ANDREW MIDLER, MONICA MIDLER and MOSES PROPERTY, LLC.	HEARING DATE - TIME - DEPT	
		CASE NUMBER: 37-2019-00067083-CU-TT-CTL

**PROOF OF SERVICE**

At the time of service I was over 18 years of age and not a party to this action. My business address is **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP**, 600 West Broadway, Suite 800, San Diego, CA 92101.

On December 17, 2019, I served the following documents:

1. VERIFIED PETITION FOR WRIT OF MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I served the documents on the person below, as follows:

California Attorney General  
Service Deputy  
300 South Spring St.  
Los Angeles, CA 90013

- ☒ **By United States mail:** I enclosed the documents in a sealed envelope or package addressed to the persons addressed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **By e-mail or electronic transmission:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☐ **By overnight delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By fax transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine used.
- ☐ **By Personal Delivery:** By causing the personal delivery by Deliver It of the documents listed above to the persons at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 17, 2019, at San Diego, California.

Sandra Olave

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS: 330 W Broadway	
MAILING ADDRESS: 330 W Broadway	
CITY AND ZIP CODE: San Diego, CA 92101-3827	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7072	
PLAINTIFF(S) / PETITIONER(S): Andrew Midler et.al.	
DEFENDANT(S) / RESPONDENT(S): CITY OF SAN DIEGO MUNICIPAL CORPORATION et.al.	
MIDLER VS CITY OF SAN DIEGO [E-FILE]	
<b>NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE on MANDATORY eFILE CASE</b>	CASE NUMBER: 37-2019-00067083-CU-TT-CTL

**CASE ASSIGNED FOR ALL PURPOSES TO:**

Judge: Timothy Taylor

Department: C-72

**COMPLAINT/PETITION FILED: 12/17/2019**

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	05/22/2020	09:15 am	C-72	Timothy Taylor

A case management statement must be completed by counsel for all parties or self-represented litigants and timely filed with the court at least 15 days prior to the initial case management conference. (San Diego Local Rules, Division II, CRC Rule 3.725).

All counsel of record or parties in pro per shall appear at the Case Management Conference, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of ADR\* options.

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, parking citation appeals, and family law proceedings.

**COMPLAINTS:** Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

**JURY FEES:** In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

**MANDATORY eFILE:** Case assigned to mandatory eFile program per CRC 3.400-3.403 and SDSC Rule 2.4.11. All documents must be eFiled at [www.onelegal.com](http://www.onelegal.com). Refer to General Order in re procedures regarding electronically imaged court records, electronic filing, and access to electronic court records in civil and probate cases or guidelines and procedures.

**COURT REPORTERS:** Court reporters are not provided by the Court in Civil cases. See policy regarding normal availability and unavailability of official court reporters at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

\*ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		<b>FOR COURT USE ONLY</b>
STREET ADDRESS: 330 West Broadway		
MAILING ADDRESS: 330 West Broadway		
CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827		
BRANCH NAME: Central		
PLAINTIFF(S): Andrew Midler et.al.		
DEFENDANT(S): CITY OF SAN DIEGO MUNICIPAL CORPORATION et.al.		
SHORT TITLE: MIDLER VS CITY OF SAN DIEGO [E-FILE]		
<b>STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>		CASE NUMBER: 37-2019-00067083-CU-TT-CTL

Judge: Timothy Taylor

Department: C-72

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- |   |  |
|---|--|
| <input type="checkbox"/> Mediation (court-connected)  | <input type="checkbox"/> Non-binding private arbitration   |
| <input type="checkbox"/> Mediation (private)  | <input type="checkbox"/> Binding private arbitration   |
| <input type="checkbox"/> Voluntary settlement conference (private)                            | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private)   | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ |  |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) \_\_\_\_\_

Alternate neutral (for court Civil Mediation Program and arbitration only): \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of Plaintiff

\_\_\_\_\_  
Name of Defendant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Plaintiff's Attorney

\_\_\_\_\_  
Name of Defendant's Attorney

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

**IT IS SO ORDERED.**

Dated: 12/18/2019

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 W Broadway MAILING ADDRESS: 330 W Broadway CITY AND ZIP CODE: San Diego CA 92101-3827 BRANCH NAME: Central	FOR COURT USE ONLY
Short Title: Midler vs City of San Diego [E-FILE]	
<b>NOTICE OF CONFIRMATION OF ELECTRONIC FILING</b>	CASE NUMBER: 37-2019-00067083-CU-TT-CTL

San Diego Superior Court has reviewed the electronic filing described below. The fee assessed for processing and the filing status of each submitted document are also shown below.

**Electronic Filing Summary Data**

Electronically Submitted By: Talon Powers  
 On Behalf of: Monica Midler, Moses Property LLC, Andrew Midler  
 Transaction Number: 2743198  
 Court Received Date: 12/17/2019  
 Filed Date: 12/17/2019  
 Filed Time: 03:30 PM  
 Fee Amount Assessed: \$1,435.00  
 Case Number: 37-2019-00067083-CU-TT-CTL  
 Case Title: Midler vs City of San Diego [E-FILE]  
 Location: Central  
 Case Type: Toxic Tort/Environmental  
 Case Category: Civil - Unlimited  
 Jurisdictional Amount: > 25000

**Status**

**Documents Electronically Filed/Received**

Accepted Petition - Other  
 (Verified Petition for Writ of Mandate; Complaint for Declaratory and Injunctive Relief)

**Status**

**Documents Electronically Filed/Received**

Accepted Civil Case Cover Sheet  
 Accepted Original Summons  
 Accepted Proof of Service  
 Accepted Proof of Service  
 Accepted Request - Other

**Comments**

**Clerk's Comments:**