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May 12, 2020

Clerk of Court
California Court of Appeal
Second Appellate District, Division 8
Ronald Reagan State Building
300 S. Spring St.
2nd Floor, North Tower
Los Angeles, CA 90013

Re: *City of Santa Monica v. Pico Neighborhood Association* (No. B295935)

Dear Clerk:

I write as counsel for Appellant-Defendant the City of Santa Monica in the above-captioned appeal pending before Division 8 of this Court. On May 6, 2019, the Court granted the City’s motion for calendar preference and ordered that this appeal would “be conducted according to a schedule that allows the Court to issue a decision on or before July 10, 2020.” The appeal is now fully briefed, and the case is ready for oral argument.

We understand, of course, that the world has changed a great deal since the Court issued its calendar-preference order roughly a year ago. The Court and its staff have doubtless been impacted significantly by the ongoing pandemic, and many oral arguments have likely, and understandably, been postponed.

In this case, however, any postponement of oral argument that would result in a decision *after* July 10, 2020, would present serious problems for the City and its voters—for all the reasons identified last year in the City’s calendar-preference motion. This appeal concerns the future of the election system for Santa Monica’s City Council. Those elections occur every two years. And 2020 is an election year, with four of the City’s seven Council seats up for election in November.

The trial court ordered the City not to hold any further at-large elections, and, on March 27, 2019, this Court confirmed that the City’s appeal had stayed the trial court’s additional order—to hold district-based elections—until after the appeal has been decided. The City therefore requires the Court’s guidance in advance of the November 2020 election to know what sort of election it may hold.

May 12, 2020

Page 2

The California Elections Code prescribes certain deadlines that the City must meet in order to hold its Council election on schedule this November. Under section 12101, subdivision (a), elections must be noticed at least 113 days in advance of the election. The 113th day before the November 3, 2020 election is July 13, 2020. The City therefore sought a decision from this Court by July 10, 2020, so that it would be able to meet this statutory notice requirement. The Elections Code prescribes other deadlines as well. For example, the deadline for candidates to file their “nomination documents” is the 88th day before the election, which this year is August 7, 2020. (Elec. Code, §§ 10407, 10510.)

The City is reluctant to request anything from an already overburdened Court. Under the circumstances, however, the City respectfully asks that oral argument in this matter be heard in time for the Court to issue a decision on or before July 10, 2020.

I will be presenting oral argument for the City. I understand from the publicly posted court calendar that Division 8 is scheduled to hear arguments on May 26, May 27, June 30, and July 1. I am unavailable on May 26 and May 27 because of an oral argument on May 27 in another appeal pending before the Third District (I also understand that Division 8’s May 26 calendar is likely fully booked in any event, as the calendar presently shows 28 separate matters tentatively scheduled for oral argument that day). I am available on June 30 and July 1, and could be available on other days throughout the month of June if the Court is inclined to schedule the argument on a new date that month.

Thank you for your consideration.

Respectfully,

Theodore J. Boutrous Jr.

cc: Counsel for Respondents

May 12, 2020

Page 3

PROOF OF SERVICE

I, Daniel Adler, declare as follows:

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years, and I am not a party to this action. My business address is 333 South Grand Avenue, Los Angeles, CA 90071. On May 12, 2020, I served

APPELLANT'S LETTER RE SCHEDULING OF ORAL ARGUMENT

on the parties stated below, by the following means of service:

SEE ATTACHED SERVICE LIST

- (STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 12, 2020, in Los Angeles, California.



Daniel Adler

May 12, 2020

Page 4

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May 12, 2020

Page 5

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