

1 MICHAEL J. AGUIRRE, City Attorney
 CARMEN A. BROCK, Deputy City Attorney
 2 California State Bar No. 162592
 Office of the City Attorney
 3 1200 Third Avenue
 Suite 1100
 4 San Diego, California 92101-4100
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 5 Facsimile: (619) 533-5856

6 Attorneys for Plaintiffs,
 People of the State of California,
 7 City of San Diego

Exempt from filing fees
 Gov. Code §6103

8
 9 **SUPERIOR COURT OF CALIFORNIA**
COUNTY OF SAN DIEGO – CENTRAL DIVISION

10 THE PEOPLE OF THE STATE OF)
 11 CALIFORNIA and THE CITY OF SAN)
 DIEGO, a municipal corporation,)
 12)
 Petitioners and Plaintiffs,)
 13)
 v.)
 14)
 15 SUNROAD CENTRUM, L.P., a California)
 Limited Partnership, SUNROAD ASSET)
 MANAGEMENT, INC., a California)
 16 corporation, SUNROAD ENTERPRISES,)
 CALIFORNIA DEPARTMENT OF)
 17 TRANSPORTATION, AERONAUTICS)
 DIVISION, and DOES 1 through 50, inclusive,)
 18)
 Respondents and Defendants.)

) Case No. GIC 877054

) **CITY OF SAN DIEGO'S**
) **OPPOSITION TO SUNROAD'S**
) **EX PARTE APPLICATION FOR**
) **ORDER TO ADVANCE TRIAL**
) **DATE AND GRANT**
) **PREFERENTIAL TRIAL DATE**

) **DATE: February 27, 2007**
) **TIME: 8:30 a.m.**
) **DEPT: 61**

) Judge: Hon. John S. Meyer
) Trial Date: Not Yet Set
) Complaint Filed: 12/15/06

20 AIRCRAFT OWNERS AND PILOTS)
 ASSOCIATION, INC., a New Jersey non-profit)
 21 corporation, and COMMUNITY AIRFIELDS)
 ASSOCIATION OF SAN DIEGO, INC., a)
 22 California non-profit corporation,)
 23)
 Real Parties In Interest.)
 24)

25 ///
 26 ///
 27 ///
 28 ///

1 The People of the State of California ("People") and the City of San Diego, a charter
 2 city and municipal corporation ("City"), by and through its City Attorney, herein opposes
 3 Defendants SUNROAD CENTRUM L.P., SUNROAD ASSET, and SUNROAD
 4 ENTERPRISES' (collectively, "Sunroad") Ex Parte Application for Order to Advance Trial
 5 Date and Grant Preferential Trial Setting on the following grounds:

6 **1. INTRODUCTION**

7 The People and the City have filed a public nuisance abatement action against
 8 Sunroad, a local developer, who has steadfastly refused to lower a building (the Sunroad
 9 Centrum I Building) under construction near the City's Montgomery Field Airport to a height
 10 not considered a "hazard" to air navigation at the City's Montgomery Field Airport. The
 11 Sunroad Centrum I Building, at its current height of 180 feet above ground level ("AGL") has
 12 been determined to be a "Hazard to Air Navigation" by the Federal Aviation Administration
 13 ("FAA") and the California Department of Transportation, Division of Aeronautics
 14 ("CalTrans"). Sunroad contends the City issued a building permit for the building and now
 15 has no authority to revoke or otherwise prevent Sunroad from completing the building. The
 16 People, the City, CalTrans and Real Parties In Interest, strongly disagree. Sunroad's
 17 untenable position, and its refusal to address the public interest, threatens the safety of pilots,
 18 citizens, and those at or near the airport. For this reason, the City contends Sunroad's claims
 19 of "inverse condemnation" are wholly without legal merit and any claim for trial preference
 20 based on harm due to "construction delays" on an unlawful project simply flies in the face of
 21 justice.

22 **2. SUNROAD HAS NOT PROVIDED TIMELY NOTICE TO THE CITY OF**
 23 **ITS EX PARTE APPLICATION**

24 Pursuant to California Rules of Court, Rule 3.1203, a party seeking an ex parte order
 25 must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance of
 26 its intent to seek relief from the court. (Cal.Rules Ct., Rule 3.1203(b).) Further, when notice
 27 of an ex parte application is given, the person giving notice must attempt to determine
 28 whether the opposing party will appear and must provide a declaration reporting accurate

1 information to the Court. (Cal.Rules Ct., Rule 3.1204(a).) As evidenced by the declaration of
 2 Carmen A. Brock, Esq. filed concurrently herewith, notice to the Deputy City Attorney
 3 handling the case was not received until 10:13 a.m. on February 26, 2007. Further, the City
 4 only received the notice after the Deputy City Attorney learned of the ex parte by receipt of
 5 an email from Real Party in Interest, and after the Deputy City Attorney notified Sunroad's
 6 counsel at 10:08 a.m. on February 26, 2007, that she would not be available due to the fact
 7 her appearance was required at a closed session City Council meeting. Sunroad, likewise,
 8 failed to timely provide Cal Trans with Notice of its Ex Parte Application (Decl.Brock, filed
 9 concurrently herewith). No attempt whatsoever was made by counsel for Sunroad to
 10 meaningfully comply with the intent of the Court Rules. Sunroad is plainly incorrect and has
 11 misrepresented to the Court that no party would oppose its application. All do.

12 **3. SUNROAD'S CROSS-ACTION AGAINST THE CITY IS NOT YET AT ISSUE**

13 More importantly, however, Sunroad's Ex Parte Application to Grant Preferential
 14 Trial Setting cannot be considered by the Court for the reason that Sunroad's Cross-
 15 Complaint is not yet at issue. Sunroad's Cross Complaint was filed on February 9, 2007. The
 16 City, as a party served as a cross-defendant, must file a responsive pleading within 30 days
 17 after service of the action and may move, demur, or otherwise plead to the cross-complaint in
 18 the same manner as to an original complaint. (Code Civ.Pro. §432.10, 432.1). The City's
 19 responsive pleading is due to be filed on or before March 9, 2007. The City fully intends to
 20 demur to Sunroad's complaint on a number of bases, including the fact that Sunroad is
 21 presently violating State law, and, further has failed entirely to exhaust all necessary
 22 administrative remedies prior to filing a complaint in inverse condemnation against the City.

23 The City hotly disputes whether the wrongful acts of Sunroad would ever support a
 24 claim for "inverse condemnation" at all since a successful inverse condemnation claimant
 25 must prove that a public entity has taken or damaged its property for a "public use". (*Pacific*
 26 *Bell v. City of San Diego* (200) 81 Cal.App. 4th 596.) The City contends the City is merely
 27 abating a real and present threat to public safety. Whether a denial of a permit constitutes a
 28 taking is dependent upon whether the denial is based upon a temporary, or other perfectly

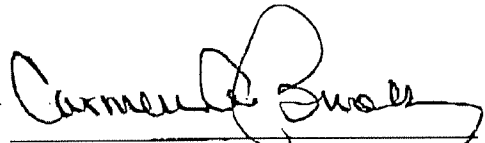
1 permissible governmental action—in this case, the protection of public safety. (See State v.
 2 Superior Court (Veta) (1974) 12 Cal. 3d 237, 253-254.) Further, any party who claims to be
 3 aggrieved by a wrongful act of an administrative agency refusing or limiting a permit, is
 4 required to exhaust its administrative remedies and seek mandate to compel the agency to set
 5 aside the action before maintaining an action on a theory of inverse condemnation. (*Air*
 6 *Quality Products, Inc. v. State* (1979) 791 Cal. App. 3d 340.) The City will assert by
 7 demurrer that Sunroad’s claims necessarily fail on all counts. Sunroad has blatantly failed to
 8 comply with State and Federal law regarding the safety of structures at or near the City’s
 9 Montgomery Field Airport. It cannot, therefore, come to court with unclean hands requesting
 10 equitable relief, and, more importantly, asserting its right to “trial preference”. A noticed
 11 motion is required, if any such request is to be made to the Court.

12 **4. CONCLUSION**

14 WHEREFORE, the People and the City respectfully submit Sunroad’s Ex Parte
 15 Application for an Order To Advance the Trial Date and Grant Preferential Trial Setting is
 16 premature, unwarranted, and should be denied. Any request for preferential trial setting
 17 should proceed, if at all, by regular noticed motion, and only after the cross-action in this
 18 matter is at issue.

19 Dated: February 26, 2007

MICHAEL J. AGUIRRE, City Attorney

20
 21 By 
 22 Carmen A. Brock
 Deputy City Attorney

23 Attorneys for Petitioners and Plaintiffs
 24 The People of the State of California and
 25 The City of San Diego

1 MICHAEL J. AGUIRRE, City Attorney
 2 CARMEN A. BROCK, Deputy City Attorney
 California State Bar No. 162592
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 Telephone: (619) 533-5800
 5 Facsimile: (619) 533-5856

6 Attorneys for Plaintiffs,
 People of the State of California,
 7 City of San Diego

Exempt from filing fees
 Gov.Code §6103

8 **SUPERIOR COURT OF CALIFORNIA**
 9 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

10 THE PEOPLE OF THE STATE OF)
 11 CALIFORNIA and THE CITY OF SAN)
 12 DIEGO, a municipal corporation,)

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 corporation, SUNROAD ENTERPRISES,)
 17 CALIFORNIA DEPARTMENT OF)
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 ASSOCIATION OF SAN DIEGO, INC., a)
 22 California non-profit corporation,)

23 Real Parties In Interest.)
 24)

Case-No. GIC 877054

DECLARATION OF CARMEN A.
 BROCK, ESQ. IN SUPPORT OF
 CITY'S OPPOSITION TO
 SUNROAD'S EX PARTE
 APPLICATION FOR ORDER TO
 ADVANCE TRIAL DATE AND
 GRANT PREFERENTIAL TRIAL
 SETTING

DATE: February 27, 2007
 TIME: 8:30 a.m.
 DEPT: 61

Judge: Hon. John S. Meyer
 Dept: 61
 Trial Date: Not Yet Set
 Complaint Filed: 12/15/06

25 I, Carmen A. Brock, declare as follows:

26 1. I am an attorney licensed to practice before all the Courts in the State of
 27 California. I serve as a Deputy City Attorney for the City of San Diego ("City")Plaintiff,
 28

1 Petitioner, and Cross-Defendant in this matter. I am the Deputy City Attorney with primary
 2 responsibility to prosecute the action on behalf of the City and to supervise the defense of the
 3 City in the above captioned matter. Except where stated on information and belief, I have
 4 personal knowledge of the facts set forth in this declaration and could and would testify
 5 competently to those facts if called as a witness to do so:

6 2. Shortly before 10:00 a.m. on February 26, 2007, I learned from counsel for
 7 Real Party In Interest, Community Airfields Association of San Diego ("CAASD"), Gerald
 8 Blank, Esq., that Sunroad Centrum LP, Sunroad Asset Management Inc. and Sunroad
 9 Enterprises (hereinafter collectively referred to as "Sunroad") intended to apply ex parte on
 10 February 27, 2007, to request trial preference on its cross-action in the above matter. As the
 11 handling attorney on behalf of the City, I had not been previously made aware of this fact.
 12 Therefore, I sent an email at 10:08 a.m. to Steven M. Strauss, attorney for Sunroad, advising
 13 him that I had not received notice of the ex parte application and hearing. I also advised him
 14 that I would not be available to attend the ex parte since I was scheduled to appear at a closed
 15 session City Council meeting at the same time as the ex parte hearing. I requested the matter
 16 be continued to another day. A true and correct copy of my email to Mr. Strauss is attached
 17 hereto as Exhibit "A."

18 3. At 10:13 a.m. on February 26, 2007, I received a copy of Sunroad's Notice and
 19 Ex Parte Application by facsimile. Mr. Strauss did not call to discuss rescheduling the
 20 hearing of the Ex Parte Application, nor did anyone from Mr. Strauss' office inquire whether
 21 the City would be opposing their Ex Parte Application. The City vehemently opposes
 22 Sunroad's Ex Parte Application.

23 4. Shortly after receiving notice from counsel for Sunroad, I communicated with
 24 counsel for the California Department of Transportation ("CalTrans"), Julie A. Jordon, Esq.
 25 who confirmed she did not receive timely notice of Sunroad's Ex Parte Application from
 26 counsel for Sunroad either. Ms. Jordon advised she would be unable to be present at the
 27 hearing, would request it be rescheduled, would oppose Sunroad's requested relief, and
 28 would be notifying Sunroad's counsel of the same. A true and correct copy of Ms. Jordon's

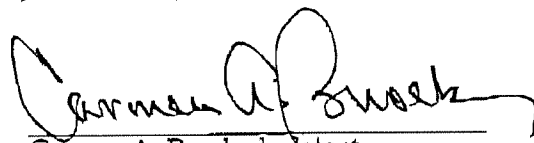
1 letter to Steven M. Strauss I received by facsimile a short time later is attached hereto as
 2 Exhibit "C."

3 5. Sunroad filed its cross-complaint on February 9, 2007. The City has not yet
 4 filed a responsive pleading to Sunroad's Cross Complaint. Therefore, the case is not at issue.
 5 The City's responsive pleading is due on or before March 9, 2007.

6 6. When the City's responsive pleading is due, the City intends to file a demurrer
 7 to the Cross-Complaint on a number of grounds, including the ground that Sunroad failed to
 8 exhaust its administrative remedies prior to filing an inverse condemnation action against the
 9 City, and the grounds that Sunroad cannot invoke equitable remedies when it is acting in
 10 violation of State law and, therefore, comes to the Court with unclean hands.

11 7. For all of the above reasons, the City contends that Sunroad's Ex Parte
 12 Application is premature at best. Further the City contends that any request for trial
 13 preference, if allowed at all, should be by noticed motion after the cross-action is actually at
 14 issue. The City requests Sunroad's Ex Parte Application be denied in its entirety.

15 I declare under penalty of perjury under the laws of the State of California that the
 16 foregoing is true and correct. Executed this 26th day of February 2007.

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 18 Carmen A. Brock, declarant
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Carmen Brock - Re: Ex Parte - City v. Sunroad

From: Carmen Brock
To: Gerald Blank; Stephen Strauss
Date: 2/26/07 10:08AM
Subject: Re: Ex Parte - City v. Sunroad

Steve:

Please be advised that, other than Gerry's email below, I have not received timely notice of your request for an ex parte hearing. Further I will not be available to attend an ex parte hearing tomorrow morning. I will be in closed session with the City Council and cannot change that docket item on such short notice. No other attorney in this office is familiar with this case. For this reason, and for the reason that any request to advance a trial date (particular in a case where there is a writ proceeding), must be by noticed motion, I would request you set this ex parte for another day this week or next week.

That having been said, the City will strenuously oppose any attempt for Sunroad to advance its own profit motive (the completion of the building) particularly when every citizen in this City has been placed in harm's way as a result of Sunroad's steadfast refusal to comply with FAA and Cal Trans regulations regarding airport safety. The building must come down to a height deemed not to be a "hazard" to air navigation at Montgomery Field by the FAA. It is beyond bold to believe the Court is going to advance Sunroad's profit motive over public safety.

Please let me know if you will consent to move your ex parte hearing date. Thank you. Carmen Brock

>>> "Gerald Blank" <gblank@san.rn.com> 02/26/07 9:45 AM >>>
Steven:

Thanks for the faxed notice of tomorrow's ex parte. You asked if I intend to object.

Once I receive your ex parte moving papers, I'll let you know. Please serve them on me by fax or email as soon as possible.

Thank you.

Gerald Blank
Counsel for Community Airfields Association of San Diego, Inc.

Law Offices of Gerald Blank
444 West C Street, Suite 210
San Diego, California 92101

phone: 619-238-1111
fax: 619-238-1126

www.geraldblanklaw.com

This email is intended for the use of the addressee(s) only and may contain privileged, confidential, or proprietary information that is exempt from disclosure under law. If you have received this message in error, please inform us promptly by reply email, then delete the email and destroy any printed copy. Thank you.

=====
CC: James F. Pokorny; Jeff Brown; Julie Jordan; Raiyn Bain; Rick Beach

EXHIBIT A

Mail Envelope Properties (45E3222B.6AB : 23 : 28596)

Subject: Re: Ex Parte - City v. Sunroad
Creation Date: 2/26/07 10:08AM
From: Carmen Brock

Created By: CBrock@sandiego.gov

Recipients	Action	Date & Time
amazingpossibilities.org Rick.Beach CC (Rick Beach)	Transferred	02/26/07 10:09 AM
cooley.com sms (Stephen Strauss)	Transferred	02/26/07 10:09 AM
dot.ca.gov jeff_brown CC (Jeff Brown) julie_jordan CC (Julie Jordan) raiyn_bain CC (Raiyn Bain)	Transferred	02/26/07 10:09 AM
pacbell.net jpokorny CC (James F. Pokorny)	Transferred	02/26/07 10:09 AM
san.rr.com gblank (Gerald Blank)	Transferred	02/26/07 10:09 AM

Post Office	Delivered	Route
	amazingpossibilities.org	
		cooley.com
		dot.ca.gov
		pacbell.net
		san.rr.com

Files	Size	Date & Time
MESSAGE	3876	02/26/07 10:08AM
Carmen Brock.vcf	218	02/26/07 10:08AM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested:
Return Notification:



Date: February 28, 2007

FACSIMILE

To:	Phone Number:	Fax Number:
Michael J. Aguirre Office of the City Attorney		619-533-5856
Gerald Blank Law Office of Gerald Blank		619-238-1126
Jim Pokorny Law Offices of James F. Pokorny		619-239-8141
Bruce Behrens Department of Transportation, Division of Aeronautics		619-688-6905

From: Steven M. Strauss

Requestor Number:

Sender's Direct Line: (858) 550-6006

Reply Fax Number: (858) 550-6420

Re:

Client Number:

Total Pages Including Cover: 22

Comments:

If you do not receive all of the pages or find that they are illegible, please call Sender's Name at Sender's Phone Number.

4401 EASTGATE MALL SAN DIEGO CA 92121 T: (858) 550-6000 F: (858) 550-6420 WWW.COOLEY.COM

Confidentiality Note: This facsimile and the information it contains are intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone and return this original fax to this office by mail.

EXHIBIT B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

LEGAL DIVISION
4050 TAYLOR STREET, MS-130
SAN DIEGO, CA 92110
PHONE (619) 688-2531
FAX (619) 688-6905



*Flex your power!
Be energy efficient!*

WRITER'S DIRECT NO. (619) 688-6924
E-mail address: julie_jordan@dot.ca.gov

February 26, 2007

Via Facsimile Only (858) 558-6420

Steven M. Strauss, Esq.
COOLEY GODWARD KRONISH
4401 Eastgate Mall
San Diego, California 92121

Re: State of California and the City of San Diego, et al. v. Sunroad Centrum, L.P., et al.
San Diego County Superior Court case no. GIC 877054

Dear Mr. Strauss:

This will confirm the voice mail message I left this morning. I received your notice of ex parte for tomorrow morning at 8:30 a.m. Your fax was served at 10:30 a.m. and therefore does not provide the requisite 24 hours notice.

As I mentioned in my message, I am asking that you post-pone your ex parte by a day or two to allow me to personally appear. I am unavailable tomorrow morning due to a prior Riverside appearance. I would like to personally appear at the ex parte, particularly since you are requesting trial setting. As a professional courtesy, I would like to be present to discuss any trial calendaring matters.

Further, as I mentioned in my message, I am concerned that your ex parte request is premature. It does not appear that the case is at issue. As far as I am aware, not all parties have appeared. It would be inefficient at this time to request a trial date to only have later appearing parties request a continuance.

Finally, as I requested, I would like you to advise the Court that I am opposed to the request for the reasons mentioned in this letter. In the event any trial date is set, the State of California is requesting it not be set earlier than 6 (six) months from today's date.

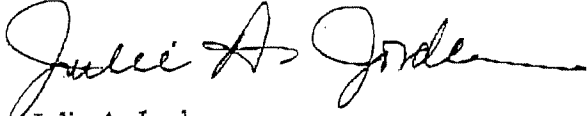
"Caltrans improves mobility across California"

CIVIL 5 04

Steven M. Strauss
February 26, 2007
Page 2

Thank you for your anticipated cooperation.

Sincerely,



Julie A. Jordan,
Deputy Attorney

JAJ/lao

cc: Carmen Brock, Esq., Deputy City Attorney (*Via Facsimile only (619) 533-5856*)
Gerald Blank, Esq., Via Facsimile (*Via Facsimile only (619) 238-1126*)
Jim Pokorny, Esq., Via Facsimile (*Via Facsimile only (619) 239-8141*)

"Caltrans improves mobility across California"

1 MICHAEL J. AGUIRRE, City Attorney
 2 CARMEN A. BROCK, Deputy City Attorney
 3 California State Bar No. 162592
 4 Office of the City Attorney
 5 1200 Third Avenue, Suite 1100
 6 San Diego, California 92101-4100
 7 (619) 533-5800; fax (619) 533-5856
 8 Attorneys for Respondent CITY OF SAN DIEGO

Case No. GIC 877054

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

DECLARATION OF SERVICE

People, et al. v. Sunroad Centrum LP
 1/C Judge: Hon. John S. Meyer Dept. 61

I am employed in the City of San Diego, California. I am over the age of 18 and not a party to the within action; my business address is: 1200 Third Avenue, Suite 1100, San Diego, California 92101.

On February 26, 2007, I caused to be served the following document(s) described as:

1. **CITY OF SAN DIEGO'S OPPOSITION TO SUNROAD'S EX PARTE APPLICATION FOR ORDER TO ADVANCE TRIAL DATE AND GRANT PREFERENTIAL TRIAL DATE; AND**
2. **DECLARATION OF CARMEN A. BROCK, ESQ. IN SUPPORT OF CITY'S OPPOSITION TO SUNROAD'S EX PARTE APPLICATION FOR ORDER TO ADVANCE TRIAL DATE AND GRANT PREFERENTIAL TRIAL SETTING**

in this action by placing the true copies thereof enclosed in a sealed envelope addressed as follows:

16 Steven M. Strauss
 17 COOLEY GODWARD KRONISH
 18 4401 Eastgate Mall
 19 San Diego, CA 92121
 (858) 550-6000; (858) 550-6420 (Fax)
Attorneys for Sunroad Centrum; Sunroad Asset Management, Inc., and Sunroad Enterprises

Gerald Blank, Esq.
 LAW OFFICES OF GERALD BLANK
 444 West C Street, Ste. 210
 San Diego, CA 92101
 (619) 238-1111; (619) 238-1126 (Fax)
Attorneys for Community Airfields Association of San Diego, Inc.

20 Jim Pokorny, Esq.
 21 LAW OFFICES OF JAMES F. POKORNY
 22 110 West C Street, Ste. 1504
 23 San Diego, CA 92101
 (619) 239-8142; (619) 239-8141 (Fax)
Attorneys for Aircraft Owners and Pilots Assoc.

Raiyn Bain
 Julie A. Jordan
 Dept. of Transportation - Legal Dept.
 4050 Taylor Street, MS 130
 San Diego, CA 92110
 (619) 688-2351; (619) 688-6905 (Fax)
Attorneys for Dept. of Transportation, Division of Aeronautics

[] (BY MAIL) I served the individual named by placing the documents in a sealed envelope. I then placed it for collection and mailing with the United States Postal Service this same day, at my address shown above, following ordinary business practices.

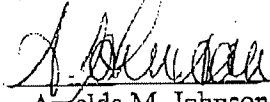
[XX] (BY FAX) At **, I transmitted the above-described document by facsimile machine to the above-listed fax number. The transmission originated from facsimile phone number (619) 236-7215 and was reported as complete and without error. The facsimile machine properly issued a transmission report, a copy of which is attached hereto. [CCP section 1013(e); CRC Rule 2008].

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[] (BY OVERNIGHT DELIVERY) I caused the envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s). [CCP. section 1013]

[] (BY PERSONAL SERVICE) I served the individual named by personally delivering the copies to the offices of the addressee.
Time of delivery: _____ a.m./p.m. Person served: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 26, 2007, San Diego, California.



Aracida M. Johnson

CARMEN A. BROCK
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 533-5800
FAX (619) 533-5856

Michael J. Aguirre
CITY ATTORNEY

FAX TRANSMITTAL

ADDRESSEE(S)	FIRM/COMPANY	FAX NO.	TELEPHONE NO.
Gerald Blank	Law Offices of Gerald Blank	(619) 238-1126	
Steven M. Strauss	COOLEY GODWARD KRONISH	(858) 550-6420	
Jim Pokorny	LAW OFFICES OF JAMES F. POKORNY	(619) 239-8141	
Raiyn Bain	Dept. of Transportation - Legal Dept.	(619) 688-6905	

DATE: February 26, 2007

FROM: Carmen A. Brock, Deputy City Attorney

SUBJECT: People, et al. v. Sunroad Centrum, L.P., et al.
San Diego Superior Court Case No. GIC 877054

NUMBER OF PAGES (including cover page): 15

IF ALL PAGES ARE NOT RECEIVED, CALL: Mel Johnson @ (619) 235-5799

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If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service.

COMMENTS/INSTRUCTIONS:

Please find attached the City of San Diego's Opposition to Sunroad's Ex Parte Application for Order to Advance Trial Date and Grant Preferential Trial Date.