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9 CITIZEN'S ASSOCIATION OF SUNSET BEACH

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF ORANGE

12 CITIZEN'S ASSOCIATION OF SUNSET)
13 BEACH,)

14 Petitioner/Plaintiff,)

15 vs.)

16 ORANGE COUNTY LOCAL AGENCY)
17 FORMATION COMMISSION, a)
18 governmental entity; the CITY OF)
19 HUNTINGTON BEACH, a municipal)
20 corporation; and DOES 1 through 50,)
21 inclusive,)

22 Respondents/Defendants.)

23 CASE NO. 30-2010-00431832

24 **CASB'S RESPONSE TO THE CITY'S**
25 **EVIDENTIARY OBJECTIONS**
26 **REGARDING STATEMENTS IN THE**
27 **DECLARATION OF CASB PRESIDENT**
28 **JACK MARKOVITZ**

Date: January 19, 2011

Time: 1:30 p.m.

Judge: Frederick P. Horn

Dept.: C31

Action Filed: December 9, 2010

Trial Date: TBD

19 The City has filed a series of objections to various passages in the Declaration of CASB
20 President Jack Markovitz primarily on relevancy and hearsay grounds. These objections should be
21 disregarded by the Court because these passages are provided by Mr. Markovitz to provide the
22 Court with background information to put this dispute in the proper context. The Court can decide
23 how much weight, if any, to give to these statements. Moreover, Mr. Markovitz and numerous
24 CASB members and Sunset Beach residents will be in Court for the hearing on CASB's
25 Application for Preliminary Injunction, and any hearsay objections can be overcome through live
26 testimony.

27 The City's evidentiary objections are merely another effort to deflect attention from the
28 few undisputed, material facts upon which CASB's Petition/Complaint and Application for

1 Preliminary Injunction are based. The statements that are the subject of the City's objections are
2 accurate background facts that do not control the outcome of this case. The City's evidentiary
3 objections should be overruled.

4
5 Dated: January 11, 2011

STERN, VAN VLECK & McCARRON, LLP



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7 John C. McCarron
8 Attorney for CITIZEN'S ASSOCIATION OF SUNSET
9 BEACH

1 PROOF OF SERVICE

2 I, Michelle Rodgers, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a party
4 to the within action; my business address is 925 L Street, Suite 850, Sacramento, California
95814-4416. On January 11, 2011, I served the within document(s):

5 • **CASB'S RESPONSE TO THE CITY'S EVIDENTIARY OBJECTIONS**
6 **REGARDING STATMENETS IN THE DECLARATION OF CASB**
7 **PRESIDENT JACK MARKOVITZ**

8 by transmitting via facsimile from (916) 341-0849 the above listed document(s)
9 without error to the fax number(s) set forth below on this date before 5:00 p.m.
A copy of the transmittal/confirmation sheet is attached.

10 by placing the document(s) listed above in a sealed envelope with postage
thereon fully prepaid, in the United States mail at Sacramento, California
11 addressed as set forth below.

12 by causing personal delivery by _____ of the document(s) listed above
to the person(s) at the address(es) set forth below.

13 ✓ ✓ ✓ by placing the document(s) listed above in a sealed UPS envelope and affixing a
14 pre-paid air bill, and causing the envelope to be delivered overnight.

15 by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.

16 by transmitting via e-mail or electronic transmission the document(s) listed
17 above to the person(s) at the e-mail address(es) set forth below.

18
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24 I am readily familiar with the firm's practice of collection and processing correspondence
25 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid in the ordinary course of business.

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

28 Executed on January 11, 2011, at Sacramento, California.



Michelle Rodgers, CCLS