

1 KAMALA D. HARRIS
Attorney General of California
2 MARK R. BECKINGTON
Supervising Deputy Attorney General
3 SUSAN K. SMITH
Deputy Attorney General
4 State Bar No. 231575
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2105
6 Fax: (213) 897-1071
E-mail: Susan.Smith@doj.ca.gov
7 *Attorneys for Respondent Attorney General Kamala
D. Harris*

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
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13 **JOHN RANDO and MARIANO A. RODAS,**

Case No. BS145904

14 Plaintiffs and Petitioners,

**RESPONDENT'S ANSWER TO
15 VERIFIED PETITION FOR AN
16 ALTERNATIVE WRIT OF MANDATE**

17 v.

18 **KAMALA HARRIS, individually and in her
official capacity as Attorney General,**

Dept: 85
Judge: Hon. James C. Chalfant

19 Defendant and Respondent,

20 **FRANK QUINTERO, individually and in
his official capacity as Glendale City
Councilmember; CITY OF GLENDALE,**

21 Real Parties in Interest.
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25 Defendant and Respondent Attorney General Kamala D. Harris ("Respondent") answers the
26 Verified Petition for Alternative Writ of Mandate as follows ("Petition"):

27 1. Respondent lacks sufficient information and knowledge to admit or deny the
28 allegations regarding petitioners in paragraph 1. Respondent admits that the documents submitted

1 in the quo warranto proceeding before the Attorney General by petitioners speak for themselves.

2 Except as specifically admitted, respondent denies the remaining allegations in paragraph 1.

3 2. Respondent admits that petitioners' quo warranto application was denied. Except as
4 specifically admitted, respondent denies the remaining allegations in paragraph 2.

5 3. Respondent lacks sufficient information and knowledge to admit or deny the
6 allegations in paragraph 3, and on that basis denies the allegations in paragraph 3.

7 4. Respondent admits that California law with respect to public elections and the results
8 of those elections speak for themselves. Except as specifically admitted, respondent denies the
9 remaining allegations in paragraph 4.

10 5. Respondent admits that California law with respect to public elections and the results
11 of those elections speak for themselves. Except as specifically admitted, respondent denies the
12 remaining allegations in paragraph 5.

13 6. Respondent admits that California law with respect to public elections and the results
14 of those elections speak for themselves. Except as specifically admitted, respondent denies the
15 remaining allegations in paragraph 6.

16 7. Respondent admits that California law with respect to public elections and the results
17 of those elections speak for themselves. Except as specifically admitted, respondent denies the
18 remaining allegations in paragraph 7.

19 8. Respondent admits that California law with respect to public elections and the results
20 of those elections speak for themselves. Except as specifically admitted, respondent denies the
21 remaining allegations in paragraph 8.

22 9. Respondent admits that California law with respect to public elections and the results
23 of those elections speak for themselves. Except as specifically admitted, respondent denies the
24 remaining allegations in paragraph 9.

25 10. Respondent admits that California and municipal law speak for themselves. Except
26 as specifically admitted, respondent denies the remaining allegations in paragraph 10.

27 11. Respondent lacks sufficient information and knowledge to admit or deny the
28 allegations in paragraph 11, and on that basis denies the allegations in paragraph 11.

1 12. Respondent admits that California and municipal law speak for themselves. Except
2 as specifically admitted, respondent denies the remaining allegations in paragraph 12.

3 13. Respondent admits that California and municipal law speak for themselves. Except
4 as specifically admitted, respondent denies the remaining allegations in paragraph 13.

5 14. Respondent admits that California and municipal law speak for themselves. Except
6 as specifically admitted, respondent denies the remaining allegations in paragraph 14.

7 15. Respondent lacks sufficient information and knowledge to admit or deny the
8 allegations in paragraph 15, and on that basis denies the allegations in paragraph 15.

9 16. Respondent admits that California law speaks for itself. Except as specifically
10 admitted, respondent denies the remaining allegations in paragraph 16.

11 17. Respondent admits that the documents submitted in the quo warranto proceeding
12 before the Attorney General by petitioners speak for themselves. Except as specifically admitted,
13 respondent denies the remaining allegations in paragraph 17.

14 18. Respondent admits that the documents submitted in the quo warranto proceeding
15 before the Attorney General by petitioners speaks for themselves. Respondent denies legal
16 argument contained in paragraph 18. Except as specifically admitted, respondent denies the
17 remaining allegations in paragraph 18.

18 19. Responding to paragraph 19, respondent incorporates herein by this reference her
19 responses to paragraphs 1 through 18, inclusive.

20 20. Respondent denies the allegations in paragraph 20.

21 21. Respondent denies the allegations in paragraph 21.

22 22. Respondent denies the allegations in paragraph 22.

23 23. Respondent lacks sufficient information and knowledge to admit or deny the
24 allegations in paragraph 23 regarding petitioners' residence. Except as specifically stated,
25 respondent denies the remaining allegations in paragraph 23.

26 24. Respondent denies the allegations in paragraph 24.

27 25. Respondent denies the allegations in paragraph 25.

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1 **ADDITIONAL DEFENSES**

2 **ONE**

3 The Petition for Writ of Mandate and each cause of action therein, fails to state facts
4 sufficient to constitute a cause of action.

5 **TWO**

6 Respondent Attorney General Harris denies that she has subjected petitioners to the
7 deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the
8 United States or the State of California.

9 **THREE**

10 Respondent Attorney General Harris affirmatively states that any actions she has taken with
11 respect to petitioners have been in good faith, have been reasonable and prudent, and have been
12 consistent with all applicable legal and constitutional standards.

13 **FOUR**

14 The requested relief is barred by the Constitutional doctrine of separation of powers.

15 **FIVE**

16 Petitioners' claims in this action are barred by equitable doctrines of waiver, laches,
17 unclean hands, and/or estoppel.

18 **SIX**

19 Petitioners' claims in this action are uncertain, vague, ambiguous, improper, and
20 unintelligible.

21 **SEVEN**

22 The requested relief is barred as a matter of law because granting such relief would result in
23 an unlawful order compelling respondent Attorney General Harris to act contrary to her
24 Constitutional and statutory duties.

25 **EIGHT**

26 The relief sought by Plaintiffs is barred because respondent Attorney General Harris has
27 complied with all applicable laws, statutes and ordinances.

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ACCORDINGLY, Respondent Attorney General Harris prays as follows:

1. That judgment be entered in favor of respondent Attorney General Harris and against petitioners on the Petition as a whole, and on each cause of action therein, and that petitioners take nothing by way of the Petition;
2. That the Petition, and each cause of action therein, be dismissed with prejudice;
3. That respondent Attorney General Harris be awarded the costs, expenses, and attorneys' fees incurred in this action; and
4. That the Court grant Respondent Attorney General Harris such additional relief as it deems proper.

Dated: December 20, 2013

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General



SUSAN K. SMITH
Deputy Attorney General
*Attorneys for Respondent Attorney General
Kamala D. Harris*

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **John Rando, et al. v. Kamala Harris**

Case No.: **BS145904**

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 December 20, 2013, I served the attached **RESPONDENT'S ANSWER TO VERIFIED PETITION FOR AN ALTERNATIVE WRIT OF MANDATE** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

C.D. Michel, Esq.
Sean A. Brady, Esq.
Michel & Associates, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Email: SBrady@michellawyers.com
Attorneys for Plaintiffs/Petitioners

Andrew C. Rawcliffe
Deputy City Attorney, Litigation
Glendale City Attorney's Office
613 E. Broadway, RM. 220
Glendale, CA 91206
Email: ARawcliffe@ci.glendale.ca.us
Attorney for Real Parties in Interest

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 December 20, 2013, at Los Angeles, California.

Angela Artiga
Declarant


Signature



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DEPARTMENT OF JUSTICE

Office of the Attorney General
Ronald Reagan Building
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

TO:

C.D. Michel, Esq.
Sean A. Brady, Esq.
Michel & Associates, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802

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