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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT 2014 FEB 14 PM 3:51

JOSEPH A. LANE CLERK

JOHN RANDO and MARIANO A. RODAS,

Case No. B254060

Petitioners and Appellants,

vs.

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

Respondent and Appellee,

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

Real Parties in Interest.

Los Angeles County Superior Court, Case No. BS14509
The Honorable James Chalfant, Judge

MOTION FOR RECONSIDERATION

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Attorneys for Petitioners/Appellants

Pursuant to California Code of Civil Procedure Section 10008, Appellants move this Court to reconsider its Order denying Appellants' motion for calendar preference as moot issued on February 13, 2014.

On February 3, 2014, Appellants filed a motion for calendar preference and expedited briefing on the grounds that this appeal involves a matter of great public importance that is time sensitive. The relief Appellants ultimately seek may become moot by June 26, 2014, because the current term of the public official they seek to have removed will end on that date. If this Court does not rule whether the Attorney General abused her discretion in denying Appellants' quo warranto application before that time, Appellants will likely have no remedy. In light of this, Appellants filed their opening brief early, moved the Court to shorten the time for Respondent to respond to Appellants' opening brief, and to schedule oral argument (if necessary) as soon as possible.

The Court denied Appellants' motion with a one sentence order, stating: "Appellant's Request for Calendar Preference is denied as moot." But, the Court's order does not explain why the motion has become moot. Perhaps, the Court interpreted Appellants filing of their opening brief prior to a ruling on their motion as a waiver of that motion. But that was not the intention of Appellants to simply have their early brief accepted by the court. Appellants filed their opening brief before it was due in order to expedite briefing by opposing parties as to *avoid* mootness in their underlying claim.

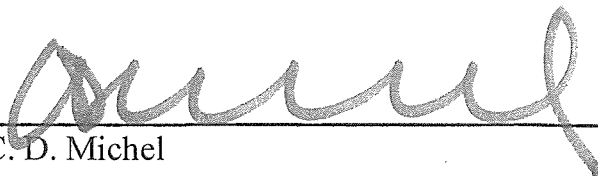
Because time is running out and the Court has yet to set a briefing or hearing schedule in this matter, Appellants request that this Court reverse its Order and grant

Appellants' motion for Calendar Preference, and set an expedited briefing and hearing date schedule.

Alternatively, Appellants respectfully ask this Court to limit Respondent's time to respond to their opening brief to 30 days, without leave for extension. Such a request is reasonable and will not prejudice Respondent since Respondent has already indicated in her February 4, 2014 opposition to Appellants' Motion that a 30 day response time would be acceptable.

Dated: February 14, 2014

MICHEL & ASSOCIATES, P.C.



C. D. Michel
Attorneys for Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200 Long Beach, CA 90802.

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MOTION FOR RECONSIDERATION

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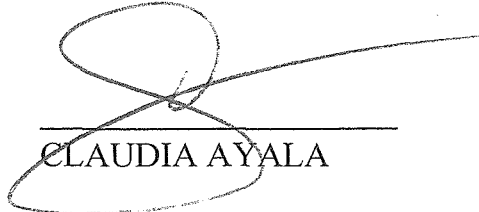
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Executed on February 14, 2014, at Long Beach, California.

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

Executed on February 14, 2014, at Long Beach, California.



CLAUDIA AYALA

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JOHN RANDO ET AL. v. KAMALA HARRIS ET AL.
CASE NO. B254060

Mark R. Beclomgton, Supervising Deputy Attorney General Susan K. Smith, Deputy Attorney General Office of the Attorney General 300 S. Spring Street, Suite 1702 Los Angeles, CA 90013 Email: Susan.Smith@doj.ca.gov Attorney for Defendants	Attorney for Defendant Kamala Harris
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Andrew C. Rawcliffe Deputy City Attorney, Litigation Glendale city Attorney's Office 613 E. Broadway, Suite 220 Glendale, CA 91206 Email: ARawcliffe@ci.glendale.ca.us Attorneys for Defendants	Attorney for Defendant/Real Party in Interest Frank Quintero and the City of Glendale
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Honorable James C. Chalfant Los Angeles Superior Court Stanley Mosk Courthouse 111 North Hill Street Los Angeles, CA 90012 Department 85	Judge
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Clerk of the Court Los Angeles Superior Court Stanley Mosk Courthouse 111 North Hill Street Los Angeles, CA 90012	Clerk
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VS. JUDICIAL DIST: Second
DEFENDANT: Harris et al CITY: Los Angeles CASE #: B254060

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ADJUSTER:

INSURED:

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LIST ALL DOCUMENTS: HEARING DATE _____ FEES PAID/ DATE _____ FEES ATTACHED _____

- 1) Motion for Reconsideration
- 2) Declaration of Sean Bradu

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