

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION TWO

JOHN RANDO and MARIANO A. RODAS,

Petitioners and Appellants,

v.

**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.

Case No. B254060

Los Angeles County Superior Court, Case No. BS145904
The Honorable James C. Chalfant, Judge

**OPPOSITION TO APPELLANTS'
RECONSIDERATION MOTION FOR
CALENDAR PREFERENCE**

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INTRODUCTION AND ARGUMENT

This Court denied the Motion for Calendar Preference of Appellants John Rando and Mariano A. Rodas (“Appellants”) as moot on February 13, 2014. (February 13, 2014 Order.) Appellants filed another motion, a Motion to Reconsider Calendar Preference, on February 14, 2014. As specified in the Opposition to Appellants’ Motion for Calendar Preference, Respondent and Appellee Attorney General Kamala D. Harris (“Respondent”) does not oppose granting calendar preference for oral argument, but does oppose the unreasonable expedited briefing schedule requested by Appellants.

Without conceding that this is a proper matter for calendar preference, Respondent does not object to expedited briefing and oral argument, but has requested a reasonable amount of time to respond to Appellants’ opening brief. Ten days is not a reasonable amount of time to respond to an appeal in this matter where the Appellants took more than 30 days to file the opening brief. The opening brief was filed on February 13, 2014. At the hearing on January 7, 2014, the superior court denied the petition for writ of mandate and ordered counsel for Respondent to prepare a proposed judgment. (See Declaration of Susan K. Smith (“Smith Dec.”) filed on February 5, 2014 with Respondent’s opposition to motion for calendar preference.) Thus, Appellants took more than five weeks to file an opening brief.

Although Respondent opposes the proposed briefing schedule, counsel for Respondent did agree to respond within thirty days of receiving the opening brief. (See Smith Dec. at ¶ 11.) Instead of stipulating to a briefing schedule with Respondent, however, Appellants have filed two unnecessary motions regarding calendar preference and an expedited briefing schedule.

If the Court elects to grant the motion for reconsideration, Respondent therefore requests a reasonable amount of time to respond to petitioners' opening brief, including at least thirty days to respond after service of that brief. In support of this request, Respondent incorporates the Opposition to Calendar Preference and Declaration of Susan K. Smith, filed on February 5, 2014, into this response.

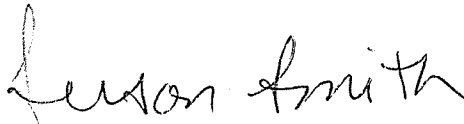
CONCLUSION

Respondent requests that this Court deny the expedited briefing schedule requested by Appellants.

Dated: February 19, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DOUGLAS J. WOODS
Senior Assistant Attorney General
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SA2014114464

DECLARATION OF SERVICE BY OVERNIGHT COURIER

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

Case No.: **B254060**

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; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

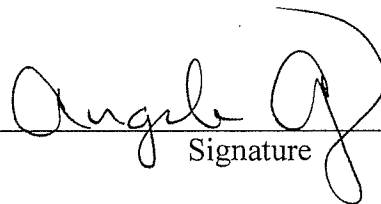
On February 19, 2014, I served the attached **OPPOSITION TO APPELLANTS' RECONSIDERATION MOTION FOR CALENDAR PREFERENCE** by placing a true copy thereof enclosed in a sealed envelope with the **ONTRAC Overnight Courier Service**, addressed as follows:

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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 February 19, 2014, at Los Angeles, California.

Angela Artiga
Declarant


Signature



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