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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10 **UNLIMITED JURISDICTION**

11 THE PEOPLE OF THE STATE OF) CASE NO.
CALIFORNIA on the RELATION of JOHN)
12 RANDO and MARIANO A. RODAS,)
13 vs.) VERIFIED COMPLAINT IN QUO
) WARRANTO TO TRY TITLE TO
) PUBLIC OFFICE
14)
15 FRANK QUINTERO, individually and in) [Code of Civil Procedure § 803]
his official capacity as Glendale City)
16 Councilmember; CITY OF GLENDALE) Date Action Filed:
17 Defendants.)

18 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, acting by and through
19 Relators John Rando and Mariano A. Rodas, alleges as follows:

- 20 1. This is an action in the nature of *quo warranto* brought pursuant to California
21 Code of Civil Procedure section 803 to try the title of Defendant FRANK QUINTERO
22 (“Defendant QUINTERO”) to the office of Councilmember of the City of Glendale (“the City”).
- 23 2. Section 803 of the Code of Civil Procedure authorizes an action in the nature of
24 *quo warranto* against a person who usurps, intrudes into, or unlawfully holds or exercises any
25 public office within the State of California.
- 26 3. Defendant QUINTERO was appointed to the office of Councilmember by the
27 Glendale City Council to fill a vacancy left on the Council following a City election in violation
28 of the City’s Charter.

4. On _____, California Attorney General Kamala D. Harris granted Relators, John Rando and Mariano A. Rodas' application for leave to sue Defendant QUINTERO in *quo warranto* in the name of the People of the State of California. A copy of the Attorney General's formal Leave to Sue is attached hereto as Exhibit A.

PARTIES

5. Plaintiff in this action is the PEOPLE OF THE STATE OF CALIFORNIA.
Relators John Rando and Mariano A. Rodas are City residents and taxpayers.

6. A Defendant in this action is FRANK QUINTERO. Defendant QUINTERO was appointed to the office of Councilmember by the Glendale City Council to fill a vacancy on the Council on or about April 23, 2013 within several days after his elected term as Councilmember had ended on or about April 15, 2013, due to his not seeking reelection in the City's most recent election.

7. The other Defendant in this action is the City of Glendale, a charter city under Article 11, Section 3 of the Constitution of the State of California.

JURISDICTION AND VENUE

8. The Superior Court has jurisdiction over this action. Defendant QUINTERO is a sitting Councilmember of the City of Glendale, whose district falls within the boundaries of Los Angeles County.

9. Venue is proper in this Court under Code of Civil Procedure Section 393(b) because the action is against a: public officer in the City of Glendale for an act done by him in virtue of his office, and under Code of Civil Procedure Section 395(a) because the cause of action arose in the City of Glendale and the defendant claims to reside in the City of Glendale.

QUO WARRANTO

10. Plaintiff incorporates by reference paragraphs 1 through 8, inclusive.

11. Defendant QUINTERO was appointed to the office of Councilmember by the Glendale City Council to fill a vacancy on the City Council on or about April 23, 2013.

12. Just several days before his appointment, on or about April 15, 2013, his elected term as Councilmember had ended due to his not seeking reelection in the City's most recent

1 election.

2 13. Article VI, Section 12 of the City's Charter entitled "Councilmembers holding
3 other city offices"¹ plainly provides that:

4 No former councilmember shall hold any compensated city office or city
5 employment until two (2) years after leaving the office of councilmember.

6 14. Because Defendant QUINTERO was a "former councilmember" at the time of his
7 April 23, 2013 appointment, his appointed position is one of a "compensated city office," and two
8 years had not yet passed from his "leaving the office of councilmember" to the time of his
9 appointment, Defendant QUINTERO holds the office of Councilmember of the City of Glendale
10 in violation of Article VI, Section 12 of the City's Charter.

11 **PRAYER FOR RELIEF**

12 Therefore, THE PEOPLE OF THE STATE OF CALIFORNIA pray that this Court issue
13 judgment against Defendant FRANK QUINTERO as follows:

14 1. An order removing Defendant FRANK QUINTERO from the office of
15 Councilmember of the City of Glendale;

16 2. An order awarding Plaintiff its attorneys' fees pursuant to California Code of Civil
17 Procedure § 1021.5 or otherwise;

18 3. An order awarding Plaintiff its costs incurred in this suit pursuant to California
19 Code of Civil Procedure § 809; and

20 4. An order awarding Plaintiff such further and additional relief as the Court deems
21 just and proper.

22 Dated: _____, 2013
23

24
25 Kamala D. Harris
Attorney General for the State of California
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27 _____
28 ¹ The Charter provides: "Editor's Note: The catchline of this section originally
read as follows: 'Councilmen ineligible to other city positions.' "

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Dated: _____, 2013

Deputy Attorney General for the State of
California

Dated: _____, 2013

MICHEL & ASSOCIATES, P.C.



C. D. Michel
Attorneys for Relators John Rando and
Mariano A. Rodas
Attorneys for the People of the State of
California

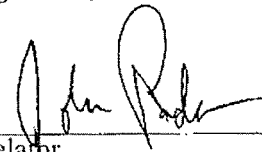
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VERIFICATION

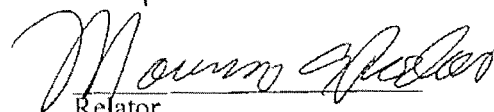
We, John Rando and Mariano A. Rodas, are the relators in the above-entitled action. We have read the foregoing Complaint and know the contents thereof. The same is true of our knowledge, except as to those matters which are therein stated on information and belief and, as to those matters, We believe them to be true.

We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 23rd day of May, 2013, at Long Beach, California.



Relator



Relator

1 **LEAVE TO SUE**

2 Pursuant to the opinion of the _____, issued on May ____, 2013,
3 a copy of which is attached hereto, leave to sue is hereby granted to John Rando and Mariano A.
4 Rodas, Relators, to file a Complaint in Quo Warranto and this Leave to Sue. Relators may use the
5 name of THE PEOPLE OF THE STATE OF CALIFORNIA as plaintiff in this proceeding.
6 Relators shall submit all proposed court filings to the Attorney General before filing with the
7 Court, and copies of all documents filed in this action by any party must be served on the
8 Attorney General. At any time, the Attorney General may either dismiss or assume the
9 management of this action. In the event of an adverse judgment against Relators, Relators must
10 obtain the approval of the Attorney General before Relators may file a notice of appeal.

11 This Leave to Sue is granted upon the condition that neither THE PEOPLE OF THE
12 STATE OF CALIFORNIA nor the Attorney General shall be liable for any costs, charges, or
13 counsel fees in this proceeding.

14
15 Dated:

MICHEL & ASSOCIATES, P.C.

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18 C. D. Michel
19 Attorneys for Plaintiff
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