

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DOUGLAS BURR

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CITY OF SAN RAMON

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

2007 OCT 25 P 12: 58

CITY OF SAN RAMON, CA
COUNTY OF CONTRA COSTA

BY: _____
C. Green, Deputy Clerk

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court for and in the County of Contra Costa
725 Court Street
Martinez, CA 94553

CASE NUMBER:
(Número del Caso): **C 07 - 02 33 4**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

OCT 25 2007 CLERK OF THE SUPERIOR COURT

DATE: _____ Clerk, by C. Green, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

- NOTICE TO THE PERSON SERVED:** You are served
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
 - by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Byron D. Athan, SBN 19325
City of San Ramon
2222 Camino Ramon, San Ramon, CA 94583
TELEPHONE NO.: (925) 973-2549 FAX NO.: (925) 275-0650
ATTORNEY FOR (Name): City of San Ramon

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2007 OCT 25 P 12:58

BY: C. Green, Clerk/Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa

STREET ADDRESS: 725 Court Street

MAILING ADDRESS:

CITY AND ZIP CODE: Martinez, CA 94553

BRANCH NAME:

CASE NAME:

CITY OF SAN RAMON v. DOUGLAS BURR

CASE NUMBER:

C 07-02334

JUDGE:

DEPT:

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
Uninsured motorist (46)

Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Product liability (24)
Medical malpractice (45)
Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
Civil rights (08)
Defamation (13)
Fraud (16)
Intellectual property (19)
Professional negligence (25)
Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
Other employment (15)

Contract

Breach of contract/warranty (06)
Rule 3.740 collections (09)
Other collections (09)
Insurance coverage (18)
Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
Wrongful eviction (33)
Other real property (26)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38)

Judicial Review

Asset forfeiture (05)
Petition re: arbitration award (11)
Writ of mandate (02)
Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
Construction defect (10)
Mass tort (40)
Securities litigation (28)
Environmental/Toxic tort (30)
Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 25, 2007

Byron D. Athan, City Attorney

(TYPE OR PRINT NAME)

Signature of Byron D. Athan

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CITY OF SAN RAMON VS BURR

NOTICE OF CASE MANAGEMENT CONFERENCE

CIVMSC07-02334

1. NOTICE: THE CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED FOR:

DATE: 03/12/08 DEPT: 30 TIME: 8:30

THIS FORM, A COPY OF THE NOTICE TO PLAINTIFFS, THE ADR INFORMATION SHEET, A BLANK CASE MANAGEMENT CONFERENCE QUESTIONNAIRE, AND A BLANK STIPULATION FORM ARE TO BE SERVED ON OPPOSING PARTIES. ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT OR THEIR ATTORNEY OF RECORD MUST APPEAR.

2. You may stipulate to an earlier Case Management Conference. If all parties agree to an early Case Management Conference, please contact the Court Clerk's Office at (925)957-5794 for Unlimited Civil cases and (925)957-5791 for Limited Civil cases for assignment of an earlier date.

3. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference and to discuss the suitability of this case for the EASE Program, private mediation, binding or non-binding arbitration, and/or use of a Special Master.

4. At any Case Management Conference the court may make pretrial orders including the following:

- a. an order establishing a discovery schedule
- b. an order referring the case to arbitration
- c. an order transferring the case to limited jurisdiction
- d. an order dismissing fictitious defendants
- e. an order scheduling exchange of expert witness information
- f. an order setting subsequent conference and the trial date
- g. an order consolidating cases
- h. an order severing trial of cross-complaints or bifurcating issues
- i. an order determining when demurrers and motions will be filed

SANCTIONS

If you do not file the Case Management Conference Questionnaire or attend the Case Management Conference or participate effectively in the Conference, the court may impose sanctions (including dismissal of the case and payment of money).

Clerk of the Superior Court of Contra Costa County
I declare under penalty of perjury that I am not a party to this action, and that I delivered or mailed a copy of this notice to the person representing the plaintiff/cross-complainant.

Dated: 10/25/07

C. Green

CATHRYN GREEN, Deputy Clerk

FILED

2001 OCT 25 P 12:58

NOTARIAL PUBLIC
COUNTY OF CONTRA COSTA

BY: _____ C. GIBSON, CLERK

1 Byron D. Athan (State Bar No.19325)
2 City Attorney
3 City of San Ramon
4 2222 Camino Ramon
5 San Ramon, CA 94583
6 Telephone (925) 973-2549
7 Facsimile (925) 275-0650

8 Attorney for Plaintiff
9 City of San Ramon

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF CONTRA COSTA

12 **C 07 - 02 334**

13 CITY OF SAN RAMON,
14 Plaintiff,
15 vs.

16 DOUGLAS BURR,
17 Defendant

18) Case No.:
19)
20) COMPLAINT FOR DECLARTORY
21) RELIEF
22)
23) ***Deemed verified pursuant to
24) Code of Civil Procedure §446
25) Exempt from Filing Fees
26) (Government Code §6103

27 PER LOCAL RULE 5 THIS
28 CASE IS ASSIGNED TO
DEPT 30

29 VERIFIED COMPLAINT

30 Plaintiff City of San Ramon alleges as follows:

31 1. Plaintiff City of San Ramon (CITY) is. And all
32 relevant times was, a State of California charter city and
33 municipal corporation organized and existing under the
34 Constitution and laws of the State of California.

35 2. Plaintiff is informed and believes and thereon alleges
36 that Defendant Douglas Burr is, and all relevant times was, an
37 individual residing in the City of San Ramon and a proponent of
38 a proposed initiative measure requiring four-way stop signs at
eleven different intersections in the Windemere Development, to
wit; (1) East Branch Parkway and Arlington Way; (2) South
Bellingham Square and Windemere Parkway; (3) Silva Way and

1 Windemere Parkway; (4) Kearney Way and Windemere Parkway; (5)
2 Holburn Way and Windemere Parkway; (6) Windside Lane and
3 Windemere Parkway; (7) Albion Road and Harcourt Way; (8) Albion
4 Road and Silva Way; (9) Craiglee Way and Harcourt Way; (10)
5 Sherwood Way and Baker Way; and (11) Sherwood Way and Melbourne
6 Way, a true and correct copy of which is attached as Exhibit
7 "A".

8 THE FACTS

9
10 3. On or about September 14, 2007, Plaintiff Burr
11 submitted to the City Clerk of the City of San Ramon a Notice to
12 Circulate a Petition with the text of the proposed initiative.

13 4. The purpose of the imitative is to provide "for stop
14 signs at eleven intersections in the Windemere Development in
15 the easterly portion of the City of San Ramon."

16 5. Exhibit B is a true and correct copy of the title and
17 summary of the Proposed Initiative, which has been prepared by
18 the City of San Ramon City Attorney pursuant to Elections Code
19 section 9203 and included with each a copy of the petition
20 pursuant to Elections Code 9207.

21 CAUSE OF ACTION

22 (Declaratory Relief, Code of Civil Procedure section 10600)

23
24 6. Plaintiff re-alleges and incorporates by reference all of
25 the allegations contained in paragraphs 1 through 5 as set forth
26 above.

27 7. Plaintiff maintains that the Proposed Initiative is
28 invalid because it "embraces more than one issue", to wit:
requiring four-way stop signs at eleven different intersections
in the Windemere Development, (1) East Branch Parkway and

1 Arlington Way; (2) South Bellingham Square and Windemere
2 Parkway; (3) Silva Way and Windemere Parkway; (4) Kearney Way
3 and Windemere Parkway; (5) Holburn Way and Windemere Parkway;
4 (6) Windside Lane and Windemere Parkway; (7) Albion Road and
5 Harcourt Way; (8) Albion Road and Silva Way; (9) Craiglee Way
6 and Harcourt Way; (10) Sherwood Way and Baker Way; and (11)
7 Sherwood Way and Melbourne Way,

8 8. Plaintiff is informed and believes and thereon alleges
9 that Defendant Burr disputes Plaintiff's legal conclusions and
10 contends that the Proposed Initiative does not "embrace more
11 than one issue" and therefore is an appropriate and valid
12 initiative.

13 9. Thus an actual controversy has arisen and now exists
14 between Plaintiff and Defendants as to the validity of the
15 Proposed Initiative.

16 10. Accordingly, Plaintiff seeks a judicial declaration
17 and determination of the respective rights and duties of the
18 parties with respect to the validity of the Proposed Initiative.

19 11. A judicial determination is necessary and appropriate
20 at this time in order to resolve all controversies between the
21 parties herein regarding the validity of the Proposed
22 Initiative, and all rights and duties of the respective parties
23 relating to the Proposed Initiative.

24
25 WHEREFORE, Plaintiff prays for judgment against Defendant
26 Burr as follows:

27 1. For a declaration that the Proposed Initiative is
28 invalid as relating to more than one issue, and relieving the


1 City of San Ramon from any obligation to process signature
2 purporting to support the Proposed Initiative or to place the
3 Proposed Initiative on any ballot for consideration by the
4 electors of the city;

5
6 2. For costs of suit incurred herein, and

7 3. For such other and further relief as the Court deems
8 just and proper.

9 DATED: October 24th, 2007

10
11 CITY OF SAN RAMON

12 
13 Byron D. Athan
14 City Attorney

Notice of Intent to Circulate Petition

Stop Signs In Windemere Initiative

Notice is hereby given by the person whose name appears hereon of their intention to circulate a petition within the City of San Ramon for the purpose of placing an initiative on the ballot to install stop signs at 11 intersections in the Windemere.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

To improve the safety of children walking to school and for the residents of the Windemere development, I propose to add eleven stop signs at intersections throughout the Windemere development. Eight of the eleven are at intersections children use to walk to school, three are directly in front of schools and all are at currently uncontrolled intersections.

Title:

Ordinance providing for four-way stop signs at eleven intersections in the Windemere Development in the eastern portion of the City of San Ramon.


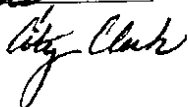
Summary:

This proposed ordinance would provide four-way stop signs at the following eleven intersections in the Windemere Development in eastern portion of the City of San Ramon:

- a. East Branch Parkway and Arlington Way,
- b. South Bellingham Square and Windemere Parkway,
- c. Silva Way and Windemere Parkway,
- d. Kearney Way and Windemere Parkway,
- e. Holborn Way and Windemere Parkway,
- f. Windside Lane and Windemere Parkway,
- g. Albion Road and Harcourt Way,
- h. Albion Road and Silva Way,
- i. Craiglee Way and Harcourt Way,
- j. Sherwood Way and Baker Way, and
- k. Sherwood Way and Melbourne Way.

Doug Burr
San Ramon Resident
519 Kinvarra ct
San Ramon, CA 94582

This is a certified true copy.


October 24, 2007 

RECEIVED

OCT 16 2007

City Clerk
City of San Ramon, CA

Exhibit A



CITY OF SAN RAMON

2222 CAMINO RAMON
SAN RAMON, CALIFORNIA 94583
PHONE: (925) 973-2500
WEB SITE: www.sanramon.ca.gov

September 26, 2007

Mr. Doug Burr
519 Kinvarra Court
San Ramon, CA 94582

Dear Mr. Burr:

This letter is in response to the two Notices of Intent to Circulate Petition which were submitted to the City on September 14, 2007. Byron D. Athan, the City Attorney, has prepared the following ballot titles and summaries:

#1 - STOP SIGNS IN WINDEMERE INITIATIVE

Title:

Ordinance providing for four way stop signs at eleven intersections in the Windemere Development in the eastern portion of the City of San Ramon.

Summary:

This proposed ordinance would provide four-way stop signs at the following eleven intersections in the Windemere Development in the eastern portion of the City of San Ramon:

- a. East Branch Parkway and Arlington Way,
- b. South Bellingham Square and Windemere Parkway,
- c. Silva Way and Windemere Parkway,
- d. Kearney Way and Windemere Parkway,
- e. Holborn Way and Windemere Parkway
- f. Windside Lane and Windemere Parkway,
- g. Albion Road and Harcourt Way,
- h. Albion Road and Silva Way,
- i. Craiglee Way and Windemere Parkway,
- j. Sherwood Way and Baker Way, and
- k. Sherwood Way and Melbourne Way

Exhibit B

#2 – SPEED LIMITS IN WINDEMERE INITIATIVE

Title:

Ordinance establishing a Thirty-mile an hour (30 mph) speed limit on the Windemere Parkway and the East Branch Parkway.

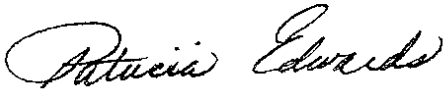
Summary:

This proposed ordinance would establish a Thirty-mile an hour (30 mph) speed limit on Windemere Parkway and East Branch Parkway in the City of San Ramon..

Mr. Athan has also opined that the “jurisdiction’s next regular election” is the first Tuesday following the first Monday in November 2009. However, the decision will probably be made by the Contra Costa County Election Department.


To proceed with the petition, please refer to the Elections Code information, which was previously provided to you.

Sincerely,



Patricia Edwards
City Clerk

This is a certified true copy.



October 24, 2007 *City Clerk*