

# SUMMONS (CITACION JUDICIAL)

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

CITY OF FOLSOM

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

Hari Shetty, Kavita Sood, Neighborhood Elections Now

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

**FILED/ENDORSED**

JAN 05 2021

By: K. Johnson  
Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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.sucorte.ca.gov](http://www.sucorte.ca.gov)), 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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):

Schaber Courthouse, Superior Ct of Sacramento Cty 720 9th St, Sacramento CA 95814

CASE NUMBER: (Número del Caso)  
34-2020-00291638

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):

Scott Rafferty, 1913 Whitecliff Ct, Walnut Creek CA 94596, 202-380-5525

DATE: **JAN 05 2021**  
(Fecha)

Clerk, by [Signature] : Deputy  
(Secretario) **K. JOHNSON** (Adjunto)

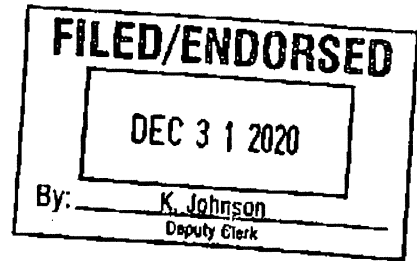
(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



**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): City of Folsom  
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 416.80 (authorized person)  
 other (specify): 416.50
- by personal delivery on (date)

1 Scott Rafferty (SBD 224389)  
1913 Whitecliff Court  
2 Walnut Creek CA 94596  
202-380-5525  
3 Attorney for PLAINTIFFS  
4



5  
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7  
8 FOR THE COUNTY OF SACRAMENTO  
9

10  
11 HARI SHETTY, KAVITA SOOD, AND  
12 NEIGHBORHOOD ELECTIONS NOW  
13 PLAINTIFFS,  
14

15 vs.

16 CITY OF FOLSOM, et al.,  
17 Defendants  
18  
19

Case No.: 34E2020-00291639  
COMPLAINT FOR VIOLATION OF THE  
CALIFORNIA VOTING ACT

20 COMES NOW PLAINTIFFS HARI SHETTY, KAVITA SOOD, and NEIGHBORHOOD  
21 ELECTIONS NOW (collectively, "PLAINTIFFS"), and allege as follows:

22 NATURE OF THE ACTION

23 1. This action is brought by PLAINTIFFS for injunctive relief against the CITY OF  
24 FOLSOM for its violation of the California Voting Rights Act, Elections Code, Section 14025, et  
25 seq. The imposition of at-large method of election by the CITY OF FOLSOM has resulted in the  
26 dilution of votes by Asian and Latino electors, suppressed the ability of these communities to choose  
27 and recruit candidates for public office, and denied them equal and effective political participation in  
28 elections. The CITY OF FOLSOM's at-large method of election for electing members to its City

1 Council prevents Asian and Latino residents from electing candidates of their choice or from  
2 exercising influence in City Council elections that is equal to the rest of the electorate.

3 2. On February 10, 2020, before any public health restriction, the Folsom Democratic  
4 Club submitted a petition asking the City Council to comply with the California Voting Rights Act  
5 and citing additional benefits of district elections. Approximately 350 signatories included residents  
6 from every part of the CITY OF FOLSOM and from every political party. The addresses at which  
7 they are registered to vote are shown in Figure 1. The City Manager responded by letter dismissing  
8 the proposal to comply with the California Voting Rights Act. The City Manager did not deny that  
9 CITY OF FOLSOM's at-large election violated the California Voting Rights Act but stated that  
10 district elections would cause "factions and frictions." The City Council took no other action.

11 3. CITY OF FOLSOM's at-large method of election does violate the California Voting  
12 Rights Act. PLAINTIFFS bring this action to enjoin the CITY OF FOLSOM's continued abridgment  
13 of Asian and Latino voting rights. PLAINTIFFS seek a declaration from this Court that the at-large  
14 method of election currently used by the CITY OF FOLSOM violates the California Voting Rights  
15 Act. PLAINTIFFS seek a decree enjoining the CITY OF FOLSOM from further imposing or  
16 applying its current at-large method of election. PLAINTIFFS seek additional injunctive relief  
17 requiring the CITY OF FOLSOM to implement district-based elections, ranked choice voting, and  
18 other appropriate relief tailored to remedy CITY OF FOLSOM's violation of the California Voting  
19 Rights Act.

20 4. The California Voting Rights Act is a no-fault statute. It does not require a showing of  
21 discriminatory intent. At this time, PLAINTIFFS do not assert violations of Section 2 of the Voting  
22 Rights Act of 1965, 52 U.S.C. §10301(c) or of Section 1 of the Civil Rights Act of 1871, 42 U.S.C.  
23 §1983, which might require a showing that past or present members of the City Council have chosen  
24 to maintain at-large elections as the avenue to preserve or perpetuate their own incumbencies. Garza  
25 v. County of Los Angeles (9<sup>th</sup> Cir. 1990) 918 F.2d 763, 771. Allegations of intentional discrimina-  
26 tion can be divisive. While PLAINTIFFS reserve all rights to amend this complaint, avoiding the  
27 need to determine intent is a benefit of resolving the case under the California Voting Rights Act.

28 5. Since 2000, California Governors of both political parties have supported minority  
voting rights. On December 18, 2020, former Republican Governor Arnold Schwarzenegger called

1 for new voting rights legislation to prevent COVID from being used as “an excuse for voter  
2 suppression.”<sup>1</sup>

3 6. Despite Governor Schwarzenegger’s guidance, CITY OF FOLSOM, through its  
4 attorney, has indicated that it will not timely and voluntarily comply with the CVRA because  
5 “Executive Orders” prohibit public hearings required to permit the City Council to enact an  
6 ordinance, which is not the case. The attorney goes on to state:

7 The Governor’s Executive Orders carry the force of law under GC sections 8567, 8571 and  
8 8627.5, and refusing to comply with such Orders is punishable as a misdemeanor under GC  
9 8665. Hence if your clients insist that we violate and refuse to comply with the Governor’s  
10 Orders, which we cannot lawfully do, I’m afraid we simply won’t be able to have an  
11 agreement.

12 7. No other political subdivision has argued that a municipality or its officials can be  
13 held criminally liable for conducting public hearings, especially if the municipality avails itself of the  
14 ability to conduct these hearings by teleconference. The statement demonstrates purpose and intent  
15 to discriminate.

16 8. Several jurisdictions<sup>2</sup> have completed hearings in order voluntarily to comply with the  
17 CVRA, sometimes relying on EO N-29-20, which facilitates holding such hearings by teleconfer-  
18 ences. By contrast, the City Council for CITY OF FOLSOM has continued to accept public  
19 testimony live in its chambers on every other subjects. To claim that the City can lawfully conduct  
20 all other forms of business, but that COVID somehow renders compliance with the CVRA a criminal  
21 offense, would be redolent of the egregious abuses and pretexts by officials in the Deep South that  
22 led Congress to enact of the Voting Rights Act of 1965.

23 9. Elections Code, Section 10010(e), requires any prospective plaintiff to send a petition  
24 (or notice of possible violation) by certified mail. Since the evidence is based on the 2018 election, it  
25 was appropriate to send this notice in advance of the 2020 election.<sup>3</sup> However, since it was too late  
26 to require compliance for the 2020 election, PLAINTIFFS chose to delay sending the formal notice  
27 of possible violation until October 28, 2020. PLAINTIFFS expected the CITY OF FOLSOM to  
28 accept district elections and to execute the “written agreement” set forth in Elections Code, Section  
10010(e) to allow additional time for public input. PLAINTIFFS hoped that this collaborative

<sup>1</sup> [cnn.com/videos/tv/2020/12/19/schwarzenegger-on-the-future-of-the-gop.cnn](http://cnn.com/videos/tv/2020/12/19/schwarzenegger-on-the-future-of-the-gop.cnn)

<sup>2</sup> e.g., City of Napa, Napa Valley Unified School District, and Folsom’s own school district, Folsom-Cordova USD.

<sup>3</sup> The 2018 election is more probative. See Elections Code, Section 14028(a).

1 approach might defer this action (and preclude any court action by other affected voters) long enough  
2 to allow Folsom's initial district maps to use data from the 2020 census. The Census Bureau usually  
3 delivers California data in advance of the statutory deadline (March 31, 2021), which has not been  
4 extended. However, many observers expect a delay of the redistricting file until July 2021.

5 10. In other jurisdictions, prospective plaintiffs have not attempted to negotiate a statutory  
6 agreement and have demanded that districts be drawn using 2010 census data (for use only in the  
7 event of a special election) and be redistricted in 2021. Jurisdictions have complied, as required by  
8 law.<sup>4</sup>

9 11. During the 45-day safe-harbor period that ended on December 14, 2020, PLAINTIFFS  
10 attempted to reach an agreement that would delay hearings long enough to avoid the preparation of  
11 maps using 2010 census data.

12 12. CITY OF FOLSOM further declined unconditionally to agree that districts would be  
13 mapped in time for the 2022 election.

14 13. CITY OF FOLSOM failed to pass any "resolution of intent," or to schedule hearings  
15 to create district maps at any time, prior to the statutory deadline of December 14, 2020.

16 14. Absent judicial approval, the refusal of CITY OF FOLSOM to satisfy the statutory  
17 conditions for an extension precludes any agreement to delay hearings until after the 2021  
18 redistricting file becomes available. By filing this lawsuit, PLAINTIFFS have provided an  
19 opportunity to save public funds and to avoid two sets of hearings, which will likely discourage  
20 effective public participation.

21 15. CITY OF FOLSOM has delivered to PLAINTIFFS a purported "resolution of intent"  
22 for possible consideration at a regular meeting on January 12, 2021. This resolution has not been  
23 posted or agendized, so PLAINTIFFS cannot determine if the City Council has any actual intention  
24 of considering it. In any event, the untimely resolution does not include a "requirement that the  
25 district boundaries be established no later than the six months before the [city's] next regular election  
26 to select [Council] members," *i.e.*, before May 8, 2022. If passed, the belated resolution would only  
27 promise to implement maps "beginning in November 2022 or the next earliest municipal election if  
28 the Sacramento County Voter Registration and Elections Department is unable to implement the new  
'district-based' election areas for the November 2022 election."

<sup>4</sup> *e.g.*, Central Costa Contra Sanitary Commission received the notice on July 13, 2020 and adopted maps on November 16, 2020.

1 16. After November 2022, the next regular elections occur on November 3, 2024 and  
2 November 4, 2026.

3 17. The only conceivable basis for a registrar to decline to implement a district map for  
4 November 2022 would be a failure by CITY OF FOLSOM to submit the map as a boundary change  
5 no later than 125 days before the election (July 6, 2022). Elections Code, Section 12262. Because  
6 CITY OF FOLSOM has not negotiated an extension, it must create districts using 2010 census data  
7 and then redistrict before April 17, 2022. Section 21622(c). In CITY OF FOLSOM were creating  
8 maps for the first time, no extension could extend beyond May 8, 2022, because Section 10010  
9 requires the new neighborhood candidates to know the boundaries six months in advance to prepare  
10 their campaigns in the new districts for the November 8, 2022 election. If the CITY OF FOLSOM  
11 drew district maps by its relevant deadline, the maps would be available to the registrar in time for  
implementation in 2022.

12 18. The proposed draft resolution does not schedule hearings to be completed within the  
13 additional 90 days permitted by statute, *i.e.*, by March 14, 2021. The resolution does not reflect or  
14 incorporate any written agreement with PLAINTIFFS "to provide to provide additional time to  
15 conduct public outreach, encourage public participation, and receive public input." Section  
16 10010(e)(1)(C)(i) precludes any extension beyond March 14, 2021 without such a written agreement.

17 19. Elections Code, Section 10010(e), precludes further precludes any agreement to  
18 extend the safe harbor that does not include the statutory requirement to establish the boundaries by  
19 May 8, 2022, even if PLAINTIFFS were willing to waive their constitutional right to participate and  
20 be represented in the hearing process, which they are not. Without such an agreement, any other  
21 elector belonging to a protected class could file a court action and prejudice the ability of  
PLAINTIFFS to recover fees for work product already created.

#### 22 PARTIES

23 20. PLAINTIFF HARI SHETTY is a registered voter who resides in the CITY OF  
24 FOLSOM. He is of Asian-American heritage and therefore a member of a "protected class" within  
25 the meaning of Elections Code, Section 14026(d) and of a "language minority group" within the  
meaning of 52 U.S.C. §10310(d)(3).

26 21. PLAINTIFF KAVITA SOOD is also a registered voter who resides in CITY OF  
27 FOLSOM. She is also a member of a protected class, as a person of Asian American heritage.

1 22. NEIGHBORHOOD ELECTIONS NOW is an unincorporated association the  
2 membership of which includes members of language minorities who are registered to vote within  
3 CITY OF FOLSOM.

4 23. Defendant CITY OF FOLSOM is a charter city subject to Article XI, Section 5 of the  
5 California Constitution and Government Code, Section 34000, *et seq.*, as well as a political  
6 subdivision within the meaning of Elections Code, Section 14026(c). CITY OF FOLSOM is  
7 governed by a five-member City Council elected at-large, pursuant to Government Code, Sections  
8 34000 and 36501(a). At all times relevant to this Complaint, CITY OF FOLSOM and its City  
9 Council are and have been subject to the California Voting Rights Act, Elections Code, Section  
10 14026(c); as well as to the provisions regarding elections set forth in Government Code, Sections  
11 34050, 34871, *et seq.*, and Elections Code, Section 10240. The City Council judges the qualifications  
12 of its members, pursuant to Government Code, Section 36812.

#### 13 JURISDICTION AND VENUE

14 24. All parties hereto are within the unlimited jurisdiction of this Court. Elections Code,  
15 Section 14032 provides for enforcement of the California Voting Rights Act by civil action with  
16 venue in the Superior Court for the county in which the political subdivision is located.

17 25. Elections Code, Section 10010 allows PLAINTIFFS to commence this action to  
18 enforce Section 14026, *et seq.*, 45 days after a political subdivision receives a notice of possible  
19 violation. PLAINTIFFS sent such a notice by certified mail on October 28, 2020, which CITY OF  
20 FOLSOM received on October 30, 2020. If, during this 45-day period, CITY OF FOLSOM had  
21 passed a resolution of intent scheduling map hearings, Section 10010 would have required  
22 PLAINTIFFS (and other affected voters) to delay filing an action for 90 additional days, during  
23 which time CITY OF FOLSOM could conduct public hearings. Since CITY OF FOLSOM did not  
24 pass the resolution during the required period, this enforcement action became timely on December  
25 14, 2018.

26 26. CITY OF FOLSOM, through its attorney, has threatened to invoke Executive Order  
27 N-48-20 as an indefinite bar to judicial enforcement of the California Voting Rights Act. The  
28 exclusive purpose of EO N-48-20 is to avoid "forc[ing] Californians to choose between fully  
participating in their democratic process and safeguarding their own health and safety, as well as the  
health and safety of their own communities." As such it applies where members of the public would  
be "forced" to leave their homes because the jurisdiction is unable to conduct hearings by

1 teleconference or to receive written testimony. The proposed construction of EO N-48-20 is not  
2 authorized by statute or constitutional as applied to CITY OF FOLSOM.

3 27. State Constitution, Article I, Section 3(b)(2) requires that any apparent restriction on  
4 the People's access to state courts be construed in order "to further the People's right of access." Any  
5 apparent restriction must also be construed to avoid state and federal constitutional issues. The  
6 purpose of Section 10010 is to provide an alternative to judicial enforcement if a jurisdiction  
7 voluntarily complies with the California Voting Rights Act within 135 days. By failing to pass a  
8 resolution of intent on or before November 14, 2020, CITY OF FOLSOM indicated that it had no  
9 intention of availing itself of the statute.

10 28. The City Council is one of the few legislative bodies in Northern California to receive  
11 members of the public in its chambers for purposes of providing testimony and addressing the City  
12 Council, even when Sacramento County was in the "purple tier." During the 45-day "safe harbor"  
13 period, the City Council met in five special and regular meetings (on November 10, December 7, and  
14 December 8, 2020) and conducted a public hearing. In each case, witnesses and other members of  
15 the public were invited to "continue to participate in the meeting in person." In addition, the agendas  
16 committed to read public testimony and written comments that were submitted before the meeting  
17 and to allow the public to present testimony and comments via telephone during each meeting.

18 29. Therefore, if any Executive Order were to be construed to grant immunity from  
19 judicial actions to enforce minority voting rights for an indefinite period based on any alleged danger  
20 to the public health that would occur if the political subdivision to receive public testimony or to  
21 perform legislative acts that might lead to voluntary compliance, it would be unconstitutional as  
22 applied to CITY OF FOLSOM.

23 (a) In the event that CITY OF FOLSOM invokes Executive Order N-48-20 as a basis to bar  
24 jurisdiction over this action, as its attorney has threatened to do, this construction of the Order would  
25 not be authorized by Government Code, Section 8571. The suspension of Section 10010 would allow  
26 PLAINTIFFS to seek judicial intervention without notice. As interpreted by CITY OF FOLSOM, the  
27 effect of the so-called "suspension" is not only to rewrite the terms of the statute, but indirectly to  
28 reverse AB 2123 (2018), which prohibits extending the safe harbor more than 90 days and adds  
additional conditions on any extension.

(b) The proposed construction of EO N-48-20 would render it unconstitutional for multiple reasons.



1 (i) Right to Access State Courts. The order does not expressly indicate any intent to  
2 divest the state courts of jurisdiction over minority voter dilution. The order does not include  
3 findings that would be necessary to satisfy California Constitution, Article I, Section 3(b)(2), if it  
4 were construed to provide an indefinite restriction on the right to access state courts. Any  
5 construction that overrides legislation explicitly granting state court jurisdiction over claims of  
6 minority vote dilution denies access to the state courts in violation of Article I, Section 3(a).

7 (ii) Separation of Legislative Power. The proposed construction affirmatively revises  
8 statutory rights, duties, and immunities, in violation of California Constitution, Article IV, Sections 1  
9 and 10(a). In contrast to subsequent executive orders, EO N-48-20 does not allow for any  
10 modification or rejection by the Legislature.

11 (iii) Privileges and Immunities. Only the Legislature can revoke the PLAINTIFFS'  
12 privilege to access state courts or alter the limited immunity of 135 days granted to jurisdictions from  
13 enforcement of the California Voting Rights Act. California Constitution, Article I, Section 7(b).

14 (iv) Separation of the Judicial Power. To the extent that EO-N-48-20 resolves  
15 "uncertainty" regarding the application of Section 10010, the Order intrudes on the judicial powers of  
16 the State in violation of California Constitution, Article VI, Section 1.

17 (v) Discrimination Against Protected Class. The effect of the Order, so construed, would  
18 be to deny voters the means to vindicate their constitutional rights based on their race, color, or  
19 membership in a protected language minority, in violation of California Constitution, Article I,  
20 Section 7; the Voting Rights Act of 1965, 52 U.S.C. §10301(b); the Civil Rights Act of 1871, 42  
21 U.S.C. §1983; and the Fourteenth and Fifteenth Amendments to the United States Constitution.

22 (vi) Taking of Property Without Due Process of Law. The construction impairs the right  
23 of PLAINTIFFS to obtain reimbursement no later than April 28, 2021 for work product already  
24 performed, consistent with Elections Code, Section 10010(f) and 14030, Code of Civil Procedure,  
25 Section 121.5, and Serrano v. Priest (1977) 20 Cal.3d 25, 48-49, in violation of California  
26 Constitution, Article I, Section 7, and the Fourteenth Amendment to the United States Constitution.

27 (vii) Violation of equal protection. For the City Council to refuse to conduct a hearing on  
28 district elections on the basis that it would expose the municipal corporation to criminal liability,  
while inviting witnesses on all other subjects to testify in person (notwithstanding the stay-at-home  
order) or to offer telephonic testimony lacks any rational basis, in violation of California  
Constitution, Article 1, Section 7, and the Fourteenth Amendment to the United States Constitution.

1 30. AB 2123 contains additional conditions, including the statutory written agreement  
2 with prospective plaintiffs, that must be met before the statutory bar on judicial enforcement of the  
3 CVRA can be extended for any period. The written agreement must include a requirement that the  
4 district boundaries be established no later by May 8, 2022. It must provide for additional public  
5 input. CITY OF FOLSOM, through its attorneys, did not accept these essential conditions.

#### 6 FACTS

7 31. The CITY OF FOLSOM contains approximately 78,447 persons, of which  
8 approximately 18% are Asian, 13% Latino, and 3% Black, according to 2018 census data.

9 32. Racially polarized voting occurs when members of a protected class as defined by the  
10 California Voting Rights Act, Elections Code, Section 14025(d), vote for candidates and electoral  
11 choices that are different from the rest of the electorate. The existence of racially polarized voting is  
12 sufficient to establish dilution of protected-class voters in violation of Section 14027.

13 33. The size of large electoral districts, including cities the size of CITY OF FOLSOM  
14 that elect at-large, increases the cost and complexity of campaigning, which suppresses candidates  
15 from minority neighborhoods who could compete in district elections. The absence of local  
16 campaigns reduces voter participation in minority neighborhoods, further diluting the influence of  
17 voters in the Asian and Latino protected classes.

18 34. The suppression of minority candidates has reduced minority voter participation.  
19 Only 38% of Latino citizens of voting age and only 38% of Asian citizens of voting age voted in the  
20 2018 elections, compared to 64% of voters who are neither Latino nor Asian.

21 35. Prior to the February 2020 petition, the most influential slating organization, the  
22 Chamber of Commerce, had never endorsed a Latino or Asian candidate.

23 36. Prior to 2018, one Asian and no Latino had run for City Council in the history of  
24 CITY OF FOLSOM. The Asian candidate was not elected.

25 37. The barrier to neighborhood-based campaigns created by at-large elections has  
26 advantaged incumbents, entrenching them in office through periods of demographic change. Prior to  
27 the 2020 elections, a majority of the City Council members had served at least three terms. Each was  
28 white and Anglo, and their average age was 69 years.

38. Since 1980, CITY OF FOLSOM's population has grown eightfold. Over the same  
period, Asians have increased from 1/2% to 20% of total population. But overall growth increased the  
barrier to competition in City Council elections, further diluting the influence of new Asian and

1 Latino populations. In the 20th century, approximately 16 of 38 City Council members served only  
2 one term. During the 21st century, only one incumbent has ever been defeated (and only after being  
3 arrested for impersonating a police officer). None of these incumbents was Asian or Latino.

4 39. Evidence of racially polarized voting can rely on a single election “where a minority  
5 group has begun to sponsor candidates just recently.” Thornburg v. Gingles (1989) 470 U.S. 30, 58 &  
6 fn.25.

7 40. The 2018 City Council election demonstrated polarization between Asian and non-  
8 Asian voters.

9 41. The 2018 City Council election demonstrated polarization between a coalition of  
10 Asian and Latino voters and the rest of the electorate.

11 42. In the 2018 election, YK Chalamcherla, the only Asian candidate since 2010, received  
12 approximately 68% of the Asian vote and only 5% of the non-Asian vote, according to an estimate  
13 generated by ecological regression. These estimates do not overlap at the 80% confidence level.  
14 The regression is shown in Figure 2.

15 43. Additional contests for City Council and other offices, and votes for propositions and  
16 other ballot measures, provide evidence of racially polarized voting.

17 44. The obstacles posed by the CITY OF FOLSOM's at-large method of election, together  
18 with racially polarized voting, impair the ability of people of certain races, color or language minority  
19 groups, such as Asian and Latino voters, to elect candidates of their choice or to influence the  
20 outcome of elections conducted in the CITY OF FOLSOM.

21 45. District-based elections will provide an opportunity for the members of the protected  
22 classes as defined by the California Voting Rights Act to elect candidates of their choice or to  
23 influence the outcome of the CITY OF FOLSOM City Council elections.

24 **FIRST CAUSE OF ACTION**  
25 **(Violation of California Voting Rights Act)**

26 46. As a charter city within the State of California, Defendant CITY OF FOLSOM is a  
27 political subdivision as defined in Elections Code, Section 14026(c) and is subject to the CVRA.

28 47. Defendant CITY OF FOLSOM employs an at-large method of election, where voters  
of its entire jurisdiction elect members to its City Council.

48. Racially polarized voting has occurred in recent elections for members of the City  
Council for the CITY OF FOLSOM and in elections incorporating other electoral choices by voters

1 of the CITY OF FOLSOM, California. As a result, the CITY OF FOLSOM's at-large method of  
2 election is imposed in a manner that impairs the ability of protected classes as defined by the  
3 California Voting Rights Act to elect candidates of their choice or influence the outcome of elections.

4 49. Single-member districts provide an opportunity for the members of a protected class  
5 (as defined by the California Voting Rights Act) to elect candidates of their choice or to influence the  
6 outcome of the CITY OF FOLSOM City Council elections.

7 50. An actual controversy has arisen and exists between the parties relating to the legal  
8 rights and duties of PLAINTIFFS and CITY OF FOLSOM, for which PLAINTIFFS desires a  
9 declaration of rights.

10 51. CITY OF FOLSOM's wrongful conduct has caused and, unless enjoined by this Court,  
11 will continue to cause, immediate and irreparable injury to PLAINTIFFS and all residents of the  
12 CITY OF FOLSOM.

13 52. PLAINTIFFS and the residents of the CITY OF FOLSOM have no adequate remedy  
14 at law for the injuries they currently suffer and will otherwise continue to suffer.

15 53. Civil Code, Section 3423(g) and Code of Civil Procedure, Section 526(b)(4) do not  
16 preclude this Court from issuing injunctive relief to prevent violations of the CVRA or as needed to  
17 fashion appropriate remedies. Jauregui v. City of Palmdale (2014) 226 Cal. App. 4th 781, 808.

### 18 PRAYER FOR RELIEF

19 WHEREFORE, PLAINTIFFS pray for judgment against Defendant:

20 1. For a decree declaring that the CITY OF FOLSOM's current at-large method of  
21 election for the City Council violates the California Voting Rights Act;

22 2. For preliminary and permanent injunctive relief enjoining the CITY OF FOLSOM  
23 from imposing or applying its current at-large method of election in any regular or special election;

24 4. For injunctive relief mandating the CITY OF FOLSOM to implement district-based  
25 elections, as defined by the California Voting Rights Act, to remedy the CITY OF FOLSOM's  
26 violation of the California Voting Rights Act;


27 5. For an order approving a map of districts that will equalize influence of voters who  
28 belong to protected classes;

6. For an award of PLAINTIFFS attorneys' fees, costs, litigation expenses and pre-  
judgment interest pursuant to the Elections Code, 14030 and other applicable law; and

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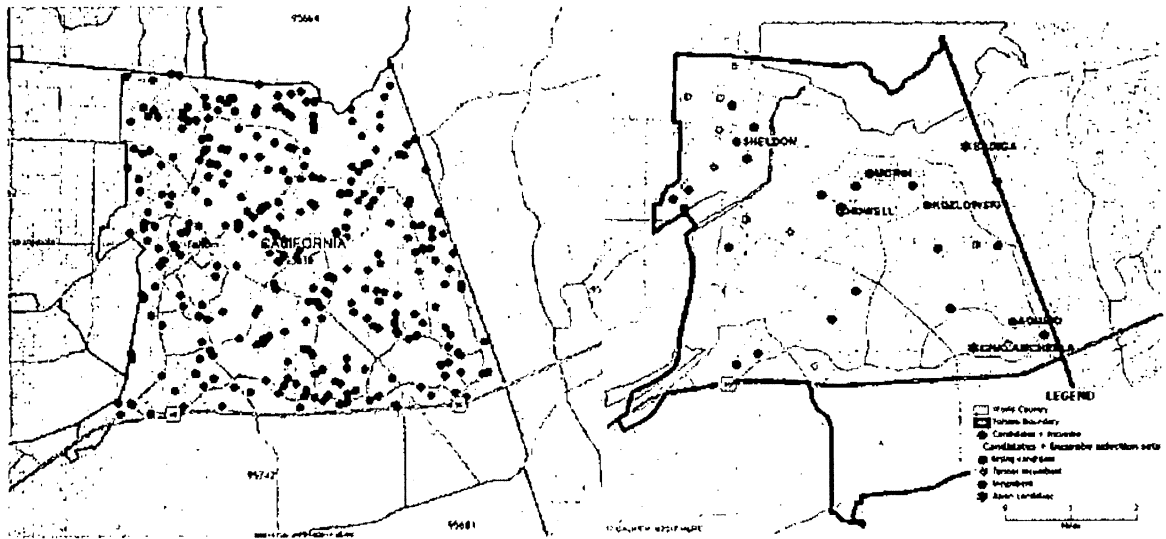
7. For such further relief as the Court deems just and proper.

DATED: December 31, 2020

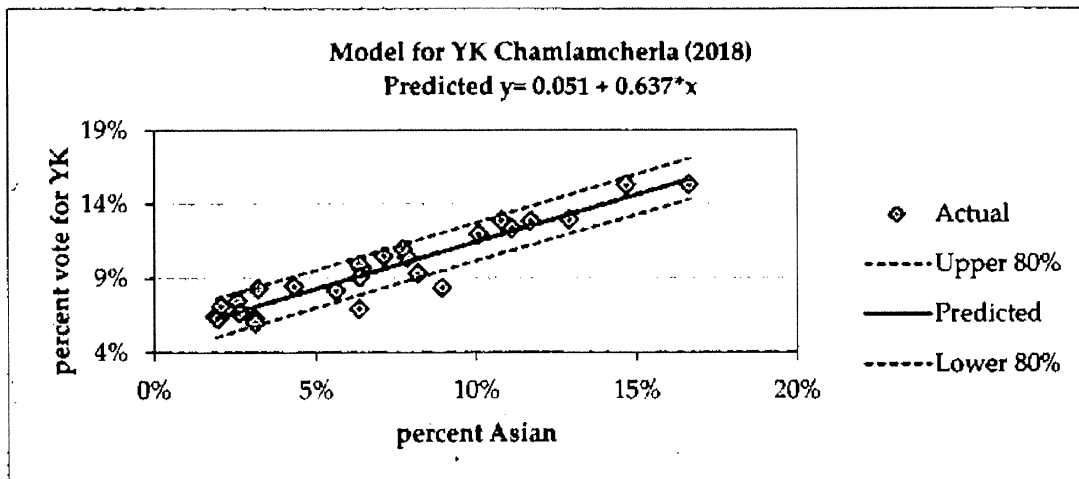


SCOTT J. RAFFERTY  
Counsel for PLAINTIFFS

1 Figure 1. Distribution of Voters Signing February 2020 Petition Compared to Distribution of Current  
 2 and Former Incumbents and Unsuccessful Candidates



13 Figure 2. Ecological Regression Estimate of Asian/non-Asian Vote for YK Chalamcherla in 2018



	lower 80%	upper 80%
Asian %	4.6%	5.6%
non-Asian %	62.3%	75.4%

26 R-squared 0.889  
 27 1/P-value 1,703,638,756.676

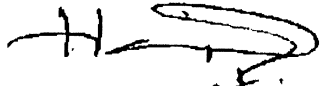
1 VERIFICATION OF COMPLAINT

2 State of California

3 County of Sacramento

4 To wit:

5 HARI SHETTY, a PLAINTIFF named in the foregoing Complaint, SHETTY et al. v. CITY  
6 OF FOLSOM, affirms under penalty of perjury that the facts and allegations contained therein are  
7 true, except so far as they are therein stated to be on information or belief, and that, so far as they are  
8 therein stated to be on information or belief, he believes them to be true. Much of the Complaint  
9 consists of allegations regarding the legal elements of jurisdiction, legal, academic and historical  
10 citations, the results of statistical analyses, and similar factual matters, which are based on  
11 information provided by his attorney, which he believes to be true. I have reviewed and understand  
12 the statistical analysis.

13 

14 Affirmed this 31<sup>st</sup> day of December 2020

1 VERIFICATION OF COMPLAINT

2 State of California

3 County of Sacramento

4 To wit:

5 KAVITA SOOD, a PLAINTIFF named in the foregoing Complaint, SHETTY et al. v. CITY  
6 OF FOLSOM, affirms under penalty of perjury that the facts and allegations contained therein are  
7 true, except so far as they are therein stated to be on information or belief, and that, so far as they are  
8 therein stated to be on information or belief, she believes them to be true. Much of the Complaint  
9 consists of allegations regarding the legal elements of jurisdiction, legal, academic and historical  
10 citations, the results of statistical analyses, and similar factual matters, which are based on  
11 information provided by her attorney, which she believes to be true.

12 

13 Affirmed this 31st day of December 2020



1 VERIFICATION OF COMPLAINT

2 State of California

3 County of Sacramento

4 To wit:

5 On behalf of NEIGHBORHOOD ELECTIONS NOW, a PLAINTIFF named in the foregoing  
6 Complaint, SHETTY et al. v. CITY OF FOLSOM, Muriel Brounstein affirms under penalty of  
7 perjury that the facts and allegations contained therein are true, except so far as they are therein stated  
8 to be on information or belief, and that, so far as they are therein stated to be on information or belief,  
9 she believes them to be true. Much of the Complaint consists of allegations regarding the legal  
10 elements of jurisdiction, legal, academic and historical citations, the results of statistical analyses, and  
11 similar factual matters, which are based on information provided by her attorney, which she believes  
12 to be true.

13 *Muriel Brounstein*

14 Affirmed this 31 day of December 2020



**SUPERIOR COURT OF CALIFORNIA**  
County of Sacramento  
720 Ninth Street, Room 102  
Sacramento, CA 95814-1311

*For Court Use Only*

PETITIONER/PLAINTIFF: Hari Shetty, Kavita Sood, et al.

RESPONDENT/DEFENDANT: City of Folsom, et al.

**ORDER RE: DELAY IN SCHEDULING  
INITIAL CASE MANAGEMENT CONFERENCE**

CASE NUMBER:

**84<sup>th</sup> DISTRICT COURT** 2020-00291639

The Court finds good cause to delay the scheduling of the initial Case Management Conference for this case given the COVID-19 pandemic and its impact on court-wide operations. Among the affected operations is the Court's Case Management Program (CMP). The Court's CMP calendars have been and remain suspended until further notice. After the CMP Departments resume operations, the Court will schedule the initial Case Management Conference in this case and issue a Notice of Case Management Conference and Order to Appear.

The deadline for filing and service of the Case Management Conference Statements will be based upon the date for the initial Case Management Conference once it has been scheduled.

Parties shall continue to accomplish service of all parties named in the action.

Parties shall continue to ensure that all defendants and cross-defendants have answered, been dismissed, or had their defaults entered.

Plaintiff shall serve a copy of this order on any party to the complaint. The cross-complainant shall have the same obligation with respect to the cross-complaint.

**RICHARD K. SUEYOSHI**

Dated: 12/31/2020

Richard K. Sueyoshi, Judge of the Superior Court



**SUPERIOR COURT OF CALIFORNIA**  
**County of Sacramento**  
720 Ninth Street  
Sacramento, CA 95814-1380  
(916) 874-5522—Website [www.saccourt.ca.gov](http://www.saccourt.ca.gov)

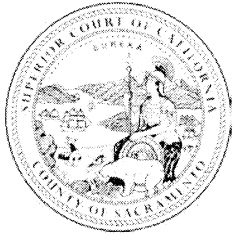
**Program Case Notice**  
**Unlimited Civil Case**

The Case Management Program (CMP) requires the following timelines to be met in all cases except those that are excluded by California Rule of Court 3.712(b), (c) and (d) and Local Rule 2.46(B), (E) and (F).

<b>Action</b>	<b>Requirement</b>
<b>Service of Summons</b>	Summons, complaint and program case notice must be served on all named defendants and proofs of service on those defendants must be filed with the court within <b>60 days</b> from the filing of the complaint.  When the complaint is amended to add a new defendant, the added defendant must be served and proofs of service must be filed within <b>30 days</b> after the filing of the amended complaint.  A cross-complaint adding a new party must be served and proofs of service must be filed with the court <b>30 days</b> from the filing of the cross-complaint.
<b>Statement of Damages</b>	If a statement of damages pursuant to Section 425.11 of the Code of Civil Procedure or a statement of punitive damages is required, it must be served with the summons and complaint.
<b>Responsive Pleadings</b>	If a responsive pleading is not served within the time limits and no extension of time has been granted, the plaintiff within <b>10 days</b> after the time for service has elapsed must file a request for entry of default.  Parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint.  No extensions of time to respond beyond <b>105 days</b> from the filing of the complaint may be given.
<b>Judgment by Default</b>	When default is entered, the party who requested the entry of default must apply for a default judgment against the defaulting party within <b>45 days</b> after entry of default, unless the court has granted an extension of time.
<b>Case Management Statement</b>	The court will provide a notice of case management conference on the filing parties at the time that the case is filed with the court. A case management statement shall be filed at least <b>15 calendar days</b> prior to the date set for the case management conference.
<b>Mediation Statement</b>	The Mediation Statement shall be filed concurrently with the Case Management Statement, unless the parties have filed a Stipulation for Alternative Dispute Resolution form with the ADR Administrator at any time up to 15 calendar days prior to the Case Management Conference, as required by Local Rule 2.51(E).
<b>Meet and Confer</b>	Parties must meet and confer, in person or by telephone as required in California Rules of Court 3.724 at least <b>30 calendar days</b> before the case management conference date.
<b>Case Management Conference</b>	A case management conference is generally held within <b>180 days</b> of the filing of the complaint.

Failure to comply with the program rules may result in the imposition of sanctions or an order to show cause. Please refer to Local Rules Chapter Two – Part 4 for more information.

**NOTE: THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT.**



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO  
SACRAMENTO, CALIFORNIA, 95814  
916-874-5522  
[WWW.SACCOURT.CA.GOV](http://WWW.SACCOURT.CA.GOV)

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## ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE

Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the Superior Court of California, County of Sacramento (Sacramento County Superior Court), strongly encourages parties in civil cases to explore and pursue the use of Alternative Dispute Resolution.

### What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include:

- Arbitration
- Mediation
- Settlement Conferences
- Private judging
- Neutral evaluation
- Mini-trials
- Negotiation and *hybrids* of these processes

All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes. At the present time, the Sacramento County Superior Court offers Mediation and Arbitration.

### What are the advantages of using ADR?

ADR can have a number of advantages over traditional court litigation.

- \* **ADR can save time.** Even in a complex case, a dispute can be resolved through ADR in a matter of months or weeks, while a lawsuit can take years.
- \* **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorneys fees and court expenses.)
- \* **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses exclusively on the parties' legal rights and responsibilities.
- \* **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situation and that will best serve their particular needs.
- \* **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

### Arbitration and Mediation

Although there are many different types of ADR processes, the types most commonly used to resolve disputes in California state courts are Arbitration and Mediation. The Sacramento County Superior Court currently offers pre-screened panelists with experience and training in each of the following areas.

**Arbitration.** An Arbitrator hears evidence presented by the parties, makes legal rulings, determines facts and makes an Arbitration award. Arbitration awards may be entered as judgments in accordance with the agreement of the parties or, where there is no agreement, in accordance with California statutes. Arbitration can be binding if the parties so agree in writing. If there is no such agreement, either party can reject the Arbitration award and request a trial.



**Mediation.** Mediation is a voluntary, informal, confidential process in which the Mediator, a neutral third party, facilitates settlement negotiations. The Mediator improves communication by and among the parties, helps parties clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution of the dispute.

Litigants are encouraged to use an ADR process as early in the case as circumstances permit. All appropriate cases will be reviewed for referral to ADR at the Case Management Conference(CMC).

#### **ADR Procedures for the Sacramento County Superior Court**

Upon filing a complaint or cross-complaint, the plaintiff/cross-complainant must acquire this information package from the Court's Website, <http://www.saccourt.ca.gov>, or the Superior Court Clerk. Plaintiff is required to include the ADR Information Package when he or she serves the Complaint on the Defendant.

The court's ADR Panel List is available on-line at <http://www.saccourt.ca.gov> or may be obtained at the Civil Filing Counter at the Gordon D. Schaber Sacramento County Courthouse, 720 Ninth Street, Room 101, Sacramento, CA 95814.

#### **Mediation.**

All parties to the dispute may voluntarily agree to submit the case to a neutral Mediator, either through a court-appointment or through a private arrangement. The parties may choose either of the following Mediation choices:

**Private Mediation.** Parties to a civil action agree to mediate their dispute with a Mediator of their choice without court assistance. The cost of Mediation must be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the Mediator (refer to the ADR Panel List for current rates).

**Court Mediation.** Upon stipulation of the parties, a Mediator and alternate Mediator will be selected from the court-approved list of neutrals (ADR Panel List). The court will confirm the selected Mediator and notice parties by mail.

The Mediator is then responsible for contacting the parties to confirm a date, time, and place for Mediation. Mediators on the court's approved ADR Panel List have agreed to provide up to three (3) hours of pro-bono Mediation. In the event the Mediation extends beyond 3 hours and parties determine it would be beneficial to continue the Mediation process; the parties will independently be responsible for compensating the Mediator in an amount as set by the Mediator.

#### UNLIMITED CIVIL CASES

- A *Stipulation and Order to Mediation – Unlimited Civil Cases*, Form CVE-MED-179 (see attached) may be filed with the court at any time up to 15 calendar days prior to the Case Management Conference.
- If the parties do not stipulate to Mediation prior to their CMC, they may indicate their willingness to stipulate to Mediation at the CMC. In that event, parties must submit a *Stipulation and Order to Mediation – Unlimited Civil Cases* within 14 calendar days after their CMC.
- A *Mediation Statement* must be filed with the *Case Management Statement*.

#### LIMITED CIVIL CASES

- Parties may select and conduct voluntary Private Mediation without notification to the Court.
- Parties may stipulate to court mediation by filing a *Stipulation and Order to Arbitration/Mediation - Limited Civil Cases* form (CVE-203) at any time after the filing of the Limited Civil Case Status Memorandum form (CVE-202). This form is located on the court's website at <http://www.saccourt.ca.gov>. A *Stipulation and Order to Arbitration/Mediation – Limited Civil Cases* MUST be filed concurrently or subsequent to a Limited Civil Case Status Memorandum.



**Arbitration**

**UNLIMITED CIVIL CASES**

- Plaintiff may elect, the parties may stipulate, or the judge may Order the case to Arbitration. Parties will be asked to select an Arbitrator and three alternate Arbitrators from the court's ADR Panel List. The court will send a Notice of Appointment and an appropriate Order to Arbitration to all parties.
- Arbitrations are conducted pursuant to California Rules of Court, rules 3.810 through 3.830, and Local Rules Chapter 2, Part 5. Unless otherwise stipulated, an Award of Arbitrator is not binding upon the parties provided that they file a timely Request for Trial De Novo pursuant to California Rules of Court, rule 3.826. Upon the filing of a timely Request for Trial De Novo, the case will proceed to a Trial-Setting Conference. If no timely Request for Trial De Novo is filed, judgment based upon the Award of Arbitrator will be entered pursuant to California Rules of Court, rule 3.827.

**LIMITED CIVIL CASES**

Arbitration may occur in a limited civil case under the following circumstances:

- When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12. A stipulation for arbitration shall be filed using the Court's local form, Stipulation and Order to Arbitration/Mediation – Limited Civil Cases form (CV/E-203). A Stipulation and Order to Arbitration/Mediation – Limited Civil Cases **MUST** be filed concurrently or subsequent to a Limited Civil Case Status Memorandum form (CV/E-202).
- When plaintiff elects to refer the case to judicial arbitration. A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed using the Court's local form, Limited Civil Case Status Memorandum form (CV/E-202).

**Additional Information**

For additional information regarding the Court's ADR program, please go to the Court's website <http://www.saccourt.ca.gov>.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Scott J Rafferty 224389</b>  <b>1913 Whitecliff Ct</b>  <b>Walnut Creek CA 94596</b></p> <p>TELEPHONE NO.: <b>202-380-5525</b> FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): <b>rafferty@gmail.com</b></p> <p>ATTORNEY FOR (Name): <b>Hari Shetty and all plaintiffs</b></p>	<p>FOR COURT USE ONLY</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</b></p> <p>STREET ADDRESS: <b>720 9th St</b></p> <p>MAILING ADDRESS: <b>720 9th St</b></p> <p>CITY AND ZIP CODE: <b>Sacramento CA 94918</b></p> <p>BRANCH NAME: <b>Gordon Schaber</b></p>	
<p>PLAINTIFF/PETITIONER: <b>Shetty et al</b></p> <p>DEFENDANT/RESPONDENT: <b>City of Folsom</b></p>	<p>CASE NUMBER:</p> <p>JUDICIAL OFFICER:</p>
<p align="center"><b>NOTICE OF RELATED CASE</b></p>	<p>DEPT.:</p>

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **Kincaid et al v. San Juan USD**
  - b. Case number: **34-2020-00286475-CU-CR-GDS**
  - c. Court:  same as above  
 other state or federal court (name and address):
  - d. Department: **S53**
  - e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
  - f. Filing date: **October 5, 2020**
  - g. Has this case been designated or determined as "complex?"  Yes  No
  - h. Relationship of this case to the case referenced above (check all that apply):
    - involves the same parties and is based on the same or similar claims.
    - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
    - involves claims against, title to, possession of, or damages to the same property.
    - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
    - Additional explanation is attached in attachment 1h
  - i. Status of case:
    - pending
    - dismissed  with  without prejudice
    - disposed of by judgment
2. a. Title:
  - b. Case number:
  - c. Court:  same as above  
 other state or federal court (name and address):
  - d. Department:

PLAINTIFF/PETITIONER: Shetty et al DEFENDANT/RESPONDENT: City of Folsom	CASE NUMBER:
--	--------------

2. (continued)

- e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?"  Yes  No
- h. Relationship of this case to the case referenced above (check all that apply):
  - involves the same parties and is based on the same or similar claims.
  - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
  - involves claims against, title to, possession of, or damages to the same property.
  - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
  - Additional explanation is attached in attachment 2h
- i. Status of case:
  - pending
  - dismissed  with  without prejudice
  - disposed of by judgment

3. a. Title:

- b. Case number:
- c. Court:  same as above  
 other state or federal court (name and address):
- d. Department:
- e. Case type:  limited civil  unlimited civil  probate  family law  other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?"  Yes  No
- h. Relationship of this case to the case referenced above (check all that apply):
  - involves the same parties and is based on the same or similar claims.
  - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
  - involves claims against, title to, possession of, or damages to the same property.
  - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
  - Additional explanation is attached in attachment 3h
- i. Status of case:
  - pending
  - dismissed  with  without prejudice
  - disposed of by judgment

4.  Additional related cases are described in Attachment 4. Number of pages attached: \_\_\_\_\_

Date: 12/31/20

Scott J Rafferty

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)



PLAINTIFF/PETITIONER: Shetty et al	CASE NUMBER:
DEFENDANT/RESPONDENT: City of Folsom	

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF RELATED CASE**

**(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service. The notice must be served on all known parties in each related action or proceeding.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):  
1913 Whitecliff Ct, Walnut Creek CA 94596

2. I served a copy of the *Notice of Related Case* by enclosing it in a sealed envelope with first-class postage fully prepaid and (*check one*):

a.  X deposited the sealed envelope with the United States Postal Service.

b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Related Case* was mailed:

a. on (*date*): 12/31/20

b. from (*city and state*): Walnt Creek CA

4. The envelope was addressed and mailed as follows:


a. Name of person served: Domenic Spinelli Street address: 601 University Ave City: Sacto State and zip code: 95825CA	c. Name of person served:  Street address: City: State and zip code:
b. Name of person served:  Street address: City: State and zip code:	d. Name of person served:  Street address: City: State and zip code:

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

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

Date: 12/31/20

Scott J Rafferty  
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

