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ORIGINAL FILED

MAY 10 2005

LOS ANGELES
SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 Agua Dulce Town Council, a nonprofit public
benefit corporation,

12 Respondent,
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14 v.

15 Mary Johnson, Mike Gibbs, Brendon
Cangiano, Richard Dyer, Denise Holland,
16 Mike Holland, Timothy Alan Rosenberg, Aline
Rosenberg, Lorene Cangiano, Connie Spears,
17 Eric Harnett, Melissa Harnett, Jeffrey Pierce,
18 Davide Aiello, Crystal Blackstone, and
Stephen Chang, individually and as residents
19 of the Town of Agua Dulce,

20 Petitioners.
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Case No. BS096594

REQUEST FOR CONTINUANCE OF
EX PARTE PROCEEDING FOR
WRIT OF MANDATE OR
PROHIBITION OR OTHER
APPROPRIATE WRIT AND FOR
TEMPORARY RESTRAINING
ORDER

1 Respondents allege:

2 INTRODUCTION

3 1. Petitioners are requesting a writ of mandate to compel Respondent
4 to, among other things, comply with its alleged obligations under the California Government
5 Code, the Corporations Code, the Agua Dulce Town Council Charter and Bylaws, and the
6 United States and California Constitutions so that Petitioner may operate an audio-video
7 equipment at its properly noticed public hearing on Wednesday, May 11, 2005.

8 2. Petitioners served notice on Respondent by courtesy letter at 9:30
9 a.m. on Monday, May 9, 2005, of their intent to pursue an ex parte hearing at 8:30 a.m. on
10 Tuesday, May 10, 2005, approximately 23 hours' notice.

11 3. Respondents served formal notice on Respondent during the
12 afternoon of May 9, 2005, and delivered the full text of their petition to Respondent,
13 approximately 18 hours prior to the scheduled ex parte hearing.

14 4. Respondent's counsel was unavailable until 10:00 p.m. on May 9,
15 2005, to review the petition and properly advise Respondent.

16 5. Respondent could not officially meet as a body to form a proper
17 response to Petitioner because of notice requirements imposed by its Bylaws, a minimum of 24
18 hours prior to a special meeting.

19 6. Respondent has scheduled and noticed a special meeting to
20 deliberate this petition at 6:00 p.m. on Wednesday, May 11, 2005.

21 7. Respondent intends, in good faith, to provide digital audiotaping
22 equipment at its Wednesday regularly scheduled meeting, to start at 7:30 p.m.

23 8. A writ is not necessary at this time to prevent extreme hardship to
24 Petitioner, since the public meeting will be electronically recorded, and that recording will be
25 made available to Petitioner.

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1 PRAYER FOR RELIEF

2 WHEREFORE, Respondent prays for the following relief:

3 1. Respondent seeks postponement of the ex parte proceeding and
4 associated relief petitioners request to a date certain, so that Respondent may prepare a proper
5 answer to Petitioner's prayer.

6 Dated: May 10, 2005

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8 By  Christine M. Kudija, Esq
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10 Christine M. Kudija
11 Attorney for Respondent
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