

**SUMMONS  
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:**

**(AVISO AL DEMANDADO):**

THE CITY OF SAN DIEGO; THE COUNTY OF SAN DIEGO;  
THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO;

"Additional Parties Attachment form is attached"

**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

GRANTVILLE ACTION GROUP, a California not-for-profit  
fictitious business entity,

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

**F I L E D**

Clerk of the Superior Court

SEP 26 2008

By: **L. McALISTER**, Deputy

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.

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/](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://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 OF CALIFORNIA, COUNTY OF SAN DIEGO  
330 West Broadway  
San Diego, CA 92101

CASE NUMBER  
(Número del caso) 2008-00092628-CU-MC-CTL

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):

Craig A. Sherman 619-702-7892 619-702-9291  
LAW OFFICE OF CRAIG A. SHERMAN  
1901 First Avenue, Suite 335  
San Diego, CA 92101

DATE: **SEP 26 2008** Clerk, by **L. McALISTER** 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**

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. 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):	
4. by personal delivery on (date):

<b>SHORT TITLE:</b> Grantville Action Group v. City of San Diego, et al.	<b>CASE NUMBER:</b>
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**INSTRUCTIONS FOR USE**

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff     Defendant     Cross-Complainant     Cross-Defendant

ALL PERSONS INTERESTED IN THE MATTER OF THE JULY 29, 2008 ACTIONS OF THE CITY OF SAN DIEGO ADOPTING RESOLUTION NOS. R-304016, R-304017, R-304018 AND ADOPTION OF A RESOLUTION TO EXEMPT PROPERTIES FROM EMINENT DOMAIN, RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT;

ALL PERSONS INTERESTED IN THE MATTER OF THE JULY 29, 2008 ACTIONS OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO ADOPTING RESOLUTION NOS. 04316, 04317, 04318 AND ADOPTION OF A RESOLUTION TO EXEMPT PROPERTIES FROM EMINENT DOMAIN, RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT;

ALL PERSONS INTERESTED IN THE MATTER OF THE SEPTEMBER 23, 2008 ACTION OF THE COUNTY OF SAN DIEGO ADOPTING FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33445 RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT;

and DOES ONE through FIFTY, inclusive,  
DEFENDANTS and RESPONDENTS,

ATOMIC INVESTMENTS, INC.;

LEONARD TEYSSIER, TRUSTEE OF THE LEONARD AND MONICA TEYSSIER FAMILY TRUST;

LEONARD TEYSSIER, TRUSTEE OF THE LEONARD AND MONICA TEYSSIER FAMILY MARITAL TRUST;

and DOES FIFTY ONE through ONE HUNDRED, inclusive,  
REAL PARTIES IN INTEREST.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS:	330 West Broadway
MAILING ADDRESS:	330 West Broadway
CITY AND ZIP CODE:	San Diego, CA 92101
BRANCH NAME:	Central
TELEPHONE NUMBER:	(619) 450-7070
PLAINTIFF(S) / PETITIONER(S):	Grantville Action Group
DEFENDANT(S) / RESPONDENT(S):	The City of San Diego et.al.
GRANTVILLE ACTION GROUP VS. THE CITY OF SAN DIEGO	
<b>NOTICE OF CASE ASSIGNMENT</b>	CASE NUMBER: 37-2008-00092628-CU-MC-CTL

Judge: Jay M. Bloom

Department: C-70

COMPLAINT/PETITION FILED: 09/26/2008

**CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

1 Craig A. Sherman, Esq. (SBN 171224)  
2 LAW OFFICE OF CRAIG A SHERMAN  
3 1901 First Avenue, Suite 335  
4 San Diego, CA 92101  
5 Tel: (619) 702-7892  
6 Fax: (619) 702-9291

7 Attorney for Plaintiff and Petitioner  
8 GRANTVILLE ACTION GROUP

**F I L E D**

Clerk of the Superior Court

SEP 26 2008

**By: L. McALISTER, Deputy**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO – CENTRAL DISTRICT

11 GRANTVILLE ACTION GROUP, a California )  
12 not-for-profit fictitious business entity, )

13 *Plaintiff and Petitioner,* )

14 v. )

15 THE CITY OF SAN DIEGO; THE COUNTY OF )  
16 SAN DIEGO; THE REDEVELOPMENT )  
17 AGENCY OF THE CITY OF SAN DIEGO; ALL )  
18 PERSONS INTERESTED IN THE MATTER OF )  
19 THE JULY 29, 2008 ACTIONS OF THE CITY OF )  
20 SAN DIEGO ADOPTING RESOLUTION NOS. )  
21 R-304016, R-304017, R-304018 AND ADOPTION )  
22 OF A RESOLUTION TO EXEMPT PROPERTIES )  
23 FROM EMINENT DOMAIN, RELATED TO THE )  
24 GRANTVILLE REDEVELOPMENT PROJECT; )  
25 ALL PERSONS INTERESTED IN THE MATTER )  
26 OF THE JULY 29, 2008 ACTIONS OF THE )  
27 REDEVELOPMENT AGENCY OF THE CITY )  
28 OF SAN DIEGO ADOPTING RESOLUTION )  
NOS. 04316, 04317, 04318 AND ADOPTION )  
OF A RESOLUTION TO EXEMPT PROPERTIES )  
FROM EMINENT DOMAIN, RELATED TO THE )  
GRANTVILLE REDEVELOPMENT PROJECT; )  
ALL PERSONS INTERESTED IN THE MATTER )  
OF THE SEPTEMBER 23, 2008 ACTION OF )  
THE COUNTY OF SAN DIEGO ADOPTING )  
FINDINGS UNDER CALIFORNIA HEALTH )  
AND SAFETY CODE SECTION 33445 )  
RELATED TO THE GRANTVILLE )  
REDEVELOPMENT PROJECT; and DOES ONE )  
through FIFTY, inclusive. )

*Defendants and Respondents,* )

Case No.: 37-2008-00092628-CU-MC-CTL

COMPLAINT TO INVALIDATE  
RESOLUTIONS, ACTIONS AND FINDINGS  
MADE ON JULY 29, 2008 BY THE CITY OF  
SAN DIEGO, ON JULY 29, 2008 BY THE  
REDEVELOPMENT AGENCY OF THE  
CITY OF SAN DIEGO, AND ON  
SEPTEMBER 23, 2008 BY THE COUNTY  
OF SAN DIEGO, UNDER CALIFORNIA  
HEALTH AND SAFETY CODE RELATED  
TO THE GRANTVILLE REDEVELOP-  
MENT PROJECT; COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF; PETITION FOR WRIT OF  
MANDATE

[Cal. Code Civil Proc. §§ 863, 1060, 1094.5]

[parties' caption continued next page]

1 ATOMIC INVESTMENTS, INC.; LEONARD )  
 2 TEYSSIER, TRUSTEE OF THE LEONARD )  
 AND MONICA TEYSSIER FAMILY TRUST; )  
 3 LEONARD TEYSSIER, TRUSTEE OF THE )  
 LEONARD AND MONICA TEYSSIER )  
 4 FAMILY MARITAL TRUST; and DOES FIFTY )  
 ONE through ONE HUNDRED, inclusive, )  
 5 )  
 6 *Real Parties in Interest.* )  
 7 )

8 I.  
 9 INTRODUCTION

10 1. This action involves a challenge of multiple related actions of the City of San  
 11 Diego ("City"), its Redevelopment Agency of the City of San Diego ("Redevelopment  
 12 Agency"), and the County of San Diego ("County") to approve the transfer of special tax  
 13 increment funds out of the Grantville Redevelopment project area for the construction of  
 14 defined and undefined projects for the benefit of developing (1) a county administrative  
 15 building and property as part of the North Embarcadero Project Improvements, (2) transit  
 16 improvements to the "C Street" light rail corridor between Park and Kettner Boulevards, and  
 17 (3) a number of undefined "joint projects" wherever and whenever mutually agreed to by the  
 18 City and County.

19 2. Subject to very limited exceptions, redevelopment laws adopted by the State  
 20 Legislature, as set forth in the California Health and Safety Code, prohibit redevelopment tax  
 21 increment funding be used by agencies outside of the redevelopment zone in which the tax  
 22 increment funds were generated.

23 3. This lawsuit seeks to invalidate and set aside the misuse, abuse and illegal  
 24 transfers of redevelopment zone generated tax increment funds and unlawful and unsupported  
 25 preferences given to certain private parties. These alleges abuses and violations of law  
 26 principally arise out of prior-filed and settled lawsuits brought by the County of San Diego and  
 27 other private parties (Atomic Investments, Inc., Teyssier Family and Marital Trust), against the  
 28

1 City of San Diego and its Redevelopment Agency to invalidate the creation of the Grantville  
2 Redevelopment area and plan.

3 4. On or about July 29, 2008 the City and its redevelopment Agency decided and  
4 approved resolutions, agreements and findings to settle those lawsuits by agreeing to (1)  
5 transfer Grantville generated redevelopment tax increment funds to projects outside of the  
6 Grantville area, (2) adopt findings pursuant to California Health and Safety Code § 33445  
7 purporting to ratify and legitimize said tax increment transfers, and (3) eliminate legal and  
8 statutory provisions of redevelopment law ordinarily allowing eminent domain to be used  
9 against the Atomic and Teyssier properties during implementation of the Grantville  
10 Redevelopment Project.

11 5. This lawsuit seeks to invalidate and overturn the decisions and findings of City,  
12 Redevelopment Agency, and County (collectively, "Defendants") due to violations of laws,  
13 legally required procedures, absent, deficient, illegal or unsupported findings.

14 **II.**

15 **GENERAL ALLEGATIONS**

16 6. Plaintiff and Petitioner GRANTVILLE ACTION GROUP ("Plaintiff" or  
17 "GAG") is a California not-for-profit fictitious business entity based in San Diego, California,  
18 along with its members and supporters, most of whom reside in the city and county of San  
19 Diego, which has collectively formed and united for the purpose of preserving neighborhood  
20 values, the sanctity of community, and ensuring strict and good faith compliance with the laws,  
21 regulations and ordinances adopted to preserve the same. Plaintiff has standing to enforce such  
22 laws that are designed to protect against inappropriate development, degradation of community  
23 values, and improper use of one or more of their members' paid city, county and  
24 redevelopment zone tax dollars. The decision(s) of the defendant agencies will have  
25 prejudicial and detrimental impacts on Plaintiff, its members, and agents, who reside in and  
26 around the city and county, and within the Grantville Redevelopment Project area or who  
27 reside, work, and/or visit the area of the proposed Grantville Redevelopment Project.

28

1 Plaintiff includes its members, agents and individuals who protested against Defendants actions  
2 preceding the filing of this complaint.

3 7. Defendant and respondent CITY OF SAN DIEGO ("City") is a local  
4 government agency and subdivision of the State of California, by way of city charter, charged  
5 with complying with applicable provisions of state law, including the California Health and  
6 Safety Code §§ 33000 et seq., and the general laws and Constitutional provisions of this  
7 country and state. The city council is the duly constituted legislative body and final decision-  
8 making body in the City, and is charged with the duty of ensuring, among other things, that all  
9 applicable federal, state and local laws are fully and faithfully obeyed and implemented. For  
10 the purposes herein, "City" includes all of its departments, officers, and appointed and elected  
11 representatives charged with the duties and obligations as alleged herein. The City, through its  
12 respective officers, departments, elected officials, and the final action of its city council, has  
13 adopted the resolution(s), ordinance(s), adopted findings, and is otherwise responsible for all  
14 conduct which is the subject of this litigation.

15 8. Defendant and respondent THE REDEVELOPMENT AGENCY OF THE CITY  
16 OF SAN DIEGO ("Redevelopment Agency") is a local government agency charged with  
17 complying with and implementing applicable provisions of California redevelopment law as set  
18 forth in California Health and Safety Code §§ 33000 et seq., and the general laws and  
19 Constitutional provisions of this country and state. The city council of the City is the duly  
20 constituted Redevelopment Agency is the final decision-making body for the Redevelopment  
21 Agency, and is charged with the duty of ensuring, among other things, that all applicable  
22 federal, state and local laws are fully and faithfully obeyed and implemented. For the purposes  
23 herein, "Redevelopment Agency" includes all of its departments, officers, agents, managers,  
24 and appointed and elected representatives charged with the duties and obligations as alleged  
25 herein, including the city council of the City. The Redevelopment Agency, through its  
26 respective officers, departments, elected officials, and the final action of the city council, sitting

1 as said Agency, has adopted the resolution(s), ordinance(s), adopted findings, and is otherwise  
2 responsible for all conduct which is the subject of this litigation.

3 9. Defendant COUNTY OF SAN DIEGO ("County") is a local government  
4 agency and subdivision of the State of California charged with complying with applicable  
5 provisions of state law, including the California Health and Safety Code §§ 33000 et seq., and  
6 the general laws and Constitutional provisions of this country and state. The board of  
7 supervisors is the duly constituted legislative body and final decision-making body for the  
8 County, and is charged with the duty of ensuring, among other things, that all applicable  
9 federal, state and local laws are fully and faithfully obeyed and implemented. For the purposes  
10 herein, the "County" includes all of its departments, officers, and appointed and elected  
11 representatives charged with the duties and obligations as alleged herein. The County, through  
12 its respective officers, departments, elected officials, and the final action of its board of  
13 supervisors, has adopted the resolution(s), ordinance(s), adopted findings, and is otherwise  
14 responsible for all conduct which is the subject of this litigation.

15 10. Defendants, "ALL PERSONS INTERESTED IN THE MATTER OF THE  
16 JULY 29, 2008 ACTIONS OF THE CITY OF SAN DIEGO ADOPTING RESOLUTION  
17 NOS. R-304016, R-304017, R-304018 AND THE ADOPTION OF A RESOLUTION TO  
18 EXEMPT PROPERTIES FROM EMINENT DOMAIN, RELATED TO THE GRANTVILLE  
19 REDEVELOPMENT PROJECT"; "ALL PERSONS INTERESTED IN THE MATTER OF  
20 THE JULY 29, 2008 ACTIONS OF THE REDEVELOPMENT AGENCY OF THE CITY OF  
21 SAN DIEGO ADOPTING RESOLUTION NOS. R-04316, R-04317, R-04318 AND THE  
22 ADOPTION OF A RESOLUTION TO EXEMPT PROPERTIES FROM EMINENT  
23 DOMAIN, RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT"; and "ALL  
24 PERSONS INTERESTED IN THE MATTER OF THE SEPTEMBER 23, 2008 ACTION OF  
25 THE COUNTY OF SAN DIEGO ADOPTING FINDINGS UNDER CALIFORNIA HEALTH  
26 AND SAFETY CODE SECTION 33445 RELATED TO THE GRANTVILLE  
27 REDEVELOPMENT PROJECT" with the "All Persons Interested" named according to the

1 requirements of Cal. Code of Civil Procedure § 860 et seq. being unknown persons, fictitious  
2 entities or agencies alleged and believed to be interested in the subject, purpose, outcome,  
3 result or effect of the referenced decisions and approvals of the City, County and  
4 Redevelopment Agency, or whose rights and entitlements stand to be affected by this litigation.

5       11. Real Parties in Interest, ATOMIC INVESTMENTS, INC. (“Atomic”),  
6 LEONARD TEYSSIER, TRUSTEE OF THE LEONARD AND MONICA TEYSSIER  
7 FAMILY TRUST (“Teyssier Family Trust”), LEONARD TEYSSIER, TRUSTEE OF THE  
8 LEONARD AND MONICA TEYSSIER FAMILY MARITAL TRUST “Teyssier Marital  
9 Trust”, and DOES FIFTY through ONE HUNDRED (collectively hereafter as “Real Parties”),  
10 are registered California fictitious or other unknown fictitious entities (including undisclosed  
11 persons or other entities) alleged and believed to be the current proponents, applicants and/or  
12 owners of the project or parcels which are included in the subject of this litigation, and whose  
13 rights and entitlements stand to be affected by this litigation. Plaintiff is currently unaware of  
14 any other primary proponents, applicants and/or landholders who stand to be directly affected  
15 by this litigation but have named them as “All Interested Persons” and/or “DOE” defendants  
16 and will amend this complaint at a later time that such persons or entities become known,  
17 consistent with the laws of this State for adding DOE defendants.

18       12. Plaintiff is ignorant of the true names and capacities sued herein as DOES ONE  
19 through FIFTY, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff  
20 will amend this complaint to allege their true names and capacities when ascertained. Other than  
21 the required service of a summons by publication as to All Interested Parties, Plaintiff designates  
22 all other unknown persons or entities claiming any interests in the property or subject of this  
23 litigation as a DOE defendant.

24       13. This lawsuit has been commenced within the time limits imposed for actions  
25 under the California Code of Civil Procedure and California Health and Safety Code, as made  
26 applicable to plaintiff or defendants by the codes, ordinances and general laws of this State.

27  
28





1 County relating to funding of the Joint Projects by using Grantville redevelopment tax  
2 increment and/or land disposition in an amount of \$7,840,000 and making findings relating to  
3 environmental review for the project (hereafter, "Joint Project Resolutions").

4 c) City Resolution No. 304018 and Redevelopment Agency Resolution No.  
5 04318, both purportedly making certain findings and determinations pursuant to Health and  
6 Safety Code section 33445 with respect to the North Embarcadero Public Improvements and  
7 facilities ("NEPI"), approving a Cooperative Agreement between the City and County relating  
8 to the NEPI by purporting to use Centre City redevelopment tax increment and/or land  
9 disposition in an amount of \$31,360,000, and making findings relating to environmental review  
10 for the project (hereafter, "NEPI Resolutions").

11 d) A currently unknown City resolution number and unknown  
12 Redevelopment Agency resolution number, but also known and referred to as Redevelopment  
13 Agency action item no. RA 2009-10, authorizing the preparation, signing and recording of a  
14 document or resolution declaring the properties owned by Atomic, Teyssier Family Trust, and  
15 Teyssier Marital Trust are exempt from eminent domain during the duration of the Grantville  
16 Project.

17 21. On September 23, 2008 the County of San Diego, through its Board of  
18 Supervisors ("County") via two (2) separate yet unknown numbered resolutions, convened and  
19 formally adopted findings related to the Grantville Redevelopment Project, as set forth in Item  
20 No. 11 of the September 23, 2008 agenda for said regular meeting of the County. More  
21 specifically, the County's two (2) adopted resolutions contained findings intending to set forth  
22 and effectuate the following:

23 a) making certain findings and determinations pursuant to Health and  
24 Safety Code section 33445 related to the Joint Projects in the Grantville Redevelopment Area;

25 b) making certain findings and determinations pursuant to Health and  
26 Safety Code section 33445 related to the North Embarcadero Improvements and Facilities.

1 (Hereafter, collectively these two County resolutions are referred together as the "County  
2 Findings").

3 IV.

4 **FIRST CAUSE OF ACTION - COMPLAINT TO INVALIDATE RESOLUTIONS, ACTIONS**  
5 **AND FINDINGS MADE BY THE CITY OF SAN DIEGO ON JULY 29, 2008**  
6 **RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT**

7 (Cal. Code of Civil Proc. § 863; Cal. Health & Safety Code §§ 33501(a), 33445, and 33000 et seq. )

8 22. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-21 above, and ¶¶  
9 26-40 below, as though fully set forth herein.

10 23. By this lawsuit and instant cause of action, Plaintiff hereby seeks to invalidate  
11 each of the actions, determinations, findings and resolutions made by the City on July 29, 2008,  
12 as set forth in Resolution Nos. 304016, 304017, 304018 and another currently unknown City  
13 resolution number authorizing the preparation, signing and recording of a document or  
14 resolution declaring the properties owned by Atomic, Teysier Family Trust, and Teysier  
15 Marital Trust are exempt from eminent domain during the duration of the Grantville Project.  
16 Each of the above Resolutions actions, decisions, and findings are alleged and believed to be in  
17 violation of law such that they must be individually or collectively ordered by the Superior  
18 Court to be overturned, rescinded and invalidated, based on the following defects and  
19 particulars:

20 a) As identified above, Resolution No. 304016 should be invalidated  
21 because: (1) City's finding that "its ability to provide adequate public transportation service to  
22 the downtown area for the benefit of the Grantville community who would be hampered if the  
23 transit line improvements not proceed at this time" is arbitrary, capricious, and not supported  
24 by any reasonable or substantial evidence because said line improvements is both (a) not being  
25 built for any intended benefit or purpose as to Grantville, and (b) the line improvements are not  
26 near or ready to proceed at this time; (2) finding no. 1.a, made under Health and Safety Code §  
27 33445(a) that the "transit line improvements are of benefit to the Grantville Project and Centre  
28 City Project and immediate neighborhood in which they are located" is (a) arbitrary,

1 capricious, and not supported by any reasonable or substantial evidence, (b) the definition,  
2 purpose and intent of the C Street Master Plan is to create a vision and revitalize the C Street  
3 corridor for C Street and Centre City redevelopment purposes (not Grantville use or ridership),  
4 and (c) the matter of benefit to Centre City Project is legally irrelevant and improper as a  
5 matter of law; (3) finding no. 1.b, made under Health and Safety Code § 33445(a) that “no  
6 other reasonable means of financing the transit line improvements are available to the  
7 community” is arbitrary, capricious, and not supported by any reasonable or substantial  
8 evidence, and the findings cannot be made because other responsible, stakeholder, and  
9 financial contributing agencies have not made any determination or finding that they have no  
10 “reasonable means of financing” the C Street Corridor trolley line; (4) finding no. 1.c, made  
11 under Health and Safety Code § 33445(a) that “payment of funds by the Agency of the costs  
12 related to transit line improvements will assist in the elimination of one or more blighting  
13 conditions within the Grantville Redevelopment Project Area and Centre City Redevelopment  
14 Project Area.” is arbitrary, capricious, and not supported by any reasonable or substantial  
15 evidence, and the matter of benefit to Centre City Project is legally irrelevant and improper as a  
16 matter of law; and (5) the use of restricted Grantville redevelopment tax increment funds to  
17 purportedly implement C Street Corridor improvements is a “sham” transaction designed to  
18 impermissibly funnel Grantville redevelopment funds through the Centre City Redevelopment  
19 Project area and agency to the County for its NEPI project as partially evidenced by the  
20 required “Schedule of Sinking Funds and County Payments.”;

21           b) As identified above and for the same reasons explained immediately  
22 above in subparagraph “a”, Resolution No. 304017 should be invalidated because: (1) none of  
23 the Joint Projects findings (Nos. 1.a, 1.b, and 1.c) can be made under Health and Safety Code §  
24 33445(a) because such Joint Projects are legally speculative, undefined, and are additionally  
25 absent of meeting any semblance of the definition of “project” such that the subject findings  
26 cannot be made as a matter of law, and/or they are arbitrary, capricious, and not supported by  
27 any reasonable or substantial evidence. Resolution No. 304017 should also be invalidated

1 because (2) it is a “sham” transaction designed to create one or more future and undefined  
2 “nonexistent projects” to impermissibly funnel a pass-through of \$7,840,000 of restricted  
3 Grantville tax increment redevelopment funds back to the County as forbidden by California  
4 Redevelopment Law (Cal. H & S Code § 33000 et seq.);

5 c) As identified above, Resolution No. 304018 should be invalidated  
6 because: (1) finding no. 1.b, made under Health and Safety Code § 33445(a) that “no other  
7 reasonable means of financing the North Embarcadero Project Improvements are available to  
8 the community” is arbitrary, capricious, and not supported by any reasonable or substantial  
9 evidence. The findings cannot be made because other responsible, stakeholder, and financial  
10 contributing agencies, including the County, did not make and had not made, at a legally  
11 relevant or meaningful time, any determination or finding that they have no “reasonable means  
12 of financing” the NEPI, and any belated findings by the County is arbitrary, capricious, and not  
13 supported by any reasonable or substantial evidence, and was done in a manner and timing that  
14 proves the “sham” nature of the transaction and findings designed to impermissibly funnel  
15 Grantville redevelopment funds through the Centre City Redevelopment Project area and  
16 Centre City Redevelopment Agency to the County for its NEPI project as an expressly stated  
17 “Schedule of Sinking Funds and County Payments”; (2) because such NEPI is legally  
18 speculative, undefined, and are additionally does not or cannot meet the definition or cost  
19 estimate for a “project” under California redevelopment tax increment transfer law, such  
20 subject finding (no. 1.b) has not and cannot be properly made as a matter of law; and (3) it is  
21 unlawful to use Grantville Redevelopment funds for all or part construction of a county  
22 administration building or complex.

23 d) The City’s resolution (resolution number currently unknown) declaring  
24 the properties owned by Atomic, Teysier Family Trust, and Teysier Marital Trust as being  
25 *exempt from eminent domain during the duration of the Grantville Project* - is in violation of  
26 California Redevelopment Law set forth in California Health and Safety Code § 33000 et seq.,  
27 California Health and Safety Code § 33399, and other principles, legal doctrine, and case law

1 authority controlling administrative and municipal laws, because it improperly applies an  
2 eminent domain exemption that (1) the referenced properties or property owners are uniquely  
3 or differently situated or blighted than other Grantville Redevelopment Project properties when  
4 no findings, determinations, or other basis for favorite or disparate treatment have been made,  
5 resulting in an arbitrary, capricious and/or wholly unsupported action; and (2) the resolution's  
6 finding that said owners' properties' exemption "shall remain in effect during the duration of  
7 the Grantville redevelopment Plan...without regard to technical classification or designation,  
8 legal or otherwise," seeks to impermissibly, in violation of law, tie-the-hands and disallow  
9 future redevelopment agency officials from rescinding or amending the Grantville  
10 Redevelopment Plan to allow eminent domain against said properties either during later  
11 implementation of the Plan or under other provisions of California law which similarly and  
12 additionally authorize eminent domain against said subject properties.

13 24. By approving each of the Resolutions and findings, the City has violated one or  
14 more laws, failed to proceed in a manner required by law, and/or the decision(s) and findings  
15 relating to City's actions, approvals, findings, determinations are not supported by the  
16 substantial evidence, or no legal evidence at all so as to be arbitrary, capricious and having no  
17 reasonable relation or nexus to the purported action taken, as required under any basis for  
18 government action under even the lowest threshold of administrative or adjudicatory decision-  
19 making. The above-referenced resolutions, findings, cooperative agreements, and any and all  
20 related and dependent actions and documents should all be invalidated as pleaded herein and as  
21 successfully proved at trial or hearing on these matters.

22 V.

23 **SECOND CAUSE OF ACTION - COMPLAINT TO INVALIDATE RESOLUTIONS, ACTIONS**  
24 **AND FINDINGS MADE BY THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO**  
25 **ON JULY 29, 2008 RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT**

26 (Cal. Code of Civil Proc. § 863; Cal. Health & Safety Code §§ 33501(a), 33445, and 33000 et seq. )

27 25. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-24 above, and ¶¶  
28 29-40 below, as though fully set forth herein.



1 VI.

2 **THIRD CAUSE OF ACTION - COMPLAINT TO INVALIDATE RESOLUTIONS, ACTIONS**  
3 **AND FINDINGS MADE BY THE COUNTY OF SAN DIEGO ON SEPTEMBER 23, 2008**  
4 **RELATED TO THE GRANTVILLE REDEVELOPMENT PROJECT**

5 (Cal. Code of Civil Proc. § 863; Cal. Health & Safety Code §§ 33501(a), 33445, and 33000 et seq. )

6 28. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-27 above, and ¶¶  
7 32-40 below, as though fully set forth herein.

8 29. By this lawsuit and instant cause of action, Plaintiff hereby seeks to invalidate  
9 each of the actions, determinations, findings and resolutions made by the County on September  
10 23, 2008, as set forth in two separate resolution numbers (resolution numbers unknown at this  
11 time), related to the Grantville Redevelopment Project. The above referenced resolutions,  
12 actions, decisions, and findings are alleged and believed to be in violation of law such that they  
13 must be individually or collectively ordered by the Superior Court to be overturned, rescinded  
14 and invalidated, based on the following defects and particulars:

15 a) The first resolution entitled "A Resolution of the San Diego County  
16 Board of Supervisors Making Certain Findings and Determinations Pursuant to Health and  
17 Safety Code Section 33445 Related to Joint Projects in the Grantville Redevelopment Project  
18 Area" should be invalidated because: (1) the County's finding that "Joint Projects benefit the  
19 Grantville Redevelopment Project Area or the immediate neighborhood in which they are  
20 located" cannot legally or properly be made under Health and Safety Code § 33445(a) because  
21 such Joint Projects are legally speculative, undefined, nonexistent and are additionally do not  
22 sufficiently meet the definition as being a "project" under California redevelopment law tax  
23 increment transfer requirements, such that the subject findings cannot be made as a matter of  
24 law, and/or they are arbitrary, capricious, and not supported by any reasonable or substantial  
25 evidence. Also, said County resolution should also be invalidated because (2) it is a "sham"  
26 transaction made to create one or more future and undefined "nonexistent" or fictitious  
27 "projects" to impermissibly funnel a pass-through of \$7,840,000 of restricted Grantville tax  
28 increment redevelopment funds back to the benefit of the County as forbidden by California





1 and findings are not supported by any or substantial evidence, and/or the such challenged  
2 decisions and actions are violations of laws in and of themselves.

3 34. Plaintiff hereby requests and prays that a peremptory writ of mandamus be  
4 issued by this Court compelling the City, Redevelopment Agency and/or County, separately  
5 and according to proof as to each claim and specified defendant, to rescind their July 29, 2008  
6 (City and Redevelopment Agency) and/or September 23, 2008 (County) final decisions,  
7 approvals, findings, resolutions and the matters should be remanded back to each respective  
8 agency to reconsider its final approvals consistent with the legal and procedural defects as  
9 proven at trial or hearing on this matter.

10 VIII.

11 **FIFTH CAUSE OF ACTION – COMPLAINT FOR DECLARATORY**  
12 **AND INJUNCTIVE RELIEF**

13 (As Separately and Individually Brought Against Each of the  
14 City, Redevelopment Agency, and County Public Agencies)

15 (Cal. Code Civ. Proc. § 1060; Cal. Health & Safety Code § 33000 et seq.)

16  
17 35. Plaintiff hereby realleges and incorporates by reference ¶¶ 1-34 above, as though  
18 fully set forth herein.

19 36. Plaintiff is beneficially interested in the issuance of a declaration of law and  
20 injunction by virtue of the proposition of facts and law set forth herein.

21 37. Plaintiff has a clear, present and beneficial right to the proper performance by  
22 City, County and Redevelopment Agency of their duties and compliance with the laws and  
23 legal principles as set forth herein. Plaintiff has no plain, speedy or adequate remedy in the  
24 ordinary course of the law other than the relief herein sought.

25 38. The declaratory relief requested herein is proper to delineate and clarify the  
26 parties' rights and liabilities and resolve, quiet, or stabilize an uncertain or disputed jural  
27 relation. Without the grant of declaratory relief, the granting of an injunction, and/or the

1 issuance of a writ of mandate, the City, County, and/or Redevelopment Agency will continue  
2 to proceed in a manner not allowed by law and will continue to take action outside of its/their  
3 authority resulting in harm to Plaintiff and the citizenry of the San Diego community for whom  
4 this public interest litigation is brought.

5 39. The City, County and Redevelopment Agency have and continue misinterpret  
6 redevelopment law as contained in Cal. Health and Safety Code § 33000 et seq. thereby  
7 implementing a regular unlawful pattern and practice of transferring (and passing-through)  
8 restricted redevelopment tax increment to other third party agencies outside the redevelopment  
9 zones and plan areas where the funds are generated. In doing so, one or more of said agencies  
10 create non-existent, undefined, unbudgeted, unreviewed “projects” to allow lost tax revenue be  
11 recaptured from the rededicated redevelopment zone tax increment, thus defeating the purpose,  
12 intent of California redevelopment law and prohibitions against such pass-through recapture.

13 40 Plaintiff requests a declaratory judgment that the manner and conduct of the City,  
14 Redevelopment Agency, and/or County – by redirecting, transferring and passing-through  
15 redevelopment tax increment funds, on a regular basis after adoption of new or amended  
16 redevelopment plans and areas – is a violation of both law and Legislative intent.

17  
18 **IX.**

19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff respectfully prays for judgment as follows:

21 1. That this Court find that each of the unlawful resolutions, findings,  
22 determinations, and/or actions made by one of more of the respective defendant agencies be  
23 invalidated as provided by Cal. Code of Civil Procedure § 860 et seq. and other provisions of  
24 law;

25 2. That, to the extent that legal proceedings brought under the aforementioned  
26 invalidation provisions of California law might not be available to afford Plaintiff and the  
27 public the remedies and complete invalidation and judgment sought, Plaintiff also pleads that

1 this Court issue one or more peremptory writs of mandamus ordering each respective agency to  
2 rescind, set aside and invalidate all or part of the unlawful resolutions, findings, determinations,  
3 actions or decision(s) as proven at trial or hearing on this matter;

4 3. That this Court order defendant, and each of them, to vacate and set aside each  
5 of the decisions made on or about July 29, 2008 (by the City and Redevelopment Agency) and  
6 on Septembers 23, 2008 (by the County);

7 4. That until such time as Plaintiff's above claims can be adjudicated by this Court,  
8 defendants and Real Parties should be enjoined, restrained and/or the July 29, 2008 and  
9 September 23, 2008 decisions of each respective agency shall be stayed from taking effect to  
10 preserve the status quo and prevent frustration of Plaintiff's and the public's rightful claims and  
11 right to judicial review;

12 5. For Plaintiff's claims for declaratory and injunctive relief, that this Court order,  
13 describe, and declare the proper interpretation and application of law(s) which are the subject  
14 of this lawsuit, and grant an injunction or appropriate declaration of law to prevent repeated  
15 violations of law by the agencies named in this lawsuit;

16 6. That Plaintiff and Plaintiff's attorneys be awarded its reasonable costs incurred  
17 in this action, including attorneys' fees under Cal. Code of Civil Procedure § 1021.5 for this  
18 matter brought in the public interest; and

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

20 Dated: September 25, 2008

21 **LAW OFFICE OF CRAIG A. SHERMAN**

22   
23 \_\_\_\_\_  
24 **CRAIG A. SHERMAN**

25 **Attorney for Plaintiff**

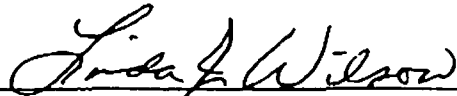
26 **GRANTVILLE ACTION GROUP**

1 X.

2 **VERIFICATION**

3 I, LINDA J. WILSON, as the authorized representative, director and officer of the  
4 plaintiff organization, Grantville Action Group, hereby verify this Complaint to  
5 Invalidate...and *PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR*  
6 *DECLARATORY AND INJUNCTIVE RELIEF* pursuant to California Code of Civil Procedure  
7 Section 446. The facts herein alleged are true of my own knowledge, except as to the matters  
8 which are based on information and belief, which I believe to be true. I declare under the  
9 penalty of perjury under the laws of California that the above foregoing is true and correct and  
10 that this verification was executed on the below stated date in San Diego County, California.

11 Dated: September 25, 2008

12 By:   
13 Linda J. Wilson,  
14 Authorized Agent and Officer  
15 GRANTVILLE ACTION GROUP