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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

AUG 27 2020

BY 
ERIN MUELLER, DEPUTY

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6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN BERNARDINO – CENTRAL DIVISION
9

10
11 MARJORIE BENESH,

12 Petitioner,

13 vs.

14 CITY OF UPLAND; KERI JOHNSON; BOB
PAGE; and DOES 1 through 100,

15 Respondents;

16 STEVEN FLOWER; and DOES 101 through
17 1,000,

18 Real Parties in Interest.

CASE NO. CIVDS2016635

PEREMPTORY WRIT OF MANDATE

Action Filed: August 18, 2020
Department: S-26 (Cohn)

Hearing Date: August 25, 2020
Hearing Time: 1:30 p.m.

19
20 That certain Judgment on Petition for Writ of Mandate (“Judgment”) having been entered in this
21 lawsuit in favor of Petitioner Marjorie Benesh (“Petitioners”) and against Respondents City of Upland,
22 Keri Johnson in her capacity as Upland City Clerk, and Bob Page in his capacity as San Bernardino
23 County Registrar of Voters (collectively, “Respondents”), and based on the Judgment,

24 **IT IS NOW ORDERED** that upon service of this Peremptory Writ of Mandate (“Writ”):

25 1. Respondents shall:

26 A. No later than August 27, 2020, take all steps necessary to ensure that the ballot
27 label for Measure Q on the November 2020 general-election ballot is printed as follows in the official
28 ballot materials distributed to voters: “Shall the measure allowing the City of Upland to discontinue

1 using approximately 4.63 acres of Memorial Park, thereby allowing the property potentially to be sold
2 to San Antonio Regional Hospital for not less than \$4,300,000, which, if the sale occurs, would be used
3 solely for public improvements to other portions of Memorial Park be adopted?"

4 2. This Court shall retain jurisdiction over Respondents by way of a return to this Writ until
5 the Court determines that Respondents have complied with Section 1-A above.

6 3. Respondents shall file a return to this Writ demonstrating compliance with Section 1-A
7 above and serve it on all parties no later than 10 days after the date of the Writ's issuance.

8 4. Respondent's returns to this Writ must establish that Respondent has complied with this
9 Writ.

10 5. This Writ may be served upon Respondent pursuant to Code of Civil Procedure Section
11 1011, 1012, or 1013, as Petitioners elect.

12 **THE FOREGOING WRIT SHALL BE ISSUED IMMEDIATELY.**

13 Date: 8/27, 2020. *[Signature]*
14 Judge of the Superior Court

15 Witness my hand and the official seal of this Court.

16 Date: 8/27/, 2020. *[Signature]*
17 Clerk, Superior Court
18 *Cory J. Briggs*
19

20 APPROVED AS TO FORM:

21 Cory J. Briggs, Attorney for Petitioner Marjorie
22 Benesh

23 *Stephen D. Lee*
24 Stephen D. Lee, Attorney for Respondents City
25 of Upland and Keri Johnson and Real Party in
26 Interest Steven Flower

27 *Jolena Grider*
28 Jolena Grider, Attorney for Respondent Bob Page

PROOF OF SERVICE

1. My name is Cory J. Briggs. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786

3. On August 26, 2020, I served an original copy a true and correct copy of the following documents: PEREMPTORY WRIT OF MANDATE

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of , California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: August 26, 2020

Signature: Cory J. Briggs

SERVICE LIST

Marjorie Benesh v. City of Upland et al.
San Bernardino County Superior Court Case No. CIVDS2016635

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