

Hearing: December 9, 2005

ITEM 23

ACTING CHIEF LEGAL COUNSEL'S REPORT New Filings, Recent Decisions, Litigation Calendar

This public session report is intended only as an information item for the public.¹ Commission communications with legal counsel about pending litigation or potential litigation are reserved for Closed Executive Session, per the Notice and Agenda.

New Filings

Woodland Joint Unified School District v. Commission on State Mandates, et al.

Sacramento County Superior Court, Case No. 05CS01401

CSM Case No. 05-L-05 [***Graduation Requirements IRC***]

Filed: September 27, 2005

Recent Decisions

CSAC Excess Insurance Authority v. Commission on State Mandates, et al.

Los Angeles County Superior Court, Case No. BS092146

CSM Case No. 04-L-01 [***Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement***]

and

City of Newport Beach v. Commission on State Mandates, et al.

Los Angeles County Superior Court, Case No. BS095456

CSM Case No. 04-L-02 [***Skin Cancer Presumption for Lifeguards***]

After hearing on September 28, 2005, the Los Angeles County Superior Court ruled against the Commission and the Department of Finance, finding that the evidentiary presumptions at issue imposed unique requirements on local governments, thus creating state-mandated costs. The court also ruled that the joint powers agency had standing to litigate the mandates issue on behalf of counties. Judgment was entered November 7, 2005.

¹ Based on information available as of November 18, 2005. Release of this litigation report shall not be deemed to be a waiver of any privileged communication or act, including, but not limited to, the attorney-client privilege and the attorney work product doctrine.

Litigation Calendar

Case Reference	Hearing Date
<i>Southern California Association of Governments, et al. v. Commission on State Mandates</i> , Sacramento Superior Court Case No. 05CS00956, CSM Case No. 04-L-04 [<i>Regional Housing Needs Determination-Councils of Government</i>].	November 18, 2005, Trial