

ENDORSED  
FILED

JUN 24 1982

SONOMA COUNTY CLERK

1 JOHN D. FLITNER, INC., A Professional Corporation  
2 CITY ATTORNEY - CITY OF ROHNERT PARK  
3 420 E Street, P.O. Box 1898  
4 Santa Rosa, California 95402

5 (707) 528-3866

6 Attorney for Plaintiff

7  
8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA  
9

10 THE CITY OF ROHNERT PARK, A  
11 Municipal Corporation

No. 120630

12 Plaintiff

ORDER

13 vs.

14  
15 EEVE T. LEWIS, in her  
16 official capacity as  
17 Sonoma County Clerk,  
18 et al,

19 Defendants.  
20

21 The above matter came before the Court this 29th day of April,  
22 1982, for further proceedings with regard to the Petition for  
23 Writ of Mandate filed herein by the City of Rohnert Park and the  
24 Answer to the Petition for Writ of Mandate filed herein by  
25 defendant, Eeve T. Lewis. Plaintiff was represented by John  
26 D. Flitner, City Attorney, and defendant, Eeve T. Lewis, was  
27 represented by Caroline A. Kerl, Deputy County Counsel.

28 After reading the file and hearing the arguments of the  
29 parties, the Court enters the following order:  
30

31 IT IS HEREBY ORDERED that the City of Rohnert Park take the  
32 following actions to determine whether the named defendant  
33 registered voters reside within the precinct where they are  
34 registered and to effect service on those voters:

35 1. The City of Rohnert Park shall produce satisfactory  
36 evidence by Declaration under penalty of perjury, by Affidavit, or

1 other acceptable proof to satisfy the Court that the City  
2 of Rohnert Park has completed its survey of voters shown as  
3 registered on its rolls and has made a due diligence attempt  
4 to determine whether each person shown as registered on the  
5 official voter registration list was in fact at the address  
6 shown on the list or at any residence elsewhere in the precinct.

7 2. The City of Rohnert Park will file its proof with  
8 the Court showing the extent of its attempt to verify residency  
9 within the precinct. Declarations under Penalty of Perjury  
10 or Affidavits must show that the Declarant identified himself  
11 or herself as a City employee while taking the survey, and  
12 that he stated the purpose of the inquiry. The Declaration  
13 or Affidavit shall show the results of the inquiry.

14 3. The County Clerk has stipulated that she will not  
15 oppose or contest due diligence on the part of the City of  
16 Rohnert Park as to any inquiries made in the manner stated  
17 in paragraph 2 to the voters at the residence listed on the  
18 official voters registration list.

19 4. As to mobile home parks and apartment buildings,  
20 the Court will accept a Declaration under Penalty of Perjury  
21 or the Affidavit of the City official who inquired of the  
22 mobile home park or apartment owners, or managers, or other  
23 people who are charged with renting and leasing the mobile  
24 home spaces or apartment units and collecting rentals and  
25 responding to tenants' complaints and inquiries. The Declarant  
26 must identify himself or herself, state the purpose of the  
27 inquiry and the Declaration or Affidavit must show the results  
28 of the survey as required in paragraph 2 preceding.

29 5. Before the City of Rohnert Park commences any proceed-  
30 ings to cancel registrations through the Court, the Sonoma  
31 County Clerk will institute the statutory cancellation of  
32 affidavits of registration provided for in Elections Code  
33 section 706.

34 6. After the cancellation of affidavits of registration  
35 by the County Clerk as authorized by Elections Code section  
36 706 and after filing the Declarations under Penalty of Perjury or Affi-  
davits showing the efforts made to locate registered voters at the  
residence shown as provided in this Order, the City of Rohnert Park is

1 authorized to publish the Summons and Complaint filed in this matter  
2 as to those voters who did not respond and were not verified  
3 as registered within the precinct indicated on the official voter  
4 registration lists in the City of Rohnert Park as determined  
5 by the voter registration survey and who have not been cancelled by  
6 the cancellation conducted after the election by the Sonoma County  
7 Clerk. The publication shall run for a period of two consecutive weeks  
8 as provided for by Government Code section 6066.

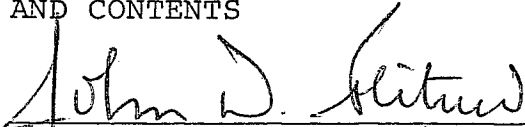
9 7. In addition to publication of the Summons and Complaint as  
10 provided above, the City of Rohnert Park will mail a copy of the  
11 Summons and Complaint to the last known address of the voter  
12 by certified mail, return receipt requested.  
13

14 Dated: JUN 23 1982

**K. M. EYMANN**

KENNETH M. EYMANN  
Judge of the Superior Court  
Department No. 3  
State of California, County of Sonoma

20 APPROVED AS TO FORM  
21 AND CONTENTS

22   
23 JOHN D. FLITNER, Esquire  
24 City Attorney - City of Rohnert Park  
25 Attorney for Plaintiff  
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27

28 CAROLINE A. KERL  
29 Deputy Sonoma County Counsel  
30 Attorney for Defendants  
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32  
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