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March 28, 2014

Proponents  
The Berkeley Referendum Coalition

Re: *Referendum Against Ordinance No. 7,320-N.S.*

Dear Referendum Proponents:

We have heard from many of you in response to our March 24, 2014, letter regarding the City of Berkeley's decision to initiate litigation to determine whether to use the City Council-approved district lines (Ordinance No. 7,320-N.S.), or the district lines adopted in 2002 (Ordinance 6,679-N.S.), in the November election. Because many of you had similar questions, we would like to share additional information with all of you.

**Why Did You Receive Our Letter?**

Some of you indicated that you are not proponents and asked why you received our letter. Each of you was identified as a proponent of the referendum in correspondence provided to the City Clerk (see attachment). Others have asked whether you may withdraw as proponents. Unfortunately, we cannot provide you with legal advice because we do not represent you. However, you may direct any questions about your status as a proponent to the City Clerk.

**Why Are We Naming the Proponents as Real Parties in Interest in the Litigation?**

As we explained in our earlier letter, the City has retained us to initiate litigation on its behalf to determine which district lines to use in the November election. Under California law, the qualification of a referendum against the City Council-approved redistricting plan (Ordinance No. 7,320-N.S.) has the effect of suspending the operation of that plan. Because the City Council-approved plan (Ordinance No. 7,320-N.S.) is suspended and because the City Council has not approved any other plan, the City Clerk intends to use the district lines adopted in 2002 (Ordinance 6,679-N.S.) in the November election. We intend to ask the Court to order the City Clerk and the County Registrar of Voters to use the City Council-approved plan

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(Ordinance No. 7,320-N.S.) for the November election to provide certainty for candidates, voters, and the County Registrar of Voters, and to avoid the violations of the U.S. Constitution and the City Charter that would ensue from the use of the 2002 district lines. As the proponent of a referendum that seeks to overturn the City Council-approved plan (Ordinance No. 7,320-N.S.), we believe that you have an interest in the litigation. Our earlier letter was designed to give you the opportunity to opt-out of the litigation by coordinating with your fellow proponents to designate one or more of you to represent the views of the group. In other words, we wanted to give you the ability to decide whether or not you want to be a party to the lawsuit.

**Will the City Seek Attorneys' Fees and Costs Against the Proponents?**

The City will not seek attorneys' fees or costs against any of the proponents.

**Who Will We Name as Real Parties in Interest?**

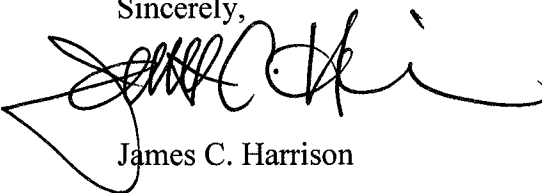
We will comply with the requests that we have received from some of you that you do not wish to be named as real parties in interest and that you wish to designate other proponents to represent your views. Based on the correspondence we have received to date, we intend to name the following proponents as real parties in interest: Max Anderson, Jesse Arreguin, Paul Kealoha Blake, Stefan Elstrand, Matthew Lewis, Alejandro Soto Vigil, and Kriss Worthington. If you wish to opt-out of participating in the litigation and instead wish to designate another proponent or proponents to represent your views, please advise us by close of business on April 1, 2014.

**Can We Provide You with Advice about the Litigation?**

As we stated above, we cannot provide you with legal advice. To the extent that you would like advice about the litigation and your role, you should consult with an attorney of your choice.

Thank you for your cooperation.

Sincerely,



James C. Harrison

JCH:mn  
Attachment  
(00218471-2)

# **The Berkeley Referendum Coalition (510) 693-5823**

December 18, 2013

Please review, under Ordinance 5,729-N.S., the enclosed petition entitled REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL referring to Ordinance No. 7,320-N.S. You may Leave a message at the above number when your review is completed and We will have someone come by and pick up your response.

CITY OF BERKELEY  
CITY CLERK DEPT

2013 DEC 18 AM 10:02

**B Soffer (Petition Coordinator)**

**Max Anderson  
Jesse Arreguin  
Disha Banik  
Paul Kealoha Blake  
Stefan Elstrand  
Chizu Hamada  
Matthew Lewis  
Stephanie Miyashira  
Phoebe Sorgen  
Alejandro Soto Vigil  
Kriss Worthington**

**Proponents**