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7 Attorneys for Defendant
CARDIFF SCHOOL DISTRICT

8
9 UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
11

12 SAVE THE PARK AND BUILD THE
SCHOOL,

13 Plaintiff,

14 v.

15 NATIONAL PARK SERVICE; DAVID
16 L. BERNHARDT, in his official
capacity as Secretary of the United
17 States Department of the Interior;
DAVID VELA, in his official capacity
18 as Director of the National Park Service;
LISA MANGAT, in her official capacity
19 as Director of the California Department
of Parks and Recreation; and CARDIFF
20 SCHOOL DISTRICT,

21 Defendants.
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Case No. 20-cv-1080-LAB-AHG
Judge: Hon. Larry Alan Burns

EX PARTE APPLICATION TO
CLARIFY PRELIMINARY
INJUNCTION

Complaint Filed: June 12, 2020

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CALIFORNIA 92101

1 Defendant Cardiff School District (“District”) hereby applies *ex parte* for an
2 order clarifying the Court’s Amended Order of Preliminary Injunction filed July 24,
3 2020, as Document 21, particularly as it relates to the segment of replacement
4 sidewalk that extends along the southern side of Building M, where the restrooms
5 are located.

6 This application is made on the grounds that it is unclear from the
7 Preliminary Injunction whether the Court took into account the fact that the
8 segment of the ADA walkway that runs along the southern side of Building M also
9 supports the public recreational use of the land located within the 6(f)(3) boundary;
10 that this walkway, which runs between the playfields on the west and the
11 classrooms on the east, provides the only access to the restrooms located on the
12 southern side of Building M; that, in addition to allowing student access during the
13 school day, this sidewalk will also provide public access to the restrooms when the
14 6(f)(3) boundary area is being used for recreation during non-school hours; that
15 without this sidewalk, and the access it provides, no restrooms will be available
16 during public recreational use of the site; that the former walkway was not removed
17 until after the District obtained the approval from the National Park Service in April
18 2020; that the new sidewalk will merely consist of a walkway that conforms to
19 current ADA accessibility standards and is to be installed in the exact same location
20 as the old sidewalk; that, even if the 6(f)(3) boundary area was to be restored to its
21 former state, the same concrete sidewalk would be installed, and that the District
22 therefore respectfully requests clarification of the Preliminary Injunction so that the
23 District may be permitted to reinstall a concrete walkway, or construct such other
24 temporary walkway as may be allowed by the Court, in order to provide both public
25 and student access to restrooms.

26 This application will be based on the Memorandum of Points and
27 Authorities, Declaration of Randal L. Peterson, Declaration of Tyree K. Dorward,
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1 and on the records and files herein and such evidence as may be presented at the
2 hearing of the application.

3
4 Dated: September 17, 2020

BEST BEST & KRIEGER LLP

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6 By: /s/ Tyree K. Dorward
7 TYREE K. DORWARD
8 MATTHEW L. GREEN
9 LINDSAY D. PUCKETT
10 Attorneys for Defendant
11 CARDIFF SCHOOL DISTRICT

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1 Save the Park, et al. v. National Park Service, et al.
2 United States District Court, Southern District of California,
3 Case No. 20-cv-1080 –LAB-AHG

4 **PROOF OF SERVICE**

5 I, Wendy Connor, declare:

6 I am a citizen of the United States and employed in San Diego County,
7 California. I am over the age of eighteen years and not a party to the within-entitled
8 action. My business address is 655 West Broadway, 15th Floor, San Diego,
9 California 92101. On September 17, 2020, I served a copy of the within document(s):

10
11 EX PARTE APPLICATION TO CLARIFY PRELIMINARY
12 INJUNCTION;

13
14 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
15 OF EX PARTE APPLICATION TO CLARIFY PRELIMINARY
16 INJUNCTION;

17
18 DECLARATION OF TYREE K. DORWARD IN SUPPORT OF EX
19 PARTE APPLICATION TO CLARIFY PRELIMINARY
20 INJUNCTION;

21
22 DECLARATION OF RANDAL L. PETERSON IN SUPPORT OF EX
23 PARTE APPLICATION TO CLARIFY PRELIMINARY
24 INJUNCTION

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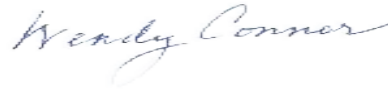
LAW OFFICES OF
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SAN DIEGO, CA 92101

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By Electronic Service. Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court’s transmission facilities. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s EC/ECF system.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 17, 2020, at San Diego, California.



Wendy Connor

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