

# Lawsuit FAQ 6/18/2020

## **What is the new lawsuit involving the Cardiff School rebuild?**

A second lawsuit was filed in federal district court on June 12, 2020, by the same small group of adjacent neighbors who continue to oppose the Cardiff School rebuild. The new lawsuit, which has been designated Case No. 20cv1080-LAB-AHG, challenges the National Park Service's (NPS) approval of the District's boundary adjustment for the project.

## **What is the lawsuit seeking?**

The lawsuit seeks to undo the NPS final approval of the District's boundary adjustment and conversion amendment for the Project issued on April 24, 2020. A copy of the NPS final approval documents can be viewed [here](#). The NPS approval brought the District and the Project into full compliance with the original Land and Water Conservation Fund Agreement (LWCF) as promised by the Board and the District at the time the Project was approved in February 2019.

## **Who are the named defendants in the lawsuit?**

The named defendants in the lawsuit are the NPS; David L. Bernhardt, Secretary of the Interior; David Vela, Director of NPS; Lisa Mangat, Director of the California Department of Parks and Recreation (DPR), and the District.

## **Why is the District included in the lawsuit?**

Although the lawsuit targets NPS's final approval and the DPR administration and approval of the boundary adjustment/conversion amendment process, the District is a necessary party because the boundary adjustment and conversion amendment involves the District's property. The property at issue is owned entirely by the District and remains the school's playfields and outdoor recreation areas, which were named George Berkich Park by the District in honor of the school's longtime principal. The George Berkich Park area of the District's school site is a publicly available recreation area subject to the LWCF agreement, and it will continue to remain available for public recreation when not needed for school purposes.

## **Why/how was this lawsuit not precluded by the prior settlement?**

Neither NPS nor DPR were parties to the previous lawsuit brought by the same group of neighbors, which only named the District. The NPS final approval was also still in process at the time the previous lawsuit was settled. The right to challenge any NPS approval was therefore an express condition of the opponents' settlement position. The opponents maintained throughout the boundary adjustment and conversion amendment process that the District could not, and

would not, ever obtain NPS approval, or live up to its promise to bring the Project into compliance with the original LWCF agreement. Accordingly, the opponents carved out their right to challenge an NPS approval from the settlement agreement's release. Absent this carve out, the District would not have been able to settle the prior lawsuit and immediately recommence construction of the Project, which was in the best interest of students.

### **What is the District's legal position/next steps?**

Unfortunately, the lawsuit will require the District to engage its attorneys to respond to the lawsuit as appropriate. Of course, the lawsuit will also cause NPS and DPR to expend additional taxpayer resources, which will undoubtedly take away from their core missions to support State and Federal parks. However, with regard to the Project, the District's commitment to its students and the community remains the same. The District also believes the record regarding NPS's final approval of the boundary adjustment/conversion amendment demonstrates the thorough evaluation undertaken by DPR and NPS, as well as the extensive due diligence exercised by the District with the guidance of DPR and NPS. This process took more than two years to complete and involved multiple additional consultants and submissions of supporting documentation. Ultimately, DPR and NPS appropriately recognized the District's continued commitment to preserving and enhancing areas of the school site for public recreation when not needed for school purposes through the amended boundary map, which actually results in a net gain of more than 23,000 square feet of additional area dedicated to public recreation. The approval clearly demonstrates the District's commitment to both provide its students with a safe and secure 21st-century learning environment, as well as the new and improved public recreation spaces for the community.

The District will now begin the process of working with its attorneys to evaluate all aspects of the lawsuit, which will include ensuring that none of the claims violate the prior settlement agreement. More information will be posted to the District's website as the lawsuit progresses.

### **What is the status of construction?**

At this time, construction is proceeding as planned. The Project is currently in a critical phase as the parking lot/drop-off/pick-up area, playfields, accessible walkways, and classrooms being remodeled must be completed by August in order for the site to be able to welcome back students for the 2020/2021 school year.