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DEPT. 86

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

SEP 15 2010

John A. Clarke, Executive Officer/Clerk

By Christopher G. Washington, Deputy

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Mark Fall, Associate General Counsel (State Bar No. 163497)  
LOS ANGELES UNIFIED SCHOOL DISTRICT

Attorneys for Respondents LOS ANGELES UNIFIED  
SCHOOL DISTRICT; BOARD OF EDUCATION OF  
THE LOS ANGELES UNIFIED SCHOOL DISTRICT; and  
RAMON C. CORTINES, in his capacity as Superintendent of  
Schools

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

NEW WEST CHARTER MIDDLE  
SCHOOL, a public charter school,

Petitioner,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT; BOARD OF EDUCATION OF  
THE LOS ANGELES UNIFIED SCHOOL  
DISTRICT; and RAMON C. CORTINES, in  
his capacity as Superintendent of Schools,

Respondents.

Case No. BS 126609

[Assigned to Hon. David Yaffe, Dept. 86]

Petition for Writ of Mandate filed: June 4,  
2010

~~PROPOSED~~ JUDGMENT ISSUING  
WRIT OF MANDATE

On August 24, 2010, in Department 86 of the above-entitled Court, the Honorable David P. Yaffe presiding, the Court heard the Petition for Writ of Mandate filed by Petitioner New West Charter Middle School ("New West") against Respondents Los Angeles Unified School District, Board of Education of the Los Angeles Unified School District, and Ramon C. Cortines (collectively, the "District").

ORBACH, HUFF & SUAREZ LLP

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John C. Lemmo of Procopio, Cory, Hargreaves & Savitch, LLP appeared on behalf of  
Petitioner; David M. Huff of Orbach, Huff and Suarez and Mark Fall of the District's Office of  
General Counsel appeared on behalf of the District. After hearing the evidence and the arguments of  
counsel and after considering all papers filed with the Court, and the cause having been argued and  
submitted for decision, the Court adjudges as follows:

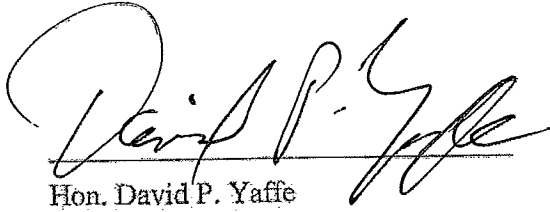
**IT IS ORDERED, ADJUDGED AND DECREED:**

1. A Writ of Mandate shall issue requiring the Board of Education of the Los Angeles  
Unified School District to comply with the last sentence of 5 C.C.R. section 11969.2(d), to  
wit, the Board of Education of the Los Angeles Unified School District shall make a finding  
whether New West could not be accommodated at a single site for the 2010-2011 school year  
and adopt a written statement of reasons explaining the finding.

2. The District shall file a Return to the Writ of Mandate describing the action it has  
taken to comply with the Writ.

ON OR BEFORE NOV. 15, 2010

Dated: September 15, 2010



Hon. David P. Yaffe  
JUDGE OF THE SUPERIOR COURT

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**PROOF OF SERVICE**  
(C.C.P. §§ 1013a and 2015.5)

I, Miriam Lopez, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is Orbach, Huff & Suarez LLP, 1901 Avenue of the Stars, Suite 575, Los Angeles, California 90067-6007.

On September 3, 2010, I served the foregoing document(s) described as [PROPOSED] JUDGMENT ISSUING WRIT OF MANDATE on the interested parties in this action.

**SEE ATTACHED SERVICE LIST**

- BY MAIL:** By placing a true and correct copy thereof enclosed in a sealed envelope addressed as above, with postage thereon fully prepaid, in the U.S. Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing as stated in affidavit.
- BY ELECTRONIC MAIL [PDF]:** I caused such document(s) to be sent by electronic mail as a PDF attachment to the email addresses listed on the attached service list.
- BY FAX:** I transmitted a true copy of said document(s) by facsimile machine this date from telecopier number (310) 788-9210, and no error was reported. Said fax transmission(s) were directed as indicated on the service list.
- BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to Federal Express for delivery to the above address(es).
- BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 3, 2010, at Los Angeles, California.

  
\_\_\_\_\_  
Miriam Lopez

ORBACH, HUFF & SUAREZ LLP

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**SERVICE LIST**  
New West Charter Middle School v. Los Angeles Unified School District  
LASC Case No. BS126609

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