

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
JAMES M. CHADWICK, Cal. Bar No. 157114
3 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
4 Telephone: 415-434-9100
Facsimile: 415-434-3947

5 Attorneys for Plaintiff VIETNAMESE-AMERICAN
6 COMMUNITY OF NORTHERN CALIFORNIA

(ENDORSED)
FILED
AUG 04 2008
DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY J. Zenzen DEPUTY

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA CLARA

10
11 VIETNAMESE-AMERICAN
COMMUNITY OF NORTHERN
12 CALIFORNIA, a non-profit corporation,
13 Plaintiff,
14 v.
15 CITY OF SAN JOSE; CITY COUNCIL
OF SAN JOSE; REDEVELOPMENT
16 AGENCY OF THE CITY OF SAN JOSE;
and DOES 1-20,
17 Defendants.
18

Case No. 108 CV 107082
**VERIFIED SECOND AMENDED
COMPLAINT FOR:**
**DECLARATORY AND INJUNCTIVE
RELIEF FOR VIOLATIONS OF THE
BROWN ACT**
[Gov. Code § 54950, et seq.]
AND
**DECLARATORY AND INJUNCTIVE
RELIEF FOR VIOLATIONS OF THE
CALIFORNIA CONSTITUTION AND
THE PUBLIC RECORDS ACT**
[Cal. Const., Art. I, Sec. 3(b); Gov. Code
§ 6250, et seq.]

19
20
21
22 Plaintiff Vietnamese-American Community of Northern California, for its
23 Verified Second Amended Complaint, alleges as follows:

24 **PARTIES**

25 1. The Vietnamese-American Community of Northern California
26 (“VACNORCAL”) is a membership organization that represents Vietnamese-Americans in
27 Northern California, including the cities of San Jose, San Francisco, Oakland, Gilroy,
28 Monterey, Sacramento and Stockton. Its members include individuals who reside or work

1 in City Council District 7 of the City of San Jose, and in the area along Story Road that has
2 been and is being considered for designation as a Vietnamese-American destination retail
3 business district.

4 2. VACNORCAL is a non-profit, public benefit corporation organized under
5 the laws of the State of California. VACNORCAL's headquarters are located in City
6 Council District 7, in the City of San Jose, Santa Clara County, State of California.

7 3. The City of San Jose ("City") is a charter city established under California
8 law, and is a local agency as defined by the Ralph M. Brown Open Meetings Act ("Brown
9 Act"), Government Code section 54950, *et seq.*, and the California Public Records Act,
10 Government Code section 6250, *et seq.* ("PRA"). The City Council of San Jose ("City
11 Council") governs the City of San Jose, and is a legislative body as defined by the Brown
12 Act. The City Council also serves as the governing board of the San Jose Redevelopment
13 Agency ("Redevelopment Agency"), and in that capacity acts as a legislative body under
14 the Brown Act. The Redevelopment Agency is a local government entity established
15 pursuant to state law and ordinance of the City, and is a local agency as defined by the
16 Brown Act and the PRA.

17 4. VACNORCAL is ignorant of the true names and capacities of defendants
18 sued herein as Does 1 through 20, inclusive, and therefore sues said defendants by such
19 fictitious names pursuant to California Code of Civil Procedure Section 474.
20 VACNORCAL will amend this Complaint to allege the true names and capacities when
21 the same are ascertained. VACNORCAL is informed and believes that Does 1 through 20,
22 inclusive, are responsible for the actions complained of herein. Whenever in this
23 Complaint any allegation is made against an identified defendant, it shall be deemed
24 alleged against Does 1 through 20, inclusive, as well.

25 **ALLEGATIONS PERTINENT TO ALL CLAIMS**

26 5. VACNORCAL is informed and believes that the creation of a Vietnamese-
27 American business district was an issue during the City's recent mayoral and City Council
28 campaigns, and in particular, in the 2005 campaign for the City Council position

1 representing City Council District 7, in which both leading candidates were Vietnamese-
2 Americans. During the campaign, Madison Nguyen pledged to support the creation of a
3 Vietnamese-American retail business district. Madison Nguyen was elected to the San
4 Jose City Council in September, 2005.

5 6. Unbeknownst to VACNORCAL and most of the Vietnamese-American
6 community at the time, VACNORCAL is informed and believes that in April 2007
7 Councilmember Nguyen and the Redevelopment Agency commenced the process of
8 creating the “Vietnam Town Business District” on Story Road between Highway 101 and
9 Senter/Keyes Road (in City Council District 7, where many Vietnamese businesses are
10 located). Located within the proposed “Vietnam Town Business District” is the “Vietnam
11 Town Plaza” development, which, if and when completed, will consist of over 250
12 business units. The Redevelopment Agency had accepted an offer by the developer of the
13 Vietnam Town Plaza to pay for the maintenance of the signs and banners designating this
14 area the “Vietnam Town Business District.” However, on or around May 3, 2007, after
15 consulting with the City Attorney, the Redevelopment Agency decided not to proceed,
16 citing concerns that doing so could give the appearance of allowing a private party to use
17 public property to advertise or promote its business. The Redevelopment Agency
18 recommended that Councilmember Nguyen and Mayor Chuck Reed request that the City
19 Council to approve the creation of a destination retail business district.

20 7. VACNORCAL is informed and believes that on or around June 5, 2007, the
21 City Council proposed the creation of a destination retail business district on Story Road
22 between Highway 101 and Senter/Keyes Road. The City Council preliminarily approved
23 using the name “Vietnamese Business District” to describe this area. It directed the
24 Redevelopment Agency to solicit community input on the recognition of the district, to
25 determine cost and approvals needed for signage to identify the proposed business district,
26 and to return to the City Council with recommendations for implementation. Few in the
27 Vietnamese-American community were aware of this meeting, and VACNORCAL is
28 informed and believes that only three Vietnamese-Americans attended the meeting.

1 Attached hereto as **Exhibit A** is a true and correct copy of the relevant portion of the
2 minutes of the June 5, 2007 meeting of the City Council.

3 8. Beginning on June 7, 2007, VACNORCAL received many calls from
4 Vietnamese-Americans in San Jose complaining about the City Council's approval of the
5 name "Vietnamese Business District." VACNORCAL was not aware of the "Vietnamese
6 Business District" approval until it received these phone calls. The president of
7 VACNORCAL telephoned Councilmember Nguyen, who confirmed in this phone
8 conversation that the City Council had approved the "Vietnamese Business District"
9 designation, and further indicated, among other things, that it was too late for her to do
10 anything about it. Nonetheless, members of the Vietnamese-American community began
11 collecting signatures for a petition to designate the business district "Little Saigon" instead
12 of "Vietnamese Business District."

13 9. On or around August 15, 2007, the staff of the Redevelopment Agency
14 conducted a public meeting regarding the "Proposed Vietnamese Business District." The
15 stated purpose of the meeting was to "invite the community to provide input on the design
16 of banners and two gateway signs for the proposed Vietnamese Business District."
17 Attached hereto as **Exhibit B** is a true and correct copy of the meeting notice issued by the
18 Redevelopment Agency. VACNORCAL is informed and believes that more than 100
19 people attended the meeting. Those attending generally supported the creation of a
20 business district. The primary issue raised by members of the Vietnamese-American
21 community was the proposed name for the district. VACNORCAL is informed and
22 believes that more than 90 percent of the community members at the meeting expressed
23 support for the name "Little Saigon." In response, Councilmember Nguyen asserted that
24 the City has a process for creating business districts, which dictates that those living and
25 doing business within 1,000 feet of a proposed business district would have the "biggest
26 input." She also stated that the fairest method for arriving at a name would be a City-
27 conducted survey of residents and businesses within the proposed business district.

28

1 10. After the August 15, 2007 meeting, the Redevelopment Agency conducted
2 what it described as “a survey to stakeholders within a 1,000-foot radius of the proposed
3 Vietnamese retail destination area,” asking what they would want to name the proposed
4 area. It received 117 responses. A substantial plurality (44) favored the name “Little
5 Saigon.” No other proposed name received more than 16 votes. The name “Saigon
6 Business District,” with six votes, received the least number of votes. Attached hereto as
7 **Exhibit C** is a true and correct copy of a memo dated November 6, 2007, from the San
8 Jose City Manager and the Executive Director of the Redevelopment Agency to the City
9 Council, regarding the public meetings and survey conducted by the Redevelopment
10 Agency.

11 11. On or around October 10, 2007, the Redevelopment Agency conducted a
12 second “community meeting.” VACNORCAL is informed and believes that more than
13 200 people attended, and that more than 90 percent of the members of the Vietnamese-
14 American community attending asked that the business district be named “Little Saigon.”
15 Most also asked that a committee be established to help design signage for the district.

16 12. VACNORCAL is informed and believes that in October and November,
17 2007, media organizations conducted polls regarding preferences for the name of the
18 proposed business district. Those polls indicated that the “Little Saigon” name was
19 preferred over other names by substantial majorities.

20 13. VACNORCAL is informed and believes that in August or September 2007,
21 Councilmember Madison Nguyen had a private conversation with Councilmember Forrest
22 Williams, in which Councilmember Williams promised to support Councilmember
23 Nguyen with respect to the pending Vietnamese retail business district proposal.
24 Councilmembers Williams and Nguyen subsequently admitted to having this conversation,
25 and admitted that Councilmember Williams pledged to support Councilmember Nguyen
26 with respect to the proposed Vietnamese retail business district.

27 14. VACNORCAL is informed and believes that prior to November 15, 2007,
28 Councilmember Madison Nguyen and four other members of the City Council engaged in

1 a series of communications, through which they agreed to vote in favor of the creation of a
2 Vietnamese retail business district, and to name it the “Saigon Business District.” That
3 agreement is reflected in a memorandum dated November 15, 2007, to which five
4 Councilmembers are signatories. A true and correct copy of the November 15, 2007
5 memorandum is attached hereto as **Exhibit D**.

6 15. VACNORCAL is informed and believes that the memo was circulated to
7 other members of the City Council prior to the City Council meeting on November 20,
8 2007. The purpose of circulating the memo to other members of the City Council was, at
9 least in part, to obtain their concurrence with the action proposed in the memo.

10 16. VACNORCAL is informed and believes that prior to the November 20, 2007
11 City Council meeting, individuals who had met with Councilmember Madison Nguyen
12 made statements indicating that the City Council had already decided to reject the name
13 “Little Saigon” for the business district, and to adopt a different “compromise” name.

14 17. At the November 20, 2007 City Council meeting, the City Council voted 8-3
15 to pass Resolution 74127, which created a “destination retail business district” named the
16 “Saigon Business District,” despite testimony from over 200 people—part of the
17 approximately 1,000 people attending the meeting—opposing that name, and supporting
18 the name “Little Saigon.” A true and correct copy of Resolution 74127 is attached hereto
19 as **Exhibit E**.

20 18. On or around January 30, 2008, VACNORCAL, through its counsel
21 submitted a letter to the Mayor and City Council requesting the City Council to cure and
22 correct its violation of the Brown Act by rescinding Resolution No. 74127 and ensuring
23 that all future actions with respect to naming a Vietnamese retail area be taken in
24 compliance with the Brown Act. A true and correct copy of the January 30, 2008 letter is
25 attached hereto as **Exhibit F**.

26 19. On or around February 13, 2003, the City Attorney reported to the City
27 Rules Committee that he did not find that a violation of the Brown Act had occurred in
28 relation to the adoption of Resolution No. 74127. However, the City Attorney,

1 recommended that an action to rescind Resolution No. 74127 be placed on the City
2 Council Agenda of March 4, 2008 and the Rules Committee concurred with the City
3 Attorney. A true and correct copy of a February 14, 2008 letter from the City Attorney to
4 VACNORCAL's counsel confirming the City Attorney's Office's recommendation and the
5 Rules Committee concurrence is attached hereto as **Exhibit G**.

6 20. On March 4, 2008, the City Council voted in a public meeting to rescind the
7 November 20, 2007 vote approving Resolution 74127. The City Council did not admit any
8 violation of the Brown Act. Again, approximately 1,000 people attended the meeting. The
9 vast majority of those attending supported the immediate creation of a destination retail
10 business district named "Little Saigon." However, despite acknowledging widespread
11 support for the name "Little Saigon" in the broader Vietnamese-American community, the
12 City Council declined to create or name a business district. Instead, the City Council
13 decided that it was up to the local members of any future business district to decide what
14 they want to call the district. A true and correct copy of the relevant portion of the City's
15 synopsis of the March 4, 2008 City Council meeting is attached hereto as **Exhibit H**.

16 21. On March 25, 2008, the City Council again acknowledged that the name
17 "Little Saigon" has widespread support in the Vietnamese-American community, and
18 authorized the City manager to allow private individuals to fund, construct, and install
19 temporary signage bearing the name "Little Saigon" at or near the intersection of Story and
20 McLaughlin Roads. The City Council also directed City staff to create and implement a
21 process for communities to identify and designate a particular district. A true and correct
22 copy of the relevant portion of the City's synopsis of the March 25, 2008 City Council
23 meeting is attached hereto as **Exhibit I**.

24 **FIRST CAUSE OF ACTION**
25 **INJUNCTIVE AND DECLARATORY RELIEF FOR VIOLATION OF BROWN ACT**
(Defendants City of San Jose and City Council of San Jose)

26 22. VACNORCAL realleges and incorporates by this reference each and every
27 allegation contained in paragraphs 1 through 21 of this Verified Second Amended
28 Complaint as though fully set forth herein.

1 23. The City and the City Council violated the Brown Act by conducting
2 deliberations involving a majority of the City Council, and by seeking to obtain and
3 obtaining the concurrence of a majority of the City Council, regarding the creation of a
4 retail district named "Saigon Business District," through a series of communications
5 outside of any noticed public meeting. The oral agreement between Councilmembers
6 Madison Nguyen and Forrest Williams together with the written concurrence of four other
7 council members as evidenced in the November 15, 2007 memo constituted the majority
8 necessary for the City Council's approval of Resolution 74127. The private deliberations
9 and the secretly obtained majority concurrence to support Resolution 74127 rendered the
10 November 20, 2007 public meeting meaningless.

11 24. Independent of the agreement between Councilmembers Nguyen and
12 Williams, the City and the City Council violated the Brown Act through the concurrence
13 of five members of the City Council as evidenced in the November 15, 2007 memo, and
14 the distribution of that memo to other members of the City Council prior to the November
15 20, 2007 meeting in an effort to influence their vote. VACNORCAL is informed and
16 believes that this was an attempt to obtain concurrence of a majority outside of a noticed
17 public meeting, and to conduct deliberations regarding a matter within the jurisdiction of
18 the City Council outside of a noticed public meeting.

19 25. On or around January 30, 2008, VACNORCAL, through its counsel,
20 submitted a letter to the Mayor and City Council requesting the City Council to cure and
21 correct its violation of the Brown Act by rescinding Resolution No. 74127 and ensuring
22 that all future actions with respect to naming a Vietnamese retail area be taken in
23 compliance with the Brown Act. A true and correct copy of the January 30, 2008 letter is
24 attached hereto as **Exhibit F**.

25 26. On March 4, 2008, the City Council voted in a public meeting to rescind the
26 November 20, 2007 vote to approve Resolution 74127. The City Council did not admit
27 any violation of the Brown Act.

28

1 27. VACNORCAL is informed and believes that, despite voting to rescind the
2 approval of Resolution 74147, the City has taken the position that no Brown Act violation
3 has occurred, and has refused to acknowledge that its conduct violated the Brown Act.
4 Furthermore, the City failed to cure and correct its violation of the Brown Act within 30
5 days, as required by the Brown Act.

6 28. VACNORCAL is informed and believes that the City has a pattern of similar
7 past violations of the Brown Act.

8 29. VACNORCAL is informed and believes that in June, 2002, the City Council
9 approved the redevelopment of the Tropicana Shopping Center in San Jose. Prior to the
10 meeting at which the redevelopment plan was approved, five Councilmembers signed a
11 memorandum supporting the plan. The author of the memo also had an oral conversation
12 with a sixth Councilmember, meaning that a majority of the City Council had discussed
13 the proposed plan and the expected vote in private. Although doing so constitutes a patent
14 violation of the Brown Act, the City refused to acknowledge that its conduct violated the
15 Brown Act (even though it subsequently agreed to rescind its prior actions and to reopen
16 and reconsider the plan).

17 30. VACNORCAL is informed and believes that on September 25, 2007, the
18 City Council addressed a proposal to renovate Fire Station No. 2, located in San Jose City
19 Council District 5. Prior to that meeting, four members of the City Council discussed and
20 agreed on a proposed course of action with respect to the renovation. That agreement was
21 documented in a memo dated September 25, 2007. VACNORCAL is informed and
22 believes that prior to the meeting and the distribution of the memo, the action proposed to
23 be taken by the four members of the City Council who signed the memo was discussed
24 with Mayor Chuck Reed, and that Mayor Reed discussed the proposed action with
25 Councilmember Pete Constant. Thus, a majority of the City Council were involved in
26 discussions regarding action proposed to be taken with respect to the renovation, outside of
27 any noticed public meeting. The City has taken the position that this conduct did not
28 violate the Brown Act.

1 31. VACNORCAL is informed and believes that the Mayor's chief budget aide,
2 Armando Gomez, met privately with seven of the ten other Council members to discuss
3 the Mayor's budget proposals with them, prior to a February 12, 2008 City Council
4 meeting at which those recommendations were discussed. Again, the City has refused to
5 acknowledge that any violation of the Brown Act occurred.

6 32. The City Council has violated the Brown Act, yet it has refused to
7 acknowledge any violation of the Brown Act. This is consistent with the City's history of
8 refusing to acknowledge violations of the Brown Act. On that basis, it appears and is
9 presumed that the City and the City Council will continue to violate the Brown Act in the
10 same manner in the future.

11 33. Therefore, in accordance with Government Code section 54960,
12 VACNORCAL therefore seeks a declaration that the City's conduct in deliberating on and
13 taking action with respect to the Saigon Business District violated the Brown Act, and an
14 injunction prohibiting future violations.

15 WHEREFORE, VACNORCAL prays for judgment as set forth below.

16
17 **SECOND CAUSE OF ACTION**
18 **INJUNCTIVE AND DECLARATORY RELIEF FOR**
19 **VIOLATION OF THE PUBLIC RECORDS ACT**
20 **(All Defendants)**

21 34. VACNORCAL realleges and incorporates by this reference each and every
22 allegation contained in paragraphs 1 through 33 of this Verified Second Amended
23 Complaint as though fully set forth herein.

24 35. On or around January 4, 2008, VACNORCAL, through its member
25 MyPhuong Le, made a request to the City for all emails related to the naming of the
26 business district on Story Road between Highway 101 and Senter/Keyes Road (the
27 "January 4 Request"). Defendants provided some records in response to this Public
28 Records Act request.

36. On or around January 17, 2008, VACNORCAL, through James V. Peske,
made a request to the Redevelopment Agency for all communications related to the

1 naming of the business district on Story Road between Highway 101 and Senter/Keyes
2 Road (the "January 17 Request"). Defendants provided some records in response to this
3 Public Records Act request.

4 37. VACNORCAL is informed and believes that Defendants failed to provide all
5 records responsive to the January 4 Request and the January 17 Request.

6 38. On or around February 13, 2008, VACNORCAL made another PRA request
7 to the City, through its counsel. A true and correct copy of VACNORCAL's February 13,
8 2008 PRA request is attached hereto as **Exhibit J**.

9 39. In a letter dated February 25, 2008, Assistant City Attorney William H.
10 Hughes responded to VACNORCAL's February 13, 2008 PRA request. The February 25,
11 2008 letter states that VACNORCAL would be responsible for paying the costs for
12 searching for, retrieving, and providing responsive records. A true and correct copy of the
13 City's February 25, 2008 letter is attached hereto as **Exhibit K**.

14 40. In a letter dated March 10, 2008, Senior Deputy City Attorney Brian Doyle
15 informed VACNORCAL's counsel that VACNORCAL's PRA request required
16 "considerable data compilation, extraction and programming to identify the records" and
17 that the costs for providing the requested records would be \$3,835.16. A true and correct
18 copy of the City's March 10, 2008 letter is attached hereto as **Exhibit L**.

19 41. On or around March 12, 2008, counsel for VACNORCAL responded to the
20 City's March 10, 2008 letter objecting to the City's demand for reimbursement of costs
21 associated with programming. A true and correct copy of VACNORCAL's March 12,
22 2008 letter is attached hereto as **Exhibit M**.

23 42. In a letter dated March 12, 2008, Mr. Doyle responded to VACNORCAL's
24 counsel's March 12, 2008 letter stating "Based on the foregoing, we will be unable to
25 respond to your request without performing the compilation, extraction and programming
26 efforts described in our letter. Unless you agree to reimburse the City for the costs that
27 would be due under section 6253.9(b) as described in our letter of March 10, 2008, we will
28

1 not proceed with that work." A true and correct copy of the City's March 12, 2008 letter is
2 attached hereto as **Exhibit N**.

3 43. On or around March 19, 2008, VACNORCAL submitted a written letter to
4 the City Council and Mayor requesting that they make the records sought in
5 VACNORCAL's February 13, 2008 PRA request immediately available and to charge for
6 only the cost of making copies. A true and correct copy of that letter is attached hereto as
7 **Exhibit O**.

8 44. As of the time filing of this Complaint, Defendants have not provided any
9 records in response to VACNORCAL's requests of February 13, 2008 or March 20, 2008.
10 VACNORCAL's request that the City provide the records and charge only the direct costs
11 of duplication was addressed by the City Council Rules Committee at a meeting held on
12 April 2, 2008. The Rules Committee took no action on the request. Prior to the meeting,
13 the City Attorney's Office submitted a memo asserting that VACNORCAL is required to
14 pay more than \$3,800 for the costs of the City's "compilation and programming efforts." A
15 true and correct copy of the City Attorney's memo of March 28, 2008 is attached hereto as
16 **Exhibit P**.

17 45. VACNORCAL did not ask that Defendants provides the records it requested
18 in electronic format, and specifically told Defendants that it was not demanding that the
19 records be provided in electronic format. Moreover, VACNORCAL told Defendants that
20 it was not dictating to Defendants the means that they could or should use to identify and
21 provide copies of the requested records.

22 46. Defendants admit that the documents requested by VACNORCAL can be
23 provided "using a software search tool designed for such purposes." (Exhibit P, p. 1.)
24 Defendants do not need to write a new computer program, or modify an existing one.
25 Based on Defendant's own description, all that is necessary to perform an electronic search
26 is typing certain terms into the search engine, and running the search on certain files. The
27 result of such a search is a set of preexisting, individual records. Data would not be
28 compiled from multiple sources into a single document, nor would data be extracted from

1 individual records. Therefore, regardless of whether or not copies of the requested
2 documents are provided in electronic format, no data compilation, extraction or
3 programming is necessary to identify and produce the requested records.

4 47. Defendants admit that the documents requested by VACNORCAL can be
5 identified and provided by performing a manual search. For this reason as well, it is not
6 necessary to perform any data compilation, extraction or programming in order to identify
7 and produce the requested records.

8 48. Defendants have never asserted any basis for demanding compensation
9 beyond the direct costs of duplication other than the purported need to perform data
10 compilation, extraction, or programming. Because no data compilation, extraction, or
11 programming is necessary in order to identify and produce the requested records,
12 Defendants' refusal to provide the requested records unless they are paid for costs beyond
13 the direct costs of duplication is a violation of the Public Records Act.

14 49. An actual controversy has arisen between Defendants on one hand and
15 VACNORCAL on the other hand as to whether Defendants must comply with
16 VACNORCAL's PRA request without receiving reimbursement for the alleged cost of
17 providing those records. VACNORCAL is informed and believes that the City, the City
18 Council, and the Redevelopment Agency all have records responsive to VACNORCAL's
19 requests that have not been provided, based on Defendants refusal to provide such records
20 unless they receive compensation not permitted by the Public Records Act. The City
21 Council is ultimately responsible for Defendants' violations of the Public Records Act.

22 50. VACNORCAL therefore seeks a declaration that Defendants' refusal to
23 release public documents without reimbursement of costs other than direct costs of
24 duplication violates the Public Records Act, and an order directing Defendants to produce
25 public records requested by VACNORCAL immediately and to charge only the direct
26 costs of duplication.

27 51. WHEREFORE, VACNORCAL prays for judgment as set forth below.
28

1 **PRAYER FOR RELIEF**

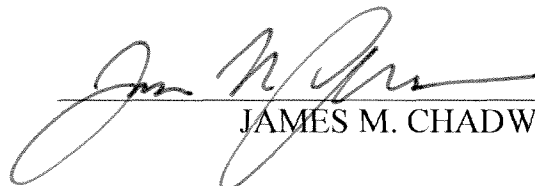
2 VACNORCAL prays for the following relief:

- 3 1. For a declaration that the City and the City Council have violated the
4 Brown Act;
- 5 2. For injunctive relief enjoining the City and the City Council from further
6 violations of the Brown Act;
- 7 3. For a declaration that the City has violated the Public Records Act;
- 8 4. For injunctive relief ordering the City to produce public records requested
9 by VACNORCAL in a timely manner and to charge only the direct costs of duplication.
- 10 5. For attorneys' fees and costs, as provided by law; and
- 11 6. For such other relief as the Court may deem just and proper.
- 12

13 Dated: August 4, 2008

14 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

15
16 By



17 JAMES M. CHADWICK

18 Attorneys for Plaintiff
19 VIETNAMESE-AMERICAN COMMUNITY OF
20 NORTHERN CALIFORNIA
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Tien Nguyen, am the President of VACNORCAL, plaintiff in this action, and I am authorized to make this Verification on its behalf. I have read the foregoing Verified Second Amended Complaint and know its contents. I am informed and believe that the matters stated in it are true and on that ground allege that the matters stated in it are true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 01, 2008, at San Jose, California.



Tien Nguyen