

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

Filed  
May 22, 2020  
Clerk of the Court  
Superior Court of CA  
County of Santa Clara  
18CV330190  
By: atheoharis

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

FRIENDS OF BETTER CUPERTINO,  
KITTY MOORE, IGNATIUS DING, and  
PEGGY GRIFFIN,

Petitioners,

v.

CITY OF CUPERTINO, a General Law City;  
GRACE SCHMIDT, in her official capacity as  
Cupertino City Clerk, and DOES 1-20  
inclusive,

Respondents.

VALLCO PROPERTY OWNER LLC,

Real Party in Interest.

Case No. 18CV330190

**JUDGMENT**

Action Filed: June 25, 2018

This matter came on for hearing before the Honorable Helen E. Williams on December 19, 2019 in Department 10 of the Santa Clara County Superior Court.

Bern Steves and Stuart M. Flashman appeared for Petitioners Friends of Better Cupertino, Kitty Moore, Ignatius Ding, and Peggy Griffin (“Petitioners”); Heather M. Minner of Shute, Mihaly & Weinberger LLP appeared for Respondents City of Cupertino and Grace Schmidt, in her official capacity as Cupertino City Clerk (“Respondents”); Jonathan R. Bass, Katharine T.

1 Van Dusen, and Miles H. Imwalle of Coblentz Patch Duffy & Bass LLP appeared for Real Party  
2 in Interest Vallco Property Owner LLC (“Vallco”); Cole A. Benbow of Hanson Bridgett LLP  
3 appeared for amici curiae Bay Area Council, et al., and Christopher E. Platten and Adam S. Rust  
4 of Wylie, McBride, Platten & Renner appeared for amicus curiae United Association of  
5 Journeyman, Local Union 393, Plumbers, Steamfitters, and HVAC/R Service Technicians of  
6 Santa Clara and San Benito Counties.


7 The Court, having reviewed the record of administrative proceedings in this case and the  
8 parties’ briefs, having considered the oral arguments of counsel presented at the December 19,  
9 2019 hearing, having ruled by written order on the scope of the record, and having prepared a  
10 written statement of the factual and legal basis for its decision in its May 6, 2020 Order Denying  
11 Petition for Writ of Mandate, which Order is incorporated here by reference, **IT IS HEREBY**  
12 **ORDERED, ADJUDGED, AND DECREED:**

- 13 1. The Petition for Writ of Mandate is denied.
- 14 2. Judgment is entered against Petitioners and in favor of Respondents and Vallco.

15 Respondents and Vallco are prevailing parties entitled to costs of suit under Code of Civil  
16 Procedure section 1032, which costs are to be claimed, and which are subject to striking or taxing,  
17 according to law.

18 **IT IS SO ORDERED.**

19  
20 DATED: May 13, 2020

21  
22  
23   
24 HON. HELEN E. WILLIAMS  
25 Judge of the Superior Court  
26  
27  
28