

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

COPY

KAREN MCDONOUGH et al.,
Petitioners,
v.
THE SUPERIOR COURT OF SANTA CLARA COUNTY,
Respondent;
CITY OF SAN JOSE et al.,
Real Parties in Interest.

Court of Appeal - Sixth App. Dist.
FILED

APR 5 - 2012

MICHAEL J. YERLY, Clerk

By _____
DEPUTY

H038126
Santa Clara County No. CV220781

BY THE COURT:

To permit further consideration of the issues raised by the petition for writ of mandate, the ballot title and ballot question approved by the San Jose City Council in Resolution No. 76158 shall not be submitted to the printer for the June 5, 2012 election until further order of this court.

Good cause appearing, the parties are notified that this court is considering issuing a peremptory writ of mandate in the first instance. (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180; *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1240-1241.) Real parties in interest may serve and file on or before 10:00 a.m. on Monday, April 9, 2012, points and authorities in opposition to the petition for writ of mandate. Petitioners may reply to the opposition on or before 10:00 a.m. on Tuesday, April 10, 2012.

(Elia, Acting P.J., Mihara, J., and Duffy, J* participated in this decision.)

Dated APR 5 - 2012 ELIA, J. Acting P.J.

*Retired Associate Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.