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CLERK SUPREME COURT

CASE NO. S212800

IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA

ORANGE CITIZENS FOR PARKS AND RECREATION; AND
ORANGE PARKS ASSOCIATION,
Plaintiffs and Appellants,

vs.

THE SUPERIOR COURT OF ORANGE COUNTY,
Respondent;

MILAN REI IV, LLC; MARY E. MURPHY; CITY CLERK OF THE
CITY OF ORANGE; CITY OF ORANGE; CITY COUNCIL OF THE
CITY OF ORANGE; NEAL KELLEY, REGISTRAR OF VOTERS
FOR THE COUNTY
Real Parties in Interest.

CITY COUNCIL OF THE CITY OF ORANGE'S NOTICE OF
ERRATA RE MISSING PAGE IN ANSWER BRIEF ON THE
MERITS

After a Decision by the Court of Appeal
Fourth Appellate District, Division Three
Case No. G047013 (Consolidated with Case No. G047219)
From Judgment of the County of Orange, Honorable Frederick P. Aguirre
(Superior Court Case No. 30-2011-00494437)

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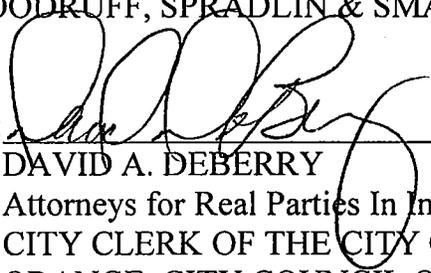
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Attorneys for Mary E. Murphy, City Clerk of the City of Orange,
City Council of the City of Orange and City of Orange

TO: THE COURT AND TO ALL PARTIES HEREIN AND TO THEIR
ATTORNEYS OF RECORD:

The Answer Brief on the Merits filed by Real Parties in Interest City Clerk of the City of Orange, City of Orange, City Council of the City of Orange, was inadvertently filed with page 34 of the Answer Brief missing. Electronic copies of the Answer Brief including the missing page have been sent to all parties. Attached hereto is a true and correct copy of page 34 of the Answer Brief.

DATED: February 3, 2014 WOODRUFF, SPRADLIN & SMART, APC

By: 

DAVID A. DEBERRY
Attorneys for Real Parties In Interest
CITY CLERK OF THE CITY OF
ORANGE, CITY COUNCIL OF THE
CITY OF ORANGE and CITY OF
ORANGE

General Plan criteria set forth in Section 65302(a) of the California Government Code" when it was first adopted (Resolution No. 3915, AR, 11:4899), the City Council directed the "deletion of the word 'specific' from the text of the OPA Plan" (AR, 9:3774) in 1977 and in 1989 stated again that the OPA Plan does "not contain the level of detail required of a Specific Plan under state law." AR, 9:3903. The OPA Plan has since 1973 been the guiding general plan land use document for Orange Park Acres.

B. The Adoption Of The 1989 City-Wide General Plan Did Not Supersede Or Render Inoperative The OPA Plan As A General Plan Document

Petitioners contend that the adoption of the 1989 City-wide General Plan resulted in the OPA Plan being completely superseded at least in part because the 1989 General Plan did not specifically "incorporate" the OPA Plan. The *very same* City Council which adopted the 1989 General Plan just one month before its adoption stated "the OPA Plan has the authority of a General Plan...[and]...provides for a more specific direction of the Plan area" (AR, 9:3903) and in 1990, just eight months after its adoption, stated, "the Orange Park Acres Plan, which is part of the Land Use Element of the City's General Plan..." AR, 9:3970. Successor City Councils continued to amend the OPA Plan by way of a General Plan amendment and in 1998 called it out as "the Orange Park Acres Plan, which was adopted as part of the City's General Plan..." AR, 9:3921.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by WOODRUFF, SPRADLIN & SMART in the County of Orange at 555 Anton Boulevard, Suite 1200, Costa Mesa, CA 92626-7670.

On February 3, 2014, I served the foregoing document(s) described as **CITY COUNCIL OF THE CITY OF ORANGE'S NOTICE OF ERRATA RE MISSING PAGE IN ANSWER BRIEF ON THE MERITS** by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;

- (BY MAIL) I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN & SMART for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.
- (BY ELECTRONIC SERVICE) by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by NORCO DELIVERY SERVICES to receive said documents, with delivery fees provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN & SMART for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by NORCO DELIVERY SERVICES on said date in the ordinary course of business.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 3, 2014 at Costa Mesa, California.



Connie Jo Smith

SERVICE LIST
Orange Citizens for Parks and Recreation vs.
Orange County Superior Court
Milan REI LLC et al.

California Supreme Court Civil No. S212800

After Decision by
California Court of Appeal
Fourth Appellate District, Division Three
Case No. G047219 and G047013 (Consolidated)
Orange County Superior Court No. 30-2011-00494437

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<p>Leon Page Senior Deputy County Counsel Rebecca S. Leeds Deputy County Counsel Office of Orange County Counsel 333 W. Santa Ana Blvd., Suite 407 Santa Ana, CA 92702 Tel: 714.834.6298 Fax: 714.834.2359 Email: leon.page@coco.ocgov.com Attorneys for <i>Real Party in Interest Neal</i> <i>Kelley, Registrar of Voters for the</i> <i>County of Orange</i></p>	<p>Clerk of the Superior Court Orange County Superior Court Central Justice Center 700 Civic Center Drive West Santa Ana, CA 92701 Respondent <i>The Superior Court of</i> <i>Orange County</i></p>
<p>Clerk of the Court of Appeal For the State of California Fourth District, Division Three 601 West Santa Ana Boulevard Santa Ana, CA 92701</p>	<p><i>Courtesy Copy</i></p>