

**COPY**

**SUPREME COURT COPY**  
IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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No. S152934

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CORAL CONSTRUCTION, INC. and  
SCHRAM CONSTRUCTION, INC.,  
Plaintiffs and Respondents,

v.

CITY & COUNTY OF SAN FRANCISCO  
and JOHN L. MARTIN,  
Defendants and Appellants.

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**SUPREME COURT  
FILED**

**OCT 24 2007**

**Frederick R. Ginnick Clerk**  
**DEPUTY**

After an Opinion by the Court of Appeal,  
First Appellate District, Division Four  
(Case No. A107803)

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On Appeal from the Superior Court of San Francisco County  
(Case No. 319549, Honorable James L. Warren, Judge)

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**OBJECTION TO CITY AND COUNTY  
OF SAN FRANCISCO'S APPLICATION  
TO FILE OPENING AND REPLY BRIEFS**

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Attorneys for Plaintiffs and Respondents

Plaintiffs/Respondents/Petitioners Coral Construction, Inc. and Schram Construction, Inc. (Contractors) object to the Application for Leave to File Opening and Reply Briefs filed by Defendants/Appellants/Respondents City and County of San Francisco et al. (San Francisco or City) on the grounds set forth below.

**1. The Contractors Are the Sole Petitioners Entitled to File an Opening Brief**

California Rule of Court 8.520(a)(1) specifies that within 30 days after review is granted the petitioner must serve and file an opening brief on the merits in this Court. Since only Contractors filed a petition for review they are the petitioners in this case. San Francisco chose not to file a petition for review and therefore is not a petitioner entitled to file an opening brief.

Moreover, Deputy City Attorney Sherri Sokeland Kaiser, counsel for City, sent a letter to this Court on August 22, 2007, requesting this Court's permission to file an opening brief. The Court did not grant that request. Since San Francisco is not a petitioner in this case and has not been granted permission to file an opening brief, its request should be rejected.

**2. San Francisco's Request and Proposed Opening Brief Are Out of Time**

As noted above, Rule 8.520(a)(1) requires that the opening brief be filed within 30 days after the Court grants review. This Court granted review on August 22, 2007. On August 28, 2007, Contractors filed an application for

an extension of time to and including October 19, 2007, to file their opening brief. This Court granted that application for extension on September 5, 2007. San Francisco did not apply for and did not receive a similar extension. Therefore, its application for leave to file an opening brief is out of time and should be rejected.

**3. The Additional Briefing Requested by San Francisco  
Would Unduly Burden the Court and Parties  
and Would Add Little or Nothing to the Case**

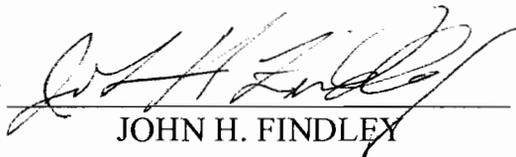
San Francisco proposes to double the briefs in this case from three to six but has not shown why the normal briefing schedule would be inadequate. The City can present its arguments on the two issues raised in its application in its responding brief and do so more efficiently, since it need only attempt to respond to Contractors' arguments on those issues in their brief already filed. San Francisco has failed to show the necessity of burdening this Court and the parties with three additional briefs.

For the reasons set forth herein, Plaintiffs/Respondents/Petitioners Coral Construction, Inc. and Schram Construction, Inc. respectfully request that San Francisco's Application for Leave to File Opening and Reply Briefs be denied.

DATED: October 23, 2007.

Respectfully submitted,

JOHN H. FINDLEY  
SHARON L. BROWNE  
PAUL J. BEARD II

By   
JOHN H. FINDLEY

Attorneys for Plaintiffs and Respondents

**DECLARATION OF SERVICE BY MAIL**

I, Barbara A. Siebert, declare as follows:

I am a resident of the State of California, residing or employed in Sacramento, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 3900 Lennane Drive, Suite 200, Sacramento, California 95834.

On October 23, 2007, true copies of OBJECTION TO CITY AND COUNTY OF SAN FRANCISCO'S APPLICATION TO FILE OPENING AND REPLY BRIEFS were placed in envelopes addressed to:

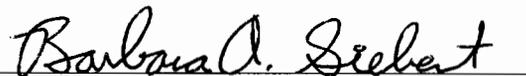
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which envelopes, with postage thereon fully prepaid, were then sealed and deposited in a mailbox regularly maintained by the United States Postal Service in Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 23rd day of October, 2007, at Sacramento, California.

  
BARBARA A. SIEBERT