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Registrar of Voters
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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
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11 AARON PERSKY,

12 Petitioner,

13 v.

14 SHANNON BUSHEY, Santa Clara County,
Registrar of Voters,

15 Respondent.
16

No. 17-CV-314311

**[PROPOSED] ORDER RE: ORDER TO
SHOW CAUSE WHY PEREMPTORY
WRIT OF MANDATE SHOULD NOT
ISSUE**

17 MICHELE DAUBER, MAGDALENA G.
CARRASCO, GRACE H. MAH, ROBERT
18 LIVENGOOD, RAUL PERALEZ, RICHARD
TRAN, GARY KREMEN, PATRICK J. BURT,
19 AMADO M. PADILLA, SHANTA FRANCO-
CLAUSEN, YAN ZAO, JENNIFER BRISCOE,
20 SUZANNE E. DOTY, ALLAN SEID, M.
VEIRA C. WHYE, KAVITA TANKHA,
21 SOPHIA YEN, GABRIEL MANJARREZ,
STEVE KO, PAULETTE ALTMAIER,
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23 Real Parties in Interest
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25 This matter came on for hearing on August 23, 2017 before the Honorable Marjorie Laird
26 Carter, Judge of the Superior Court. The Court having considered all papers filed in support and
27 opposition as well as any response, and oral arguments, hereby:

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- (1) denies with prejudice Petitioner’s request for Petition for Writ of Mandate;
- (2) holds that the Registrar of Voters is the proper official to review and approve recall petition forms for recalls directed at Superior Court Judges and to perform all duties required of the “elections official” under the Elections Code;
- (3) finds that the review and approval by the Registrar of Voters of Santa Clara County of the recall petition form directed at Petitioner was appropriate and authorized under the Elections Code;
- (4) finds that the recall petition form filed by proponents of Petitioner’s recall was neither misleading nor inaccurate;
- (5) rules that proponents of Petitioner’s recall shall have 159 days from the date this Order issues to file their recall petition with the Registrar of Voters of Santa Clara; and
- (6) rules that parties to this action shall each pay their attorneys’ fees and costs and shall not be responsible for paying the attorneys’ fees or costs of any other party.

IT IS SO ORDERED.

Dated: _____

Marjorie Laird Carter
Judge of the Superior Court

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PROOF OF SERVICE

AARON PERSKY v. SHANNON BUSHEY

17-CV-314311

I, Cristina Delgado, say:

I am employed in the County of Santa Clara, State of California. I am over the age of 18, and not a party to the within action. My business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. On the date shown below, I served the foregoing document described as:

[PROPOSED] ORDER RE: ORDER TO SHOW CAUSE WHY PEREMPTORY WRIT OF MANDATE SHOULD NOT ISSUE

by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Mark Rosen
600 W. Santa Ana Blvd., Ste 814
Santa Ana, California 92701
marksrosen@aol.com

George M. Yin
Kaufman Legal Group
777 South Figueroa Street, Suite 4050
Los Angeles, CA 90017
gyin@kaufmanlegalgroup.com

James McManis, Esq.
Elizabeth Pipkin
McManis Faulkner
50 West San Fernando Street, 10th Floor
San Jose, California 95113
jmcm manis@mcmanislaw.com
epipkin@mcmanislaw.com
cpeek@mcmanislaw.com

- BY MAIL:** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above or on the attachment. I am readily familiar with the County's business practice for collection and processing of correspondence for mailing. Under that practice, said correspondence will be deposited with United States Postal Service on the same day with postage thereon fully prepaid at San Jose, California, in the ordinary course of business; there is delivery service by United States mail at the place so addressed. I am a resident or employed in the county where the mailing occurred.
- BY E-MAIL:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above or on the attachment.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **August 16, 2016**, at San Jose, California.



Cristina Delgado