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9 Attorneys for Petitioners
10 CARL FRIBERG, ANNE WAGLEY, JIM SHARP
11 and DEAN METZGER

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF ALAMEDA

14 CARL FRIBERG, ANNE WAGLEY, JIM SHARP)
15 and DEAN METZGER,)

16 Petitioners/Plaintiffs,)

17 v.)

18 TOM BATES, in his official capacities as Mayor and)
19 Councilmember of the City Council of Berkeley,)
20 LINDA MAIO, in her official capacity as)
21 Councilmember of the City Council of Berkeley,)
22 DARRYL MOORE, in his official capacity as)
23 Councilmember of the City Council of Berkeley,)
24 MAXWELL ANDERSON, in his official capacity as)
25 Councilmember of the City Council of Berkeley,)
26 LAURIE CAPITELLI, in his official capacity as)
27 Councilmember of the City Council of Berkeley,)
28 GORDON WOZNAK, in his official capacity as)
29 Councilmember of the City Council of Berkeley,)
30 CITY OF BERKELEY, a municipal corporation,)
31 CITY COUNCIL OF BERKELEY, PHIL)
32 KAMLARZ in his official capacity as City Manager)
33 of the City of Berkeley, MANUELA)
34 ALBUQUERQUE, in her official capacity as)
35 Attorney of the City of Berkeley, and DOES I-XX,)

36 Respondents/Defendants,)

37 and)

38 UNIVERSITY OF CALIFORNIA BERKELEY;)
39 REGENTS OF THE UNIVERSITY OF)
40 CALIFORNIA, and DOES XXI-XXX,)

41 Real Parties in Interest.)

Civ. No. RG 05230715

**NOTICE OF MOTION AND
MOTION OF PETITIONERS FOR
PEREMPTORY WRITS OF
MANDATE AND PROHIBITION
AND DECLARATORY RELIEF;
DECLARATION OF COUNSEL**

Date: January 24, 2006
Time: 9:00 a.m.
Dept.: 31
Judge: Hon. James A. Richman

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PROOF OF SERVICE BY PERSONAL DELIVERY

I am a resident of the United States and of the State of California. I am employed in the County of Alameda. My business address is 436 - 14th Street, Suite 1300, Oakland, CA 94612. My business telephone number is (510) 496-0600. I am over the age of eighteen years. I am not a party to the within action or proceeding.

On December 28, 2005, I arranged for personal delivery on that date of the following documents:

**PETITIONERS' ADMINISTRATIVE RECORD (VOLUMES 1-4)
OF CITY OF BERKELEY.**

On December 29, 2005 I arranged for personal delivery on that date of the following documents:

**NOTICE OF MOTION AND MOTION OF PETITIONERS
FOR PEREMPTORY WRIT OF MANDATE
AND DECLARATORY RELIEF; DECLARATION OF COUNSEL**

addressed as set forth below (CCP §1012, 1013, and 1013(a)).

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Office of the University of California
Counsel
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Oakland, CA 94607-5200
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I declare under penalty of perjury that the foregoing is true and correct. Executed December 29, 2005, at Oakland, California.

Teddy Ann Fuss