



Office of the City Attorney

RICHARD DOYLE, CITY ATTORNEY

KATHRYN J. ZOGLIN
Senior Deputy City Attorney
Direct Line: (408) 535-1991

August 4, 2015

Office of the Clerk
California Court of Appeal
Sixth Appellate District
333 West Santa Clara Street, Suite 1060
San Jose, CA 95113

Re: Friends of the Willow Glen Trestle v. City of San Jose
Court of Appeal Case No. H041563

Dear Court of Appeal:

On July 31, 2015, Plaintiff and Respondent Friends of the Willow Glen Trestle ("FWGT") filed an application for stay, order to show cause for contempt of court, sanctions, or other relief with the Court. The FWGT alleged that on August 4, 2015, the San José City Council was going to direct that the trestle be removed immediately. On July 31, 2015, Defendants and Appellants City of San José and City Council of the City of San José ("the City") filed an opposition to that application.

The City is writing to update the Court and to request that the Court deny the application. Today, the San José City Council did *not* direct that the trestle be removed. As set forth in my letter to opposing counsel dated July 28, 2015 (attached as Exhibit E to the City's opposition to the FWGT's application), the City does not plan to remove the trestle absent some kind of judicial action.

The City respectfully requests that the Court deny the application filed by the FWGT on July 31, 2015, given that the alleged imminent action suggested by the FWGT did not take place nor is there any threat that it will.

Very truly yours,

RICHARD DOYLE, City Attorney

By: 

KATHRYN J. ZOGLIN
Senior Deputy City Attorney

1 **PROOF OF SERVICE**

2
3 CASE NAME: *CITY OF SAN JOSE, et al. v. FRIENDS OF THE WILLOW GLEN TRESTLE*

4 COURT OF APPEALS CASE NO.: H041563
5 (Superior Court No.: 1-14-CV-260439)

6 I, the undersigned declare as follows:

7 I am a citizen of the United States, over 18 years of age, employed in Santa Clara
8 County, and not a party to the within action. My business address is 200 East Santa Clara
9 Street, San Jose, California 95113-1905, and is located in the county where the service
10 described below occurred.

11 On August 4, 2015, I caused to be served the within:

12 City of San Jose's letter to Court in opposition to application for stay, order to show cause
13 for contempt of court, sanctions, or other relief with the Court.

14 by MAIL (unless otherwise indicated), with a copy of this declaration, by depositing
15 them into a sealed envelope, with postage fully prepaid, and causing the envelope to
16 be deposited for collection and mailing on the date indicated above.

17 I further declare that I am readily familiar with the business' practice for collection
18 and processing of correspondence for mailing with the United States Postal Service.
19 Said correspondence would be deposited with the United States Postal Service that
20 same day in the ordinary course of business.

21 Addressed as follows:

22 Susan Brandt-Hawley
23 BRANDT-HAWLEY LAW GROUP
24 P.O. Box 1659
25 Glen Ellen, CA 95442

26 Attorneys for
27 Plaintiff/Respondent, Friends of
28 the Willow Glen Trestle

29 I declare under penalty of perjury under the laws of the State of California that the
30 foregoing is true and correct. Executed on August 4, 2015 at San Jose, California.

31 Tracy Duarte
32 Tracy Duarte