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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO--CENTRAL DIVISION
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11 SAN DIEGO NAVY BROADWAY COMPLEX
12 COALITION,

13 Petitioner,

14 vs.

15 CITY OF SAN DIEGO, CENTRE CITY
16 DEVELOPMENT CORPORATION, and DOES 1
through 100,

17 Respondents;

18 MANCHESTER PACIFIC GATEWAY LLC;
19 UNITED STATES OF AMERICA; and DOES
101 through 1,000,

20 Real Parties in Interest.
21

CASE NO. GIC880444

**NOTICE OF PETITIONER'S INTENT
TO MOVE FOR NEW TRIAL**

Action Filed: February 20, 2007
Department: 71 (Prager)

Hearing Date: July 17, 2009 (tentative)
Hearing Time: 10:00 a.m. (tentative)

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that Petitioner San Diego Navy Broadway Complex Coalition
24 intends to move the Court for an order (i) setting aside the judgment entered on May 11, 2009, that
25 denies the petition for writ of mandate in this proceeding and (ii) granting a new trial. Notice of entry
26 of judgment was served on Petitioner via first-class mail on May 20, 2009.

27 This motion will be heard at the time and place designated by the Court pursuant to Code of
28 Civil Procedure Section 661. A hearing has tentatively been scheduled for July 17, 2009 at 10:00 a.m.,

1 in Department 71 of the above-referenced court, subject to a new time and date for the hearing being
2 specified by the Court under Code of Civil Procedure Section 661.

3 Petitioner's motion will be made on each and all of the following grounds, which materially
4 affected Petitioner's substantial rights and prevented a fair trial:

5 A) Irregularity in the proceedings of the Court and the parties adverse to
6 Petitioner (CODE OF CIV. PROC. § 657(1));

7 B) Order of the Court and abuse of discretion that prevented Petitioner from
8 having a fair trial (CODE OF CIV. PROC. § 657(1));

9 C) Accident or surprise, which ordinary prudence could not have guarded against
10 (CODE OF CIV. PROC. § 657(3));

11 D) Newly-discovered evidence, material to Petitioner's case, that could not, with
12 reasonable diligence, have been discovered and produced at trial (CODE OF CIV. PROC.
13 §657(4));

14 E) Insufficiency of the evidence to justify the decision (CODE OF CIV. PROC. §
15 657(6));

16 F) The decision is against law (CODE OF CIV. PROC. § 657(6));

17 G) Other decisions by the Court are against law (CODE OF CIV. PROC. § 657(6));
18 and

19 H) Error in law occurring at the trial and excepted to by Petitioner (CODE OF CIV.
20 PROC. § 657(7)).

21 This motion will be based on, among other things, declarations and court minutes under Code
22 of Civil Procedure Section 658. The motion will also be based on this notice; the memorandum of
23 points and authorities to be filed and served in accordance with the time limits set out in California Rule
24 of Court 3.1600; affidavits, declarations, or both; Petitioner's request for judicial notice that will
25 accompany its memorandum of points and authorities; minutes of the Court; the transcript of the Court
26 proceeding; any other contents of the Court's files for this proceeding; and any arguments made and
27 evidence offered at the hearing on the motion.

28 Date: June 4, 2009.

Respectfully submitted,

BRIGGS LAW CORPORATION

By: _____
Cory J. Briggs

Attorney for Petitioner San Diego Navy Broadway
Complex Coalition