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8 Attorney for Real Party In Interest,
9 JUDICIAL WATCH, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 YVETTE FELARCA, LORI NIXON,
13 LARRY STEFL,

14 Plaintiffs/Petitioners,

15 v.

16 BERKELEY UNIFIED SCHOOL
17 DISTRICT, DONALD EVANS, JANET
18 LEVENSON,

19 Defendants/Respondents.

CASE NO.: 17-cv-06282-VC

JUDICIAL WATCH'S UNOPPOSED
ADMINISTRATIVE MOTION FOR
LEAVE TO INTERVENE

20 JUDICIAL WATCH,

21 Real Party In Interest.

Hon. Vince Chhabria

22 TO THE COURT ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that, pursuant to Rule 24 of the Federal Rules of Civil Procedure,
24 Civil Local Rules 7-11 and 7-12, and this Court's order filed November 9, 2017 (Doc. 29),
25 JUDICIAL WATCH, by and through its attorney of record, Robert Patrick Sticht, will and does hereby
26 move for an order granting leave to intervene in this action.

27 The grounds for this motion are that Judicial Watch is the real party in interest as the requesting
28 party under the California Public Records Act ("CPRA"), Government Code sections 6250 et seq., that

1 plaintiffs are seeking to prevent defendants from releasing information on the grounds the requested
2 disclosure is prohibited by law, that plaintiffs' action will necessarily affect the rights of Judicial Watch,
3 a party whose interest in access to public records is protected by the California Constitution, article 1,
4 section 3, subdivision (b)(1), as well as the CPRA, and protected by specific provisions of the CPRA
5 authorizing litigation to compel disclosure, *see e.g.*, Government Code sections 6258 and 6259, that
6 Judicial Watch plainly has a stake in the outcome of this action and is so situated that disposing of the
7 action in its absence may as a practical matter impair or impede its ability to protect its interest, that its
8 interest is not adequately represented by existing parties, and that, therefore, its interests should be
9 represented upon motion and order allowing it to intervene in the action. In the alternative, Judicial
10 Watch has an interest that shares with the action a common question of law or fact and intervention will
11 not unduly delay nor prejudice the adjudication of the existing parties' rights.

12 This motion is based upon this notice and motion, the attached stipulation and proposed order,
13 the file and record in this case, and such argument and further evidence as may be presented to the court.
14

15 Dated: November 29, 2017

Respectfully submitted,

17 /s/ Robert Patrick Sticht.
18 ROBERT PATRICK STICHT

19 Attorney for Real Party In Interest,
20 JUDICIAL WATCH
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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2017, I electronically filed the foregoing JUDICIAL WATCH'S ADMINISTRATIVE MOTION FOR LEAVE TO INTERVENE with the Clerk of the Court for the United States District Court for the Northern District of California by using the district CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the district CM/ECF system.

/s/ Robert Patrick Sticht.
ROBERT PATRICK STICHT

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 YVETTE FELARCA, LORI NIXON,
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14 Plaintiffs/Petitioners,

15 v.

16 BERKELEY UNIFIED SCHOOL
17 DISTRICT, DONALD EVANS, JANET
18 LEVENSON,

19 Defendants/Respondents.

CASE NO.: 17-cv-06282-VC

STIPULATION PERMITTING
JUDICIAL WATCH TO INTERVENE;
AND [PROPOSED] ORDER

20 JUDICIAL WATCH,

21 Real Party In Interest.

Hon. Vince Chhabria

RECITALS

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2 A. On October 30, 2017, Yvette Felarca, Lori Nixon, and Larry Stefl (“Plaintiffs”) filed a
3 Verified Complaint and Petition for Writ of Mandamus as a putative class action against the Berkeley
4 Unified School District, Donald Evans, and Janet Levenson (“Defendants”), naming Judicial Watch as
5 real party in interest. Plaintiffs also filed a Motion for Temporary Restraining Order and/or Preliminary
6 Injunction. On October 31, 2017, the Court issued a tentative Order Re: Application for Temporary
7 Restraining Order, and on November 1, 2017, the Court issued a Scheduling Order Re: Application for
8 Temporary Restraining Order. On November 3, 2017, Defendants filed an Opposition to Plaintiffs’
9 Motion for Temporary Restraining Order and/or Preliminary Injunction. Defendants also filed a Notice
10 to Judicial Watch Pursuant to Federal Rule of Civil Procedure 24. On November 3, 2017, Judicial
11 Watch filed a Notice of Intent to Intervene. On November 9, 2017, the Court issued an Order Re:
12 Temporary Restraining Order and Intervention, and Order to Show Cause Why Preliminary Injunction
13 Should Not Issue (“TRO”).

14 B. On November 20, 2017, Plaintiffs filed a Verified First Amended Complaint and Petition
15 for Writ of Mandamus as a putative class action against Defendants, naming Judicial Watch as real
16 party in interest.

17 C. On November 3, 2017, Defendants filed a Notice to Judicial Watch Pursuant to Federal
18 Rule of Civil Procedure 24. On the same date, Judicial Watch filed a Notice of Intent to Intervene.
19 In its TRO, the Court stated Judicial Watch will likely be permitted to intervene if it so moves.
20 Furthermore, if the motion is not opposed, Judicial Watch may file an administrative motion under
21 Local Rules 7-11 and 7-12.

22 D. Judicial Watch requested the stipulation of Plaintiffs and Defendants and their counsel.
23 Plaintiffs, Defendants, and counsel have all stipulated to the intervention of Judicial Watch.

STIPULATION

24
25 Plaintiffs, Defendants, and their counsel, and Judicial Watch, by and through their attorneys of
26 record, hereby stipulate and request that the Court make this stipulation an order of the Court:

27 1. Judicial Watch shall be permitted to intervene in this action as the real party in interest
28

1 pursuant to Federal Rule of Civil Procedure 24.

2
3 Dated: November 29, 2017

Respectfully submitted,

4 LAW OFFICES OF ROBERT PATRICK STICHT

5 By: /s/ Robert Patrick Sticht.
6 ROBERT PATRICK STICHT

7 Attorney for Real Party In Interest,
8 JUDICIAL WATCH

9
10 Ronald Cruz
11 Shanta Driver*
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18 *Pro Hac Vice

19 By: /s/ Ronald Cruz
20 RONALD CRUZ

21 Attorneys for Plaintiffs/Petitioners,
22 Yvette Felarca, Lori Nixon, Larry Stefl

23 Jerome Schreiberstein
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By: /s/ Jerome Schreiberstein
JEROME SCHREIBSTEIN

Attorneys for Defendants/Respondents,
Berkeley Unified School District,
Donald Evans, Janet Levenson

[PROPOSED] ORDER

Having considered the above stipulation to permit Judicial Watch to intervene pursuant to Federal Rule of Civil Procedure 24, Judicial Watch is allowed to intervene in this action as the real party in interest.

IT IS SO ORDERED.

Dated: _____, 2017

Honorable Vince Chhabria
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2017, I electronically filed the foregoing STIPULATION PERMITTING JUDICIAL WATCH TO INTERVENE; AND [PROPOSED] ORDER with the Clerk of the Court for the United States District Court for the Northern District of California by using the district CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the district CM/ECF system.

/s/ Robert Patrick Sticht.
ROBERT PATRICK STICHT

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