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2 M. Dare DeLano (Calif. Bar No. 196707)
3 Tyler T. Hee (Calif. Bar No. 316148)
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10 Attorneys for [Proposed] Intervenor

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION**

13 CITY OF ENCINITAS, a municipal corporation,)

14 Plaintiff,)

15 vs.)

16 THE CALIFORNIA DEPARTMENT OF)
17 HOUSING AND COMMUNITY)
18 DEVELOPMENT, and DOES 1-100, inclusive,)

19 Defendants.)

20 _____)
21 PRESERVE PROPOSITION A, an)
22 unincorporated association,)

23 [Proposed] Intervenor.)
24 _____)
25)
26)
27)
28)

Case No. 37-2019-00047963-CU-OR-NC

**[PROPOSED] INTERVENOR'S NOTICE
OF MOTION AND MOTION FOR LEAVE
TO INTERVENE**

Date: September 4, 2020

Time: 1:30 PM

Judge: Hon. Earl. H. Maas, III

Dept.: N-28

First Amended Complaint Filed: March 10, 2020

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE**
2 **NOTICE** that on September 4, 2020, at 1:30 p.m., or as soon thereafter as the matter may be heard,
3 in Department N-28 of the above-entitled court, located at 325 South Melrose Drive, Vista,
4 California, Proposed Intervenor Preserve Proposition A will, and hereby does, move this Court
5 pursuant to California Code of Civil Procedure, Section 387 to grant leave to intervene in this action.

6 This motion will be based upon this Notice of Motion and Motion, Memorandum of Points
7 and Authorities, Declaration of Susan Turney, Declaration of Tyler T. Hee, and the Proposed Answer
8 in Intervention filed and served herewith, and on any other oral and documentary evidence to be
9 presented before or at the hearing on this motion. Furthermore, this Motion is based on all pleadings
10 and papers on file in the above-entitled action and on all matters that may or shall be judicially
11 noticed by this court, as well as any additional arguments or authorities that may be presented before
12 or at the hearing on this motion.

13 Respectfully Submitted,

14 DATED: July 21, 2020

DELANO & DELANO

16 By: s// Tyler T. Hee
17 Everett L. DeLano III
18 M. Dare DeLano
19 Tyler T. Hee
20 Attorneys for Plaintiff