

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN LUIS OBISPO
Confidential Division

CERTIFICATE OF MAILING

SAN MIGUEL JOINT UNION

VS.

CALIFORNIA DEPT OF EDUCATION

CV071147

Inman, Stacy L
Attorney for Petitioner
 SCHOOLS LEGAL SERVICE
 1300 17th Street, Seventh Floor
 Bakersfield CA 93303

Vivas, Gabriel B.
Attorney for Respondent
 GENERAL COUNSEL, CA DEPT OF EDUCATION
 1430 N Street, RM 5319
 Sacramento CA 95814

Marcus, Andrea
Att for Real Party in Int/Claimant
 LAW OFFICE OF ANDREA MARCUS
 133 de La Guerra Street, # 143
 Santa Barbara CA 93101 2247

*

Attached Pleading:
 Order Awarding Real Party's Attorney
 Fees & Costs, 2/17/09

Under penalty of perjury, I hereby certify that I deposited in the United States mail, at San Luis Obispo, California, first class postage prepaid, in a sealed envelope, a copy of the foregoing addressed to each of the above
 OR
 If counsel has a pickup box in the Courthouse that a copy was placed in said pickup box this date.

SUSAN MATHERLY, Court Executive Officer

by *R. DeLay*, Deputy

Dated: 2/17/09

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FILED

FEB 17 2009

SAN LUIS OBISPO SUPERIOR COURT
 BY *[Signature]*
 L. Colley, Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN LUIS OBISPO**

**SAN MIGUEL JOINT UNION SCHOOL
 DISTRICT,**
 Plaintiff,
vs.
**CALIFORNIA DEPARTMENT OF
 EDUCATION,**
 Defendant.

SEAN S.
 Real Party in Interest.

Case No.: CV 071147

**ORDER AWARDING REAL PARTY'S
 ATTORNEY'S FEES AND COSTS**

Real-Party-In-Interest's Motion for Attorney's Fees and Costs came on regularly for hearing on December 30, 2008. Real Party was represented by Andrea M. Marcus. Petitioner San Miguel Joint Union School District was represented by Stacy Inman. Respondent California Department of Education was represented by Gabriel C. Vivas.

On December 29, 2008, the Court issued a tentative ruling granting Real Party's Motion. On December 30, 2008, after oral argument, and after considering all of the evidence and arguments submitted in support and in opposition to the Motion, the Court ruled that Real Party was entitled to attorneys fees in the amount \$182,220.00 and costs in the amount of \$2, 416.43. Although counsel for Real Party was directed to submit a

1 more formal order, a minute order was issued and a notice of ruling was served on all
2 counsel by the clerk of court on December 31, 2008.

3 A dispute subsequently arose as to the form of the formal order. Having
4 considered the pleadings on this issue, the Court finds that Petitioner's actions vis-à-vis
5 the proposed formal order are unreasonable and have caused unnecessary delay.

6 Now, therefore, for the reasons expressed in the Court's ruling dated December
7 30, 2008, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

8 1. Petitioner San Miguel Joint Union School District shall pay to Real Party's
9 attorney, Andrea M. Marcus, Esq., a total of \$184,636.43 in fees and costs, plus
10 accumulated interest, as follows:


- 11 a. \$152,120.00 in attorneys' fees;
12 b. \$25,000.00 in fees for paralegal services;
13 c. \$5,100.00 in fees for attorney travel time; and,
14 d. \$2,416.43 in costs.
15 e. Interest shall accrue on the total sum due beginning as of January 31, 2009.

16 2. Real Party's request to set a payment schedule is denied.

17 It is further ORDERED, ADJUDGED AND DECREED that, within fifteen days
18 of service of this order, Petitioner San Miguel Joint Union School District shall pay to
19 Real Party's attorney, Andrea M. Marcus, Esq., a sanction in the amount of \$534.00
20 with respect to the proceedings regarding the form of this order.

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22 DATED: February 17, 2009


23 CHARLES S. CRANDALL
24 Judge of the Superior Court

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26 CSC/lk

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