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ORIGINAL

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 X03035/521168

FILED  
ALAMEDA COUNTY

SEP 25 2008

CLERK OF THE SUPERIOR COURT

By *KmL Ostron* Deputy

6 Attorneys for Respondents  
7 CITY OF OAKLAND et al.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA

10 COALITION TO SUPPORT PLASTIC BAG  
11 RECYCLING an incorporated association,

Case No. RG07339097

RETURN TO PREEMPTORY WRIT OF  
MANDATE

12 Petitioner,

13 v.

14 CITY OF OAKLAND, a municipal corporation,  
15 CITY COUNCIL OF THE CITY OF  
OAKLAND, collectively and in their official  
16 capacities, and DOES 1 through 20 inclusive,

17 Respondents.

18  
19  
20 Respondents City of Oakland et al. ("Respondents") make the following return to the  
21 preemptory writ of mandate issued in this action:

22 (1) Respondents' implementation of the ordinance which is the subject matter of this  
23 lawsuit, Ordinance No. 12818 C.M.S., has been suspended at all times since the issuance of the  
24 Writ in this action (as required by the Writ);<sup>1</sup>

25 \_\_\_\_\_  
26 <sup>1</sup> Respondents actually suspended implementation Ordinance No. 12818 C.M.S. prior to the  
issuance of the Writ in this action.

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(2) Respondents have not re-enacted Ordinance No. 12818 C.M.S.;

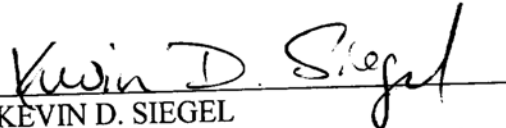
(3) On September 16, 2008, Respondent Oakland City Council unanimously voted to introduce for first reading an Ordinance rescinding, setting aside and vacating Ordinance No. 12818 C.M.S., as reflected in Exhibit A attached hereto and incorporated herein; and

(4) Respondents have scheduled for the October 7, 2008, Oakland City Council meeting the second reading, final adoption vote, as required to adopt an ordinance, for the Ordinance rescinding Ordinance No. 12818 C.M.S, as reflected in Exhibit A attached hereto and incorporated herein.

Respondents intend to file a supplement to this Return to Peremptory Writ following the October 7, 2008, Oakland City Council meeting.

Dated: September 25, 2008

JOHN A. RUSSO, City Attorney  
BARBARA J. PARKER, Assistant City Attorney  
MARK WALD, Deputy City Attorney  
KEVIN D. SIEGEL, Deputy City Attorney

By:   
KEVIN D. SIEGEL  
Attorneys for Respondents and Defendants  
CITY OF OAKLAND et al.

A

DRAFT

City of Oakland  
Meeting Minutes

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk



Concurrent Meeting of the Oakland Redevelopment Agency  
/ City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Tuesday, September 16, 2008

6:00 PM

Oakland City Hall, 3rd Floor

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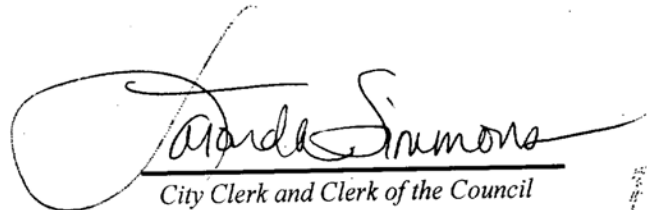
Subject: Rescinding Ordinance No. 12818 C.M.S. Plastic Bag Ban  
From: Public Works Agency  
Recommendation: Adopt An Ordinance Rescinding Ordinance No. 12818 C.M.S., Which Banned The Use Of Non-Biodegradable Plastic Carry-Out Bags At Point Of Sale By Certain Retail Establishments (07-1597)

**A motion was made by Councilmember Brooks, seconded by Councilmember Quan, that this matter be Approved on Introduction for Final Passage to the \*Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on October 7, 2008. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

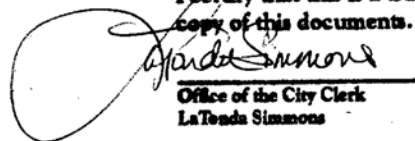
*The following individual(s) spoke under this item:*

- Sanjiv Handa  
View Report.pdf

  
City Clerk and Clerk of the Council

**CERTIFIED COPY**

I certify that this is a true and authentic copy of this documents.

  
Office of the City Clerk  
LaTonda Simmons

9/24/08  
Date

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**PROOF OF SERVICE**

**Coalition to Support Plastic Bag Recycling v. City of Oakland, et al.**  
**Alameda County Superior Case No. RG07339097**

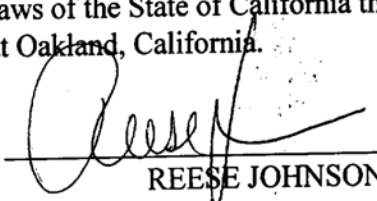
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is City Hall, One Frank Ogawa Plaza, 6th Floor, Oakland, California 94612. On the below date I served the within document(s):

**RETURN TO PREEMPTORY WRIT OF MANDATE**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth.
- by causing personal delivery by Kevin D. Siegel of the document(s) listed above to the person(s) at the address(es) set forth below.
- by causing such envelope to be sent by Federal Express/Express Mail.

Michael N. Mills  
Wendy Lee Bogdan  
Ryan C. Wood  
Downey Brand, LLP  
555 Capital Mall, Tenth Floor  
Sacramento, CA 95814  
916-444-1000  
916-444-2100 (Fax)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 9-25, 2008 at Oakland, California.

  
\_\_\_\_\_  
REESE JOHNSON