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K. TORRE, CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

BY: J. MYOVICH, DEPUTY CLERK

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF CONTRA COSTA

DONALD GOSNEY, an individual,
 Petitioner,
 vs.
 STEPHEN L. WEIR, Clerk-Recorder of the
 County of Contra Costa; and
 DIANE HOLMES, City Clerk of the City of
 Richmond,
 Respondents,
 JOAN GARRETT, an individual; JEFF
 RITTERMAN, an individual; ANDRÉS
 SOTO, an individual; GAYLE
 McLAUGHLIN, an individual; and
 KENNETH DAVIS, an individual,
 Real Parties in Interest,

Case No. **N10-1254**

**VERIFIED PETITION FOR WRIT OF
 MANDATE (ELEC. CODE, §§ 9295, 13314
 (a); CODE CIV. PROC. § 1086)**

**IMMEDIATE ACTION REQUESTED,
 ELECTION LAW MATTER CALENDAR
 PREFERENCE PURSUANT TO ELEC.
 CODE, § 13314 (a) (3)**

Date:
 Time:
 Dept.:
 Judge:

File by Fax

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2) Promises of jobs and economic benefits are false. Short-term construction jobs would be at least 7-8 years away, **with no guarantees that Richmond workers will be hired.** The casino developers are working feverishly to have Point Molate designated as sovereign tribal land. As such, our City would permanently lose control over the site. **Casino jobs would be low-wage, with no assured long-term jobs for Richmond’s working families.** Casinos are not “recession proof” and nationwide are losing revenue, laying off workers, and going bankrupt.

3) Richmond can do better! The natural beauty of historic Point Molate is breathtaking. This jewel of the Richmond shoreline deserves a development project that reflects our City’s resiliency and transformation. There are good alternative projects that would bring jobs, services, and pride to Richmond residents, such as a convention center, retail establishments, museum, theater, and recreation facilities. Voting “No” on Measure U will help clear the way for our City to pursue these positive alternatives.

Vote “No” on Measure U to send the strong message that you oppose the crime and poverty that a casino would bring to Richmond. Vote “No” to show you support a future for Point Molate that will make our grandchildren proud.

PROCEDURAL BACKGROUND

7. On or about August 13, 2010, Respondent Diane Holmes, in her capacity as the Clerk of the City of Richmond, made available for public inspection the Primary Argument Against Measure U.

8. This Petition for Writ of Mandate is being filed within the statutory 10-calendar day public inspection period for the Ballot Argument that commenced on August 14, 2010.

9. During this 10-day period, any City of Richmond voter may seek deletion or amendment of any or all of a ballot argument or other material prior to printing of the ballot pamphlet. *See* Elec. Code, § 9295(b)(1); *see also* Elec. Code, § 13314(a). This action has priority over all other civil actions. Elec. Code, § 13314(a)(3).

FIRST CAUSE OF ACTION

(Writ of Mandate, Elections Code, §§ 9295, 13314(a))

10. Petitioner realleges and incorporates herein paragraphs 1 through 9.

1 11. Election Code section 9295 authorizes deletion of false or misleading statements
2 from official ballot pamphlet arguments.

3 12. The Primary Argument Against Measure U contains false and misleading
4 statements.

5 13. The statement in paragraph “2)” of the Ballot Argument that jobs resulting from
6 measure U come "**with no guarantees that Richmond workers will be hired**" is false.

7 14. Agreements currently in place with the Point Molate developer require hiring of
8 40% of operational, non-management positions from a pool of Richmond residents referred by
9 RichmondWORKS, a program created and operated by the city. These agreements further apply
10 these hiring requirements to hiring by contractors working on the development project, including
11 on construction contracts.

12 15. The fourth sentence in paragraph “2)” of the Ballot Argument is untrue in its
13 entirety. The sentence at issue reads: "**Casino jobs would be low-wage, with no assured long-**
14 **term jobs for Richmond’s working families.**"

15 16. The claim that casino jobs would be low-wage is a false statement of fact. The
16 casino jobs will be subject to the terms of the City of Richmond Living Wage Ordinance. The
17 claim that there would be no assured long-term jobs for Richmond’s working families is likewise a
18 false statement of fact. The agreements requiring hiring 40% of operational, non-management
19 positions from a pool of Richmond residents also require that vacancies in those jobs continue to
20 be filled by Richmond residents.

21 17. Petitioner has no other adequate or speedy remedy at law. The voters deserve, and
22 the Elections Code requires, that all ballot measure proponents and opponents comply with section
23 9295.

24 WHEREFORE, Petitioner prays for relief as follows:

25 1. For issuance of an alternative writ/order to show cause and peremptory writ of
26 mandate directing Respondent WEIR to delete the following language from the Primary Argument
27 Against Measure U submitted by Real Parties in Interest JOAN GARRETT, JEFF RITTERMAN,
28 ANDRÉS SOTO, GAYLE McLAUGHLIN, and KENNETH DAVIS:

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- a. "[W]ith no guarantees that Richmond workers will be hired."
- b. "Casino jobs would be low-wage, with no assured long-term jobs for

Richmond's working families."

- 2. For such other and further relief as the Court deems just and proper.

Dated: August 23, 2010

McNUTT LAW GROUP LLP

By: 
Michael A. Sweet
Attorneys for Petitioner, DONALD GOSNEY

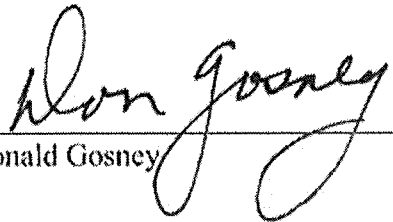
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VERIFICATION

I, Donald Gosney, declare:

I am a resident of Richmond, California and the Petitioner in this action. I have read the attached Petition for Writ of Mandate. I am informed and believe and on that ground allege that the matters stated in the foregoing petition are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Richmond, California, on August 23, 2010.



Donald Gosney

EXHIBIT A

PRIMARY ARGUMENT AGAINST MEASURE U

Primary Argument & Word Count begin Below. Names & Titles are not included in the word count.

RECEIVED
CITY CLERKS OFFICE
CITY OF RICHMOND

Vote "No" on Measure U

10 AUG 13 PM 3: 37

Bringing a casino to Richmond's Point Molate is a losing bet -- for families, workers, neighborhoods, and local businesses. Community opposition to an urban casino is widespread because:

- 1) Evidence is overwhelming that casinos create more problems for communities than they solve. Casinos attract organized crime, prostitution, theft, and drug sales. Gambling addictions skyrocket. Richmond has worked hard in recent years to reduce crime, with good results. An urban casino at Point Molate would increase crime, while local residents gamble away their hard-earned wages, and risk losing their homes, savings, and children's futures.
- 2) Promises of jobs and economic benefits are false. Short-term construction jobs would be at least 7-8 years away, with no guarantees that Richmond workers will be hired. The casino developers are working feverishly to have Point Molate designated as sovereign tribal land. As such, our City would permanently lose control over the site. Casino jobs would be low-wage, with no assured long-term jobs for Richmond's working families. Casinos are not "recession proof" and nationwide are losing revenue, laying off workers, and going bankrupt.
- 3) Richmond can do better! The natural beauty of historic Point Molate is breathtaking. This jewel of the Richmond shoreline deserves a development project that reflects our City's resiliency and transformation. There are good alternative projects that would bring jobs, services, and pride to Richmond residents, such as a convention center, retail establishments, museum, theater, and recreation facilities. Voting "No" on Measure U will help clear the way for our City to pursue these positive alternatives.

Vote "No" on Measure U to send the strong message that you oppose the crime and poverty that a casino would bring to Richmond. Vote "No" to show you support a future for Point Molate that will make our grandchildren proud.

****Exact names and titles of proponents as shown on Signer - Signature Statement are needed for this Argument****
If signing on behalf of an association, list organization first and signer underneath.

- ① Name JOHN GARRETT
Title DIRECTOR OF COMMUNICATIONS
CITIZENS FOR A SUSTAINABLE PT. MOLATE
- ② Name Gayle McLaughlin
Title Mayor of Richmond *(for identification purposes only)*
- ③ Name Dr. Jeff Ritterman
Title Vice Mayor of Richmond *(for identification purposes only)*
- ④ Name Rev. Kenneth Davis
Title Vice-President, Shields-Ried Neighborhood Council
- ⑤ Name ANDRÉS SOTO
Title RICHMOND PLANNING COMMISSIONER