

Paul D. Fogel (SBN 70859)  
 pfogel@reedsmith.com  
 Raymond A. Cardozo (SBN 173263)  
 rcardozo@reedsmith.com  
 REED SMITH LLP  
 101 Second Street, Suite 1800  
 San Francisco, CA 94105  
 Tel: 415.543.8700 Fax: 415.391.8269

John R. Yeh (SBN 154576)  
 E-mail: jyeh@bwslaw.com  
 Donald A. Velez (SBN 143132)  
 E-mail: dvelez@bwslaw.com  
 BURKE, WILLIAMS & SORESENSEN, LLP  
 2440 West El Camino Real, Suite 620  
 Mountain View, CA 94040-1499  
 Tel: 650.327.2672 Fax: 650.688.8333

Attorneys for Respondents  
 LOS ALTOS SCHOOL DISTRICT; BOARD OF  
 TRUSTEES OF THE LOS ALTOS SCHOOL  
 DISTRICT; and TIM JUSTUS

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SANTA CLARA

BULLIS CHARTER SCHOOL,

Petitioner,

v.

LOS ALTOS SCHOOL DISTRICT;  
 BOARD OF TRUSTEES OF THE LOS  
 ALTOS SCHOOL DISTRICT; and TIM  
 JUSTUS, in his capacity as District  
 Superintendent,

Respondents.

Case No. 109CV144569

**RESPONDENTS' NOTICE OF MOTION  
 AND MOTION FOR DECLARATORY  
 RELIEF**

Date: August 15, 2012  
 Time: 9:00 a.m.  
 Dept: 2

Judge: Hon. Patricia Lucas

[Filed with: Memorandum of Points and  
 Authorities in Support of Motion; Memorandum  
 of Points and Authorities in Opposition to  
 Motion to Compel Compliance; Objection to  
 Jurisdiction; Request for Judicial Notice;  
 Declarations in Support of Opposition and  
 Motion; and Proposed Order]

**TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on August 15, 2012, at 9:00 a.m. in Department 2 of the above-entitled Court, located at 191 North First Street, San Jose, California 95113, Respondents Los Altos School District, Board of Trustees of the Los Altos School District, and Tim Justus, in his capacity as District Superintendent (together, "Respondents"), will and hereby do move this Court for an order of declaratory relief pursuant to California Code of Civil Procedure section 1060.

After the District fully complied with its obligations to offer Petitioner Bullis Charter School facilities for the 2012-2013 school year, Bullis Charter School has moved this Court to compel Respondents to increase the offer and to provide Bullis Charter School with its own campus (and thereby displace hundreds of other Los Altos School District students). Because Bullis Charter School's motion contends that Proposition 39 entitles them to more and entitles BCS to disrupt and burden all other District pupils, but Proposition 39 requires that district facilities be shared fairly among *all* district students, an actual controversy has arisen between Petitioner and Respondents. This Court should issue an order providing the declaration relief discussed in the accompanying memorandum of points and authorities and set forth in the District's proposed order.

This motion is based upon the accompanying memorandum of points and authorities, declarations and exhibits, and the pleadings and papers filed herein, and such other argument and evidence as may be presented at the hearing.

DATED: July 24, 2012

Respectfully submitted,  
BURKE, WILLIAMS & SORENSEN, LLP  
REED SMITH LLP

  
Raymond A. Cardozo  
Attorneys for Respondents