

ITEM 11

CHIEF LEGAL COUNSEL'S REPORT New Filings, Recent Decisions, Litigation Calendar

This public session report is intended only as an information item for the public.¹ Commission communications with legal counsel about pending litigation or potential litigation are reserved for Closed Executive Session, per the Notice and Agenda.

New Filings

CSAC Excess Insurance Authority v. Commission on State Mandates, et al.

Los Angeles Superior Court No. BS092146

CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters*]

Date Filed: August 27, 2004 (served on the Commission on December 2, 2004)

Recent Decisions

San Diego Unified School District v. Commission on State Mandates, et al.

County of Sacramento Superior Court Case No. 03CS11401 [consolidated with Nos. 03CS01568, 03CS01569, 03CS01702, 04CS00028]

CSM Case Nos. 03-L-03 [and Nos. 03-L-04, -05, -06, -09, and -10]

[*Graduation Requirements*]

These claims concern Education Code section 51225.3 (Stats. 1983, ch. 498) and state-mandated science instruction in schools. These related actions were before the Commission as incorrect reduction claims (IRCs). In each case, the Commission denied the IRCs, finding that the State Controller's Office (SCO) had properly reduced the school district claims for teacher salaries and costs for additional science classrooms. On December 27, 2004, the superior court overruled the Commission's decisions on the issue of reimbursement of teacher salaries, and directed the Commission to have the SCO reevaluate the reimbursement claims in light of its ruling. On the issue of inadequate documentation of costs for additional classrooms, the court agreed with the Commission and the SCO that the documentation was insufficient to support the claims.

¹ Based on information available as of December 31, 2004. Release of this litigation report shall not be deemed to be a waiver of any privileged communication or act, including, but not limited to, the attorney-client privilege and the attorney work product doctrine.

Litigation Calendar

Case Reference	Hearing Date
<i>County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.</i> Los Angeles Superior Court Case Number BS089769 CSM Case No. 03-L-12 [<i>Transit Trash Receptacles, et al.</i>], consolidated with <i>City of Artesia, et al. v. State of California, Commission on State Mandates, et al.</i> Los Angeles Superior Court Case Number BS089785, CSM Case No. 03-L-13 [<i>Waste Discharge Requirements</i>]	May 10, 2005