

ITEM 18

**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

None.

Recent Decisions

County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al. Los Angeles Superior Court Case No. BS089769, CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*], consolidated with *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.* Los Angeles Superior Court Case No. BS089785, CSM Case No. 03-L-13 [*Waste Discharge Requirements*]

Per ruling on May 9, 2005, the Los Angeles Superior Court directed that test claims be returned to the Commission for decision on the merits. The court ruled that the definition of “executive order” in Government Code section 17516 may not be used to bar these test claims.

Litigation Calendar

Case Reference	Hearing Date
<i>San Diego Unified School District v. Commission on State Mandates, et al.</i> , Sacramento Superior Court Case No. 03CS01401 [and related cases], CSM Case Nos. 03-L-03, -04, -05, -06, -09, and 10 [<i>Graduation Requirements</i>]	June 15, 2005, Hearing on petitioners’ motion for attorney’s fees
<i>CSAC Excess Insurance Authority v. Commission on State Mandates, et al.</i> , Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [<i>Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement</i>], consolidated with <i>City of Newport Beach v. Commission on State Mandates, et al.</i> , Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [<i>Skin Cancer Presumption for Lifeguards</i>]	September 12, 2005, Trial on consolidated cases

¹ Based on information available as of May 13, 2005. 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.