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12 Riverside County Democratic Central  
13 Committee, Naomi Ingram, Sherri Lynn Riegel  
14 and Jennifer Christina Riegel

15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF RIVERSIDE  
17 (UNLIMITED JURISDICTION)

18 RIVERSIDE COUNTY DEMOCRATIC  
19 CENTRAL COMMITTEE, NAOMI INGRAM  
20 SHERRI LYNN RIEGEL, JENNIFER  
21 CHRISTINA RIEGEL, and DOES 1 through  
22 12,560,

23 Petitioners and Plaintiffs,

24 vs.

25 BARBARA DUNMORE, in her official capacity  
26 as Registrar of the County of Riverside,

27 Respondent and Defendant.

No.: RIC 10012986

Action Filed: June 30, 2010

**ORDER GRANTING  
PETITION FOR WRIT OF  
PROHIBITION/MANDATE AND  
COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

**ELECTION MATTER –  
IMMEDIATE ACTION REQUESTED**

Hearing:

Date: July 9, 2010  
Time: 9:30 a.m.  
Dept: 6

(The Honorable Mac R. Fisher)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JUL 09 2010

*M. Fisher*

DAA

JUL 12 2010

1                   Petitioners Riverside County Democratic Central Committee, Naomi Ingram, Sherri  
2 Lynn Riegel and Jennifer Christina Riegel's Petition for Writ of Prohibition/Mandate came on for  
3 hearing on July 9, 2010, at 9:30 a.m. in Department 6 of the Superior Court of the County of Riverside,  
4 the Honorable Mac R. Fisher presiding. Petitioners Riverside County Democratic Central Committee,  
5 Naomi Ingram, Sherri Lynn Riegel and Jennifer Christina Riegel appeared by and through James C.  
6 Harrison of Remcho, Johansen & Purcell, LLP. Respondent Barbara Dunmore appeared by and  
7 through Pam Walls, County Counsel for the County of Riverside.

8                   The Court, having read and considered petitioners' petition for writ of  
9 prohibition/mandate and accompanying papers, along with all other papers on file with this court, and  
10 having heard and considered the arguments of counsel, and good cause appearing therefore,

11                   THE COURT HEREBY FINDS that the United States and California Constitutions, and  
12 in particular, article II, section 2.5 of the California Constitution, compel respondent Dunmore to  
13 include the <sup>guaranteed</sup> otherwise legal ballots that were available for pick up by the Registrar at the postal facility  
14 in Moreno Valley on Election Day, June 8, 2010, in the certified election results.

15                   IT IS THEREFORE HEREBY ORDERED:

16                   1.       Petitioners' Writ of Prohibition/Mandate is GRANTED, and a peremptory writ  
17 of mandate shall issue.

18                   2.       Respondent, and all of her agents and employees, are prohibited from excluding  
19 from the final election results for the June 2010 primary election the <sup>guaranteed</sup> otherwise legal ballots that were  
20 available for pick up by the Registrar at the postal facility in Moreno Valley on Election Day.

21                   3.       Respondent, and all of her agents and employees, are prohibited from certifying  
22 the final election results for the June 2010 primary election without including the otherwise legal  
23 ballots that were <sup>guaranteed</sup> available for pick up by the Registrar at the postal facility in Moreno Valley on  
24 Election Day.

25                   4.       The time for respondent Dunmore to certify the results of the June 8, 2010  
26 primary election in Riverside County is extended pursuant to Elections Code section 15701, until the  
27 otherwise legal ballots that were available for pick up by the Registrar at the postal facility in Moreno  
28

1 Valley on Election Day are counted and included in the final election results for the June 2010 primary  
2 election, and said count and Registrar's certification  
3 DATED: shall occur on or before July 15, 2010.

4 Mac R. Fisher  
5 THE HONORABLE MAC R. FISHER  
6 JUDGE OF THE SUPERIOR COURT

7  
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9  
10  
11 Approved ~~at~~ as to Form:

12  
13  
14 Pam Walls  
15 Pam Walls  
16 County Counsel  
17

18  
19  
20 Deborah Fox 7/9/2010  
21 Deborah Fox  
22 Mayers Nave  
23  
24  
25

**PROOF OF SERVICE**

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause or action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On July 6, 2010, I served a true copy of the following document(s):

**[Proposed] Order Granting Petition for Writ of Prohibition/Mandate and Complaint for Injunctive and Declaratory Relief**

on the following party(ies) in said action:

Dana M. Smith *Attorneys for Defendant and Respondent*  
Deputy County Counsel  
County of Riverside  
3960 Orange Street, Fifth Floor  
Riverside, CA 92501  
Phone: (951) 955-6300  
Fax: (951) 955-6363  
Email: DANASMITH@co.riverside.ca.us

- BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
  - depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the businesses' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Leandro, California, in a sealed envelope with postage fully prepaid.
- BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.
- BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.