

No.: D064888

**IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE**

Stephen Sedlock, et al.
Appellants,

v.

Timothy Baird, Superintendent, et al.
Respondents.

San Diego County Superior Court
Case No. 37-2013-00035910-CU-MC-CTL
Honorable John S. Meyer

**BRIEF OF AMICUS CURIAE YOGA ALLIANCE
IN SUPPORT OF
RESPONDENTS AND AFFIRMANCE**

PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG 91037
NATHANIEL R. SMITH 257615
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575
Telephone: (619) 234-5000
Facsimile: (619) 236-1995

Attorneys for Amicus Curiae
YOGA ALLIANCE

No.: D064888

**IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE**

Stephen Sedlock, et al.
Appellants,

v.

Timothy Baird, Superintendent, et al.
Respondents.

San Diego County Superior Court
Case No. 37-2013-00035910-CU-MC-CTL
Honorable John S. Meyer

**APPLICATION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF
RESPONDENTS AND AFFIRMANCE**

PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG 91037
NATHANIEL R. SMITH 257615
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575
Telephone: (619) 234-5000
Facsimile: (619) 236-1995

Attorneys for Amicus Curiae
YOGA ALLIANCE

INTRODUCTION

To the Honorable Judith McConnell, Administrative Presiding Justice of the Court of Appeal, Fourth Appellate District, Division One:

Pursuant to Rule 8.200 of the California Rules of Court, Yoga Alliance (“Yoga Alliance” or “Amicus”) respectfully requests permission to file the attached amicus brief in support of respondents and affirmance. This application is timely made within 14 days after filing of the last appellant’s reply brief on the merits.

AMICUS CURIAE’S INTEREST AND PROPOSED BRIEF

Yoga Alliance is a non-profit membership trade association that represents yoga teachers, yoga teacher training schools, and yoga studios around the world. Yoga Alliance was founded in 2011 by its sister organization, Yoga Alliance Registry,¹ an educational and charitable organization founded in 1999 to ensure public access to safe and competent yoga instruction. Yoga Alliance Registry maintains a voluntary international credentialing system for

¹ Yoga Alliance Registry is a non-profit 501(c)(3) organization organized under the laws of the state of Washington. YAplus d/b/a Yoga Alliance is a non-profit 501(c)(6) membership organization organized under the laws of the Commonwealth of Virginia.

Registered Yoga Teachers whose training, experience and continuing education meet core minimum standards and for Registered Yoga Schools that have curricula that meet core minimum standards.

Yoga Alliance Registry is widely recognized as the premier form of professional recognition for yoga teachers and schools, with over 50,000 registered teachers and more than 3,000 registered schools in 76 countries. Additionally, Yoga Alliance Registry developed minimum curriculum standards for the specialty designation of Registered Children's Yoga Teachers and Registered Children's Yoga Schools. Yoga Alliance Registry has 565 teachers and 95 schools (in 128 locations) actively registered as Registered Children's Yoga Teachers and Registered Children's Yoga Schools, respectively.

All Registered Yoga Teachers and Registered Yoga Schools are also members of Yoga Alliance, the professional and trade association for the yoga community. Yoga Alliance provides a forum of communication for the yoga community, for whom it serves as a watchdog and advocate, and holds an annual conference and provides regular educational offerings on the business and practice of yoga.

Thus, Yoga Alliance has a substantial interest in the legal issues presented by the Encinitas Union School District's yoga curriculum. Yoga Alliance fully supports the position of intervenor-respondent YES! Yoga for Encinitas Students and defendants-respondents Timothy Baird, et al., and submits that the judgment should be affirmed. However, Yoga Alliance submits that there is a necessity for additional argument. Although the trial court correctly determined that the EUSD yoga program is not religious, it erred in its threshold determination that "yoga is religious." As described in the accompanying amicus brief, contemporary yoga is not inherently religious and can be practiced free from religious ideology.

AUTHORSHIPS OR MONETARY CONTRIBUTIONS

In accordance with Rule 8.200(c) of the California Rules of Court, Yoga Alliance states that: (A) there is no party, or counsel for a party in the pending appeal who authored this amicus brief in whole or in part; (B) there is no party or counsel for a party in the pending appeal who contributed money that was intended to fund preparing or submitting the brief; and (C) no person or entity made a monetary contribution intended to fund the preparation or submission of this brief, other than Yoga Alliance Amicus, its members or its counsel.

CONCLUSION

For the foregoing reasons, amicus curiae Yoga Alliance respectfully requests that the Court accept the accompanying brief for filing in this case.

Dated: October 16, 2014.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG
NATHANIEL R. SMITH
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575

Attorneys for Amicus Curiae
YOGA ALLIANCE

TO BE FILED IN THE COURT OF APPEAL

APP-008

<p>COURT OF APPEAL, Fourth APPELLATE DISTRICT, DIVISION One</p>	<p>Court of Appeal Case Number: D064888</p>
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kevin M. Fong, State Bar No. 91037, Nathaniel R. Smite, State Bar No. 257615 Pillsbury Winthrop Shaw Pittman LLP 501 W. Broadway, Suite 1100 San Diego, CA 92101-3575 TELEPHONE NO.: (619) 234-5000 FAX NO. (Optional): (619) 236-1995 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Amicus Curiae Yoga Alliance</p>	<p>Superior Court Case Number: 37-2013-00035910-CU-MC-CTL</p>
<p>APPELLANT/PETITIONER: Stephen Sedlock, et al. RESPONDENT/REAL PARTY IN INTEREST: Timothy Baird, Superintendent, et al.</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p>
<p style="text-align: center;">CERTIFICATE OF INTERESTED ENTITIES OR PERSONS (Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE</p>	
<p>Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.</p>	

1. This form is being submitted on behalf of the following party (name): Amicus Curiae Yoga Alliance

2. a. There are no interested entities or persons that must be listed in this certificate under rule 8.208.
 b. Interested entities or persons required to be listed under rule 8.208 are as follows:

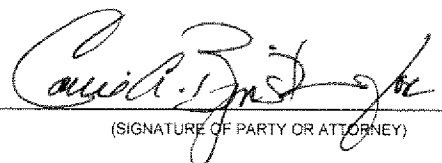
Full name of interested entity or person	Nature of interest (Explain):
(1)	
(2)	
(3)	
(4)	
(5)	

Continued on attachment 2.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: October 16, 2014

Nathaniel R. Smith
 (TYPE OR PRINT NAME)

▶ 
 (SIGNATURE OF PARTY OR ATTORNEY)

No.: D064888

**IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE**

Stephen Sedlock, et al.
Appellants,

v.

Timothy Baird, Superintendent, et al.
Respondents.

San Diego County Superior Court
Case No. 37-2013-00035910-CU-MC-CTL
Honorable John S. Meyer

**BRIEF OF AMICUS CURIAE YOGA ALLIANCE
IN SUPPORT OF RESPONDENTS AND AFFIRMANCE**

PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG 91037
NATHANIEL R. SMITH 257615
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575
Telephone: (619) 234-5000
Facsimile: (619) 236-1995

Attorneys for Amicus Curiae
YOGA ALLIANCE

TABLE OF CONTENTS

	<u>Page</u>
I. SUMMARY OF ARGUMENT.....	2
II. THERE ARE MANY APPROACHES TO YOGA.....	3
III. YOGA CAN BE PRACTICED FREE OF RELIGIOUS IDEOLOGY.....	5
A. Yoga is Most Often Practiced for Non-Religious Reasons.....	6
B. A Physical System of Yoga Poses is Not Inherently Religious.	6
C. The Breathwork and Mindfulness Aspects of Yoga Are Not Inherently Religious.	9
D. The Trial Court Correctly Upheld the Constitutionality of EUSD Yoga.....	10
CONCLUSION.....	12

TABLE OF AUTHORITIES

Cases

Altman v. Bedford Cent. Sch. Dist. 245 F.3d 49 (2d Cir. 2001)	9
Brown v. Gilmore 258 F.3d 265 (4th Cir. 2001)	12, 13
D’Amico v. Bd. of Med. Exam’rs, 11 Cal. 3d 1 (1974)	3
Harris v. McRae 448 U.S. 297 (1980).....	10
Little v. Los Angeles County Assessment Appeals Bd. 155 Cal. App. 4th 915 (2007)	3
McGowan v. Maryland 366 U.S. 420 (1961).....	10
Smith v. Novato Unified Sch. Dist. 150 Cal. App. 4th 1439 (2007)	3

Rules and Regulations

77 Federal Regulations 37605 (June 22, 2012)	9
California Rules of Court Rule 8.200	1

Other Authorities

Merriam-Webster’s Collegiate Dictionary 900 (11th ed. 2008).....	9
--	---

INTRODUCTION AND INTEREST OF AMICUS CURIAE

Pursuant to Rule 8.200 of the California Rules of Court, Yoga Alliance (“Yoga Alliance”) respectfully submits this amicus brief in support of respondents and affirmance.

Yoga Alliance fully supports the position of intervenor-respondent YES! Yoga for Encinitas Students and defendants-respondents Timothy Baird, et al., that Encinitas Union School District’s (“EUSD”) yoga physical education classes are constitutional, and submits that the judgment should be affirmed. However, Yoga Alliance submits that the judgment below could be affirmed on alternative grounds.¹ Although the trial court correctly determined that the EUSD yoga program is not religious, it erred in its threshold determination that “yoga is religious.”² As described

¹ A trial court’s ruling should be affirmed if it is correct on any theory, regardless of the trial court’s reasons in support. *D’Amico v. Bd. of Med. Exam’rs*, 11 Cal. 3d 1, 18-19 (1974); *see also Little v. Los Angeles County Assessment Appeals Bd.*, 155 Cal. App. 4th 915, 925 n.6 (2007) (“Respondents are free to urge affirmance of the judgment on grounds other than those cited by the trial court.”).

² *See Smith v. Novato Unified Sch. Dist.*, 150 Cal. App. 4th 1439, 1453 (2007) (“[W]here an issue implicates the First Amendment, the trial court’s resolution of ‘constitutionally relevant facts’ is subject to independent review by this court.”)

below, contemporary yoga is not inherently religious; rather, it can be and commonly is practiced free from religious ideology.

ARGUMENT

I. SUMMARY OF ARGUMENT.

The trial court correctly held that the EUSD yoga program (“EUSD Yoga”) does not violate the California or the U.S. Constitutions. However, it erred in determining that yoga is necessarily religious. The trial court based its determination on the fact that yoga has ancient roots in religions and that, to some, yoga is a form of spiritual practice (as well as a mental and physical practice), the object of which is to attain self-purification and ultimately union with the universal spirit or the divine.

There are two fundamental problems with the trial court’s reasoning. First, the trial court’s analysis vastly oversimplified the approaches to yoga available today, differentiating only as between “yoga or Ashtanga yoga” and “EUSD Yoga.” As the record reflects, there are many different styles and traditions of yoga, in addition to the increasing variety of specialty and non-traditional yoga practices. Second, the trial court’s decision rests on faulty logic: that because yoga originally has roots in Eastern religions, and because “some in

the world” view yoga as a spiritual practice, yoga in contemporary American culture is inherently religious. In fact, the modern practice of yoga generally involves a series of physical movements (poses), combined with breath work and mindfulness practices, none of which is inherently religious or tied to either of the two different established Eastern religions that contributed to the historical development of yoga: Hinduism and Buddhism.

Yoga practice is not *per se* religious, and thus the constitutionality of teaching yoga in public school physical education classes should be affirmed.

II. THERE ARE MANY APPROACHES TO YOGA.

The trial court considered only a single approach to yoga – Ashtanga – before concluding (erroneously) that “yoga is religious.” Ashtanga is a specific style of yoga that follows a set sequence of poses. There are many other styles of yoga. *See* 5 CT 0799, Womenshealth.com, *Types of Yoga*. Hatha and Vinyasa yoga are less strict in the number or sequence of poses. Iyengar yoga focuses on deep stretching and flexibility, by holding poses longer than is common in other classes or styles. Bikram yoga, sometimes referred

to as “hot yoga,” is a set series of poses practiced in a room heated to approximately 105 degrees. *See* 5 CT 788.

Contemporary yoga describes the various styles in more familiar and accessible terms. *Gentle* yoga classes are typically calming, relaxing, and less physically demanding than other classes. *Flow* yoga classes are typically invigorating, and they often include aerobic elements. Each posture is usually held only for a short time before moving to the next posture. By contrast, *alignment-oriented* yoga classes give particular attention to precision bodily placement, often with longer holds of poses. *Fitness* yoga primarily emphasizes the physical dimensions of yoga practice. And *spiritually-oriented* yoga classes might emphasize yoga philosophy, chanting, mantra, or cultivating spiritual growth.

Additionally, *therapeutic* yoga adapts yoga techniques to help those facing health challenges to manage their condition, reduce symptoms, increase vitality or improve mental outlook. And *specialty* yoga classes often customize yoga for particular groups, such as seniors, children and pregnant women. Some forms of contemporary yoga focus almost exclusively on the physical fitness benefits of yoga, treating yoga as an activity suitable for fitness and exercise clubs (*see*,

e.g., YogaFit, which touts itself as “yoga for everybody ... designed to improve the health, performance, and mental acuity of athletes or individuals interested in improving their level of fitness,” at <http://www.yogafit.com/about-yogafit/yogafit/> (last visited Oct. 13, 2014)).

The individual experience of yoga is quite personal and may differ for each practitioner. All approaches to yoga are intended to promote some aspect of well-being. This does not mean yoga is inherently religious. Even if the subset of spiritually-oriented yoga approaches or classes could be considered religious, the trial court painted with too broad of a brush in declaring “*yoga* is religious.”

III. YOGA CAN BE PRACTICED FREE OF RELIGIOUS IDEOLOGY.

Yoga developed some 5,000 years ago as a comprehensive system for well-being on all levels: physical, mental, emotional and spiritual. Some aspects of certain yoga practices can be traced to Buddhism, and some have their origin in Hinduism. The modern practice of yoga typically comprises a physical system of exercises coupled with breathwork and mindfulness practices, without any formal linkage to either Hindu or Buddhist worship. Even if a yoga practitioner chooses to incorporate personal religious beliefs into his

or her yoga practice, that capacity for accommodation does not mean yoga is inherently religious, just as a moment of silence is not inherently religious if some participants choose to engage in prayer.

A. Yoga is Most Often Practiced for Non-Religious Reasons.

Yoga has grown and continues to grow in popularity.

According to a 2012 Yoga Journal study, more than 20 million Americans, or 8.7 percent of U.S. adults, practice yoga. 4 CT 669. Of the motivations for starting yoga, the top five reasons cited by study participants are flexibility, general conditioning, stress relief, improved overall health and physical fitness – motivations one might expect to see for beginning any number of well-being programs. 4 CT 721. Similarly, although a minority of survey participants identified spiritual development as a benefit of yoga, over half identified flexibility, back pain, strength and physical fitness as physical health benefits. 4 CT 722.

B. A Physical System of Yoga Poses is Not Inherently Religious.

Although their Sanskrit names may be foreign, many yoga poses are similar to stretching or exercise positions seen outside of yoga (including football warm-ups). “Forward fold” (in Sanskrit,

uttanasana) is essentially a hamstring stretch – bent over at the waist, with one’s feet together. “High Plank Pose” (*uttihita chaturanga dandasana*) is similar to push-up position. The yoga handstand (*adho mukha vrksasana*) is seen in gymnastics and diving. The seated forward fold (*paschimottanasana*) is similar to the “sit-and-reach” stretching position that was part of the President’s Physical Fitness Test for years and remains in the Presidential Youth Fitness Program in modified form. Indeed, the Presidential Youth Fitness Program recognizes yoga as a qualifying “activity” that helps participants meet the physical activity goals of that program.³

The U.S. Copyright Office also recognizes yoga poses as exercises. Statement of Policy, Registration of Claims to Copyright, 77 Fed. Reg. 37605, 37607 (June 22, 2012) (“An example that has occupied the attention of the Copyright Office for quite some time involves the copyrightability of the selection and arrangement of preexisting exercises, such as yoga poses.”). Particular yoga poses and the order in which they are performed “are said to result in improvements to one’s health or physical or mental condition.” *Id.*

³ <https://www.presidentschallenge.org/challenge/activities.shtml> (last visited Oct. 13, 2014).

But yoga poses and sequences are not inherently religious, even if some choose to practice yoga for religious reasons. *See Altman v. Bedford Cent. Sch. Dist.*, 245 F.3d 49, 76 (2d Cir. 2001) (holding that Earth Day instruction at a public school did not constitute unconstitutional endorsement of religion because a reasonable observer would not find that the practice had the effect of endorsing religion, and explaining “the fact that a governmental action or message coincides with the beliefs of certain religions does not, without more, invalidate that action or message”) (citing *Harris v. McRae*, 448 U.S. 297, 318-20 (1980) (ban on Medicaid funding of abortions does not violate Establishment Clause even though it coincides with Catholic doctrine); *McGowan v. Maryland*, 366 U.S. 420, 442-45 (1961) (Sunday closing laws do not violate Establishment Clause even though they coincide with Christian doctrine); *see also* 5 CT 847, Catholic Answers Magazine, *The Trouble with Yoga* (“But let’s be clear: the body postures of yoga are in themselves neutral. Moving the body into a certain position does not necessarily engage the person in any particular spiritual activity.”)).

C. The Breathwork and Mindfulness Aspects of Yoga Are Not Inherently Religious.

In addition to the physical exercises, the modern practice of yoga includes breathwork and mindfulness practices. These latter components are not inherently religious either.

Yoga includes breathing practices (*pranayamas*), which can be effective for reducing the stress response, improving lung function and encouraging relaxation. Many such practices emphasize slowing down and deepening the breath, which activates the body's parasympathetic system, or relaxation response. *See Merriam-Webster's Collegiate Dictionary 900 (11th ed. 2008).* Changing the pattern of breathing can significantly affect the body's experience of and response to stress. But these practices are not inherently religious, just as it is not a religious instruction to encourage a distressed person (or child) to "take a deep breath" to calm down.

The mindfulness aspects of yoga include the breathing practices. They also include a conscious attention to the body. For example, a practitioner may discover that a pose is more challenging on one side of the body than the other. Most yoga classes end with a relaxation pose (*savasana*) and returned attention to breathing. These aspects have a several salutary effects, including stress reduction.

It is observation, not religious observance, to recognize that the right hip is tighter than the left, or that it is easier to balance on the left foot than the right. Nor is it inherently religious to take a period of silence to help calm and focus the mind. In fact, these aspects of yoga practice share much in common with biofeedback techniques, which medical experts recommend for pain reduction, improved physical performance, or stress relief.⁴ Although yoga breathwork originated before the invention of electrodes, yoga practice can serve the same goals and have similar effects as higher-tech biofeedback procedures.

**D. The Trial Court Correctly Upheld the
Constitutionality of EUSD Yoga.**

The trial court correctly held that EUSD Yoga passes constitutional muster. Yoga Alliance fully supports Respondents' position that the trial judgment should be affirmed on that ground, as well as on the alternative ground that yoga is not inherently religious.

Appellants decry the meditative aspect of EUSD Yoga as "religious" and point to record evidence that some students said "om" during the classes. Even assuming, however, that the chanting of

⁴ See <http://www.mayoclinic.org/tests-procedures/biofeedback/basics/definition/prc-20020004> (last visited Oct. 13, 2014); see also 5 CT 791-94.

“om” had spiritual or religious significance to any students, chanting was not an aspect of EUSD Yoga. To the contrary, “if [the students] said ‘namaste’ or said ‘om,’ they were either ignored or discouraged.” 6 CT 1088:14-15. As with constitutionally permissible state mandates to start public schools’ days with a moment of silence, a student’s choice to engage in religious contemplation does not transform the secular activity of yoga physical education classes into an endorsement of religion. *See Brown v. Gilmore*, 258 F.3d 265, 278 (4th Cir. 2001) (“In sum, in establishing a moment of silence, during which students may choose to pray or to meditate in a silent and nonthreatening manner, Virginia has introduced at most a minor and nonintrusive accommodation of religion that does not establish religion.”).

Appellants’ hyperbolic argument, that yoga physical education classes will result in “students left defenseless to religious indoctrination by the state” (AOB at 43), therefore has no foundation. As the Fourth Circuit held in *Brown*, “speculative fears as to the potential effects of this statute cannot be used to strike down a statute that on its face is neutral between religious and nonreligious activity.” 258 F.3d at 278.

CONCLUSION

For the foregoing reasons, *amicus curiae* Yoga Alliance respectfully submits that the judgment should be affirmed, both on the grounds stated by the trial court and on the grounds that yoga is not religious.

Dated: October 16, 2014.

Respectfully submitted,


PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG
NATHANIEL R. SMITH
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575

Attorneys for Amicus Curiae
YOGA ALLIANCE

CERTIFICATE OF WORD COUNT
(California Rules of Court 8.204(c))

The text of this brief consists of 2,039 words, not including tables of contents and authorities, application, and this certificate, as counted by Microsoft Word, the computer program used to prepare this brief.

Dated: October 16, 2014.

By  _____
Nathaniel R. Smith
Attorney for Amicus Curiae
YOGA ALLIANCE

No.: D064888

**IN THE CALIFORNIA COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION ONE**

Stephen Sedlock, et al.
Appellants,

v.

Timothy Baird, Superintendent, et al.
Respondents.

San Diego County Superior Court
Case No. 37-2013-00035910-CU-MC-CTL
Honorable John S. Meyer

**PROOF OF SERVICE OF APPLICATION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF
RESPONDENTS AND AFFIRMANCE AND
BRIEF OF AMICUS CURIAE YOGA ALLIANCE
IN SUPPORT OF
RESPONDENTS AND AFFIRMANCE**

PILLSBURY WINTHROP SHAW PITTMAN LLP
KEVIN M. FONG 91037
NATHANIEL R. SMITH 257615
501 W. Broadway, Suite 1100
San Diego, CA 92101-3575
Telephone: (619) 234-5000
Facsimile: (619) 236-1995

Attorneys for Amicus Curiae
YOGA ALLIANCE

PROOF OF SERVICE

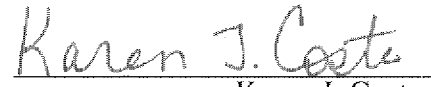
I am employed in the City of San Diego, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Pillsbury Winthrop Shaw Pittman LLP, 501 W. Broadway, Suite 1100, San Diego, CA 92101-3575. On October 16, 2014, I served the documents titled APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS AND AFFIRMANCE and BRIEF OF AMICUS CURIAE YOGA ALLIANCE IN SUPPORT OF RESPONDENTS AND AFFIRMANCE on the parties in this action as follows:

[See Attached Service List]

- (BY MAIL)** I caused each envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Diego, CA. I am readily familiar with the practice of Pillsbury Winthrop Shaw Pittman LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.
- (BY FACSIMILE)** The above-referenced document was transmitted by facsimile transmission and the transmission was reported as complete and without error to the numbers listed above.
- (BY EMAIL TRANSMISSION)** The above-referenced document was transmitted via electronic transmission to the persons at the electronic-email addresses indicated above.
- (BY PERSONAL SERVICE)** I delivered to an authorized courier or driver authorized by _____ to receive documents to be delivered on the same date. A proof of service signed by the authorized courier will be filed forthwith.
- (BY OVERNIGHT COURIER)** I am readily familiar with the practice of Pillsbury Winthrop Shaw Pittman LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by _____ for overnight delivery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of October, 2014, at San Diego, California.



Karen J. Costa

Dean R. Broyles, Esq.
The National Center for Law & Policy
539 West Grand Avenue
Escondido, CA 92025
Phone: 760.747.4529
Fax: 760.747.4505
dbroyles@nclplaw.org

Jack M. Sleeth
Stutz Artiano Shinoff & Holtz
2488 Historic Decatur Road, Suite 200
San Diego, CA 92106-6113
Fax: 619.232-3264
jsleeth@sturzartiano.com

David A. Peck
Coast Law Group
1140 South Coast Highway 101
Encinitas, CA 92024
Fax: 760.942.8515
dpeck@coastlawgroup.com

Mary-Christine "M.C." Sungaila
Snell & Wilmer, L.L.P.
600 Anton Blvd., #1400
Costa Mesa, CA 92626-7689
Phone: 714.427.7000
Fax: 714.427.7799
mcsungaila@swlaw.com

San Diego Superior Court
Attn: Dept. 61 Court Clerk
Hon. John S. Meyer
330 West Broadway
San Diego, CA 92101