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12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF ORANGE
14

15 CITY OF NEWPORT BEACH, et al.,
16 Plaintiffs,
17 v.
18 NEWPORT BEACH STEWARDSHIP
ASSOCIATION, et al.,
19 Defendants.
20

Case No.: 30-2026-01559183-CU-JR-NJC

Assigned for all purposes to:
Hon. Julianne Bancroft, Department N14

**OPPOSITION TO EX PARTE
APPLICATION TO DELAY
EXECUTION OF TIME-SENSITIVE
MINISTERIAL DUTIES**

Date: April 8, 2026
Time: 1:30 p.m.
Dept: N14
Judge: Hon. Julianne Bancroft

Case Filed: March 26, 2026

1 The Court should turn away the City’s baseless ex parte application. The law required the
2 City to prepare a single page title and summary for a local ballot measure (Sunshine Ordinance)
3 that seeks to promote government transparency. The Newport Beach Stewardship Association, and
4 Mr. Marshall Duffield (a former Mayor of the City) (together, NBSA) need the title and summary
5 so they can circulate the Sunshine Ordinance to gather the requisite number of signatures. By
6 refusing to even provide the title and summary, the City seeks to block NBSA from circulating the
7 Sunshine Ordinance in the community. This is strategic delay. The City knows that delay can
8 prevent the Sunshine Ordinance from making it on the upcoming election in November 2026.

9 The ex parte application can be denied for reasons that include:

10 *First*, the City cannot possibly show an emergency exists or that it would suffer irreparable
11 harm by providing a single page title and summary. The City has already spilled more ink trying
12 to block the title and summary than it would have taken to draft it. The analysis can end here.

13 *Second*, the requested relief runs counter to constitutional law. NBSA has a constitutional
14 right to pursue a ballot measure. In the words of the California Supreme Court, the voters’ power
15 to propose legislation is “one of the most precious rights of our democratic process.” (*Associated*
16 *Home Builders etc., Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 591.) “[C]ourts have
17 consistently declared it their duty to ‘jealously guard’ and liberally construe the right so that it ‘be
18 not improperly annulled.’” (*Cal. Cannabis Coalition v. City of Upland* (2017) 3 Cal.5th 924, 934.)
19 As noted above, the objective of this lawsuit is to win by delay. The Court should take a dim view
20 of any effort to interfere with the right to vote.

21 *Third*, the City’s request is untimely. The City has already blown past its deadline to comply
22 with its ministerial duty to prepare a short 500-word ballot title and summary for NBSA’s
23 “Sunshine and Governmental Transparency Initiative” (Sunshine Initiative). (*Widders v.*
24 *Furchtenicht* (2008) 167 Cal.App.4th 769, 777 [the duty to prepare a ballot title and summary “is
25 a ministerial one”].) If the City wanted relief from its mandatory duty, it was incumbent on the
26 City to seek prompt relief before expiration of the deadline—as is customary practice.
27 Alternatively, the City could have timely issued the title and summary, so NBSA could have
28 proceeded with the signature gathering process, while preserving the City’s position that it would

1 challenge the initiative at a later date—*after* signatures are gathered, and *after* passage of the
2 initiative, assuming voters adopt it. This approach strikes a balance between allowing NBSA to
3 pursue its constitutional right while preserving the City’s litigation position. What the City cannot
4 reasonably do is unilaterally decide not to comply with its ministerial duty imposed by the Elections
5 Code in the first instance—because if the City loses in court, it could still achieve its objective by
6 preventing the ballot measure from being presented to voters.

7 *Fourth*, there is no evidence before this Court of any irreparable harm to the City associated
8 with preparing a single page title and summary, which cannot exceed 500 words by statute. What’s
9 more, the City also is fully aware that the Sunshine Ordinance is based on a nearly identical
10 ordinance adopted by voters in San Francisco.¹ The City could have prepared a title and summary
11 within hours or a couple days (at most), using the San Francisco title and summary as a first draft
12 if it so wished.

13 *Fifth*, unlike the City, it is NBSA that would be irreparably harmed and unduly prejudiced
14 by delay, as it would be unable to present the Sunshine Initiative to voters at the November election.
15 NBSA has a narrow window to qualify its measure for that election. Given the intricacies of the
16 initiative qualification process, ***NBSA will need to collect more than 6,000 signatures on the***
17 ***Sunshine Initiative by next month, and then the City can take up to 30 days to certify those***
18 ***signatures. Multiple complex steps must be followed after the certification process. The window***
19 ***is tight, and the City knows it.***

20 *Sixth*, contrary to the City’s claims, the prudent way to manage litigation involving proposed
21 ballot measures is to wait until *after* the election. The Supreme Court has “frequently observed it
22 is usually more appropriate to review constitutional and other challenges to . . . initiative measures
23 ***after an election*** rather than to disrupt the electoral process by preventing the exercise of the
24 people’s franchise, in absence of some clear showing of invalidity.” (*Brosnahan v. Eu* (1982) 31
25 Cal.3d 1, 4 [emphasis added]; *Save Stanislaus Area Farm Econ. v. Bd. of Supervisors* (1993) 13

26
27 ¹ San Francisco’s sunshine ordinance was originally adopted by the Board of Supervisors in 1993.
28 In 1999, San Francisco’s voters adopted a comprehensive update to the sunshine ordinance known
as Prop. G. (*SF Urban Forest Coalition v. City & County of San Francisco* (2019) 43 Cal.App.5th
796, 800; Dhillon Decl., Ex. A [voter information pamphlet].)

1 Cal.App.4th 141, 153 [absent a “compelling showing that the initiative is clearly invalid,” courts
2 should perform “postelection review of the approved initiative”].) There is no reason to depart
3 from that authority.

4 To that end, the executive—here the City—cannot unilaterally decide whether voters have
5 an opportunity to exercise their constitutional rights. To hold otherwise does a disservice to the
6 separation of powers. The California Constitution vests the legislative power with the People.
7 (*Associated Home Builders*, 18 Cal.3d at 591 [power of initiative is “not as a right granted the
8 people, but as a power reserved by them”].) Here, the executive is unilaterally deciding whether a
9 law is constitutional before the legislative power is even exercised. The law directs the judiciary
10 to curb such abuses. At a minimum, the Court should allow the election process to unfold because
11 if the vote fails in November the dispute will be moot.

12 **PROCEDURAL BACKGROUND AND PROPOSAL**

13 Two weeks ago, NBSA urged the City to provide a title and summary, but counsel for the
14 City claimed it would file a lawsuit. Early last week, counsel for the City said it had filed a lawsuit,
15 and NBSA asked for a copy of it. The City delayed providing a copy of the lawsuit until last Friday,
16 right before Easter weekend, and during the Passover holiday. Prior to that, NBSA proposed the
17 parties resolve the dispute via an expedited briefing schedule, but asked the City to provide the title
18 and summary so the signature gathering process could proceed. The City said it was open to
19 NBSA’s proposal, but asked if it could be pushed back by a few days to avoid scheduling conflicts.
20 NBSA agreed and the City made a proposal right before the Easter holiday: NBSA’s opening
21 briefing due April 6, City’s opposition due April 13, and NBSA’s reply due a few days after.

22 Lead counsel for NBSA had oral argument in the California Supreme Court on Monday,
23 April 6, and understood the parties were in agreement. However, the day after Easter, and without
24 any prior notification, the City ambushed NBSA with this unnecessary ex parte application.

25 To advance this action, today NBSA filed a cross-petition in this action for a writ of mandate.
26 NBSA asks that the Court deny this ex parte application and set a hearing on an alternative writ
27 within the next 10-14 days, if available for the Court. NBSA proposes that the City file its
28 opposition on April 10 (this Friday), with the reply due on April 14 (next Tuesday). In the

1 meantime, and prior to the hearing, the City is free to provide the title and summary, which would
2 satisfy the alternative writ and moot this litigation.

3 As explained more fully below, we ask that the Court deny this petition. Counsel for NBSA
4 is available for an in-person hearing or a telephonic conference should the Court have any questions.
5 A proposed order has been submitted for the Court’s consideration.

6 BACKGROUND

7 A. Procedural Posture.

8 On December 23, 2025, NBSA submitted the Sunshine Initiative to the City to obtain a
9 ballot title and summary. (Dhillon Decl., Ex. B.) The accompanying “Notice of Intention to
10 Circulate Petition” explains that the Sunshine Initiative would amend the Charter of the City of
11 Newport Beach (City Charter) to “provide greater information concerning the administration of
12 public business, and to increase transparency and accountability of the City of Newport Beach
13 government.” (City Complaint at p. 15 [Exhibit A].) It also explains why the initiative is necessary:
14 “The City of Newport Beach has failed to keep the public adequately informed on a wide range of
15 topics, including consequential decisions that may shape the character of Newport Beach.” (*Id.*)

16 Nearly two weeks after receiving the Sunshine Initiative, the City Attorney asked for an
17 extension. (Dhillon Decl. at ¶ 3.) NBSA promptly granted the request. (*Id.*) The City then asked
18 for several more extensions, claiming it may file a lawsuit. (*Id.* at ¶¶ 4-5.) Months later, in late
19 March 2026, the City claimed it finally filed a lawsuit, but then declined to provide a copy despite
20 NBSA’s multiple requests. (*Id.* at ¶¶ 6-7.) For its part, NBSA stated it would file a writ petition
21 and offered to stipulate to a schedule. (*Id.* at ¶ 8.) The City stated it was amenable to that approach.
22 (*Id.* at ¶ 9.) The very next day—the Friday before Easter and the start of Passover—the City finally
23 served NBSA with its complaint. (*Id.* at ¶ 9.) It then gave notice of its ex parte application
24 yesterday, the day after Easter. (*Id.* at ¶ 10.) Counsel for NBSA promptly responded and asked
25 that the application be withdrawn. (*Id.* at ¶ 11.) The City declined the request. (*Id.*)

26 B. Legal Framework.

27 To aid the Court’s evaluation, NBSA provides an overview of the local initiative process
28 and its complicated procedures, followed by a discussion of the so-called “single subject rule” and

1 the reluctance of courts to entertain pre-election challenges to voter initiatives.

2 ***The Local Initiative Process.*** “The initiative is the power of the electors to propose statutes
3 and amendments to the Constitution and to adopt or reject them.” (Cal. Const., Art. II, § 8.)
4 “Drafted in light of the theory that all power of government ultimately resides in the people,” the
5 California Constitution speaks of the initiative power “not as a right granted the people, but as a
6 power reserved by them.” (*Associated Home Builders*, 18 Cal.3d at p. 591.) Courts must “jealously
7 guard” and “apply a liberal construction to this power wherever it is challenged in order that the
8 right be not improperly annulled. If doubts can reasonably be resolved in favor of the use of this
9 reserve power, courts will preserve it.” (*Id.* [citations and internal quotations omitted].)

10 The Elections Code sets forth the procedure to qualify an initiative measure for a local
11 election. (See Elec. Code § 9200 et seq.)² After preparing the initiative text (i.e., the local
12 ordinance), a proponent must prepare a Notice of Intent to Circulate Petition (§ 9202) and file a
13 request a ballot title and summary with the local elections official (§ 9203). “Within 15 days after
14 the proposed measure is filed, the city attorney shall provide and return to the city elections official
15 a ballot title for and summary of the proposed measure.” (§ 9203, subd. (a).) The duty to “prepare
16 [a] title and summary for a proposed initiative measure is ministerial one and mandate will lie to
17 compel him to act where the proposal in in proper form and complies with statutory and
18 constitutional procedural requirements.” (*Widders v. Furchtenicht* (2008) 167 Cal.App.4th 769,
19 777 [quoting *Schmitz v. Younger* (1978) 21 Cal.3d 90, 92-93].)

20 But obtaining the ballot title and summary is only the start. The proponent must then give
21 public notice of its intent to gather signatures, file confirmation of that publication, and then gather
22 signatures of “not less than 10 percent of the voters of the city” within the next 180 days. (§§ 9205,
23 9206, 9215; see §§ 9207-9210.) The proponent then files the signatures with the local elections
24 official (§§ 9208-9211), who has 30 days to review and determine whether the requisite signatures
25 have been obtained (§§ 9210-9211, 9114-9115). Assuming sufficient signatures are collected, the
26 elections official certifies the results at the next regular meeting of the local legislative body (i.e.,
27 city council). (§§ 9211, 9114.) The legislative body then has three options: (i) adopt the ordinance

28 ² Unless otherwise indicated, all section references are to the California Elections Code.

1 within 10 days; (ii) submit the initiative to local voters at an upcoming “regular” (i.e., statewide)
2 election or a special election (see § 1405); or (iii) order preparation of a report on the initiative,
3 receive the report within 30 days, and then submit the initiative to voters pursuant to (ii). (§§ 9212,
4 9215, 1405.) If the legislative body sends an initiative to voters at a statewide/regular election, the
5 initiative will appear at the “next regular election occurring not less than 88 days after the date of
6 the order of election.” (§§ 9215, 1405.)

7 Working backwards, for the Sunshine Initiative to appear before local voters at the next
8 statewide election on November 3, 2026, the City must send it to voters on or before its regular
9 meeting on **July 28, 2026**. (§ 1405, subd. (a) [initiative must be submitted to voters at least 88 days
10 prior to next regular election].) And for that to occur, NBSA must ensure all signatures are
11 submitted to the local elections official 60 days before, i.e., by no later than **May 29, 2026**. (§§
12 9210-9211, 9114-9115 [30 days to certify signatures], 9215, subd. (c) [30 days to prepare and
13 receive an elections report before sending initiative to voters].) That leaves NBSA ***less than two***
14 ***months*** to obtain a ballot title and summary, comply with notice requirements, and collect
15 necessary signatures (approximately **6,000**) on the Sunshine Initiative.

16 ***The Single Subject Rule.*** The rule derives from the California Constitution’s prohibition
17 on any initiative measure “embracing more than one subject.” (Cal. Const., Art. II, § 8, subd. (d).)
18 “[A]n initiative measure does not violate the single-subject requirement if, despite its varied
19 collateral effects, *all of its parts are ‘reasonably germane’ to each other,*” and to the general
20 purpose or object of the initiative.” (*Brosnahan v. Brown* (1982) 32 Cal.3d 236, 245.) The rule
21 thus “does not require that each of the provisions of a measure effectively interlock in a functional
22 relationship.” (*Legislature v. Eu* (1991) 54 Cal.3d 492, 513.) Rather, it is sufficient that the
23 initiative’s “various provisions are reasonably related to a common theme or purpose” (*Id.*)

24 ***Pre-Election Challenges Are Strongly Disfavored.*** California courts have repeatedly
25 rejected pre-election (and especially pre-circulation) challenges as improper: “[I]t is usually more
26 appropriate to review constitutional and other challenges to . . . initiative measures after an election
27 rather than to disrupt the electoral process by preventing the exercise of the people’s franchise, in
28 absence of some clear showing of invalidity.” (*Brosnahan*, 31 Cal.3d at 4; see.) The ***only***

1 situations where pre-election review is appropriate is when challengers show “a strong likelihood”
2 that the initiative is unconstitutional (*Senate of State of Cal. v. Jones* (1999) 21 Cal.4th 1142, 1154),
3 or “when the invalidity of the measure ‘is clear beyond a doubt’” (*Mem’l Hosps. Assn. v. Randol*
4 (1995) 38 Cal.App.4th 1300, 1306). (See also *Save Stanislaus Area Farm Econ*, 13 Cal.App.4th at
5 153; *Citizens for Responsible Behavior v. Superior Ct.* (1991) 1 Cal.App.4th 1013, 1022 [when
6 faced with “a difficult issue of validity,” “post-election review—assuming that the measure in
7 question passes—is certainly preferable”]; *Senate of State of Cal. v. Jones* (1999) 21 Cal.4th 1142,
8 1154 [pre-election challenges are appropriate only if there is a “strong likelihood that the initiative
9 violates the single-subject rule.”].)

10 **OPPOSITION**

11 The City’s application does not meet applicable standards for ex parte relief, is substantively
12 meritless, and seeks relief that is inconsistent with decades of California law and irreparably
13 harmful to NBSA. The application should be summarily denied.

14 **A. The City Presents No Appropriate Basis for Ex Parte Relief.**

15 Ex parte applications are an extreme request. “A court will not grant ex parte relief ‘in any
16 but the plainest and most certain of cases.’” (*People ex rel. Allstate Ins. Co. v. Suh* (2019) 37
17 Cal.App.5th 253, 257.) “[T]he rules governing ex parte applications in civil cases require that ‘[a]n
18 applicant ... make an affirmative factual showing ... of irreparable harm, immediate danger, or any
19 other statutory basis for granting relief ex parte.’ (Cal. Rules of Court, rule 3.1202(c); see *Webb v.*
20 *Webb* (2017) 12 Cal.App.5th 876, 879.)” (*Ibid.*) “A trial court should deny an ex parte application
21 absent the requisite showing.” (*Ibid.*)

22 No exigency exists here. The City’s application concedes, as it must, that the City Attorney
23 has already blown the statutory deadline to prepare the title and summary. (City’s Ex Parte
24 Application [Appl.] at p. 4:9-10 [“the City Attorney had until close of business on March 30, 2026
25 to prepare a Title and Summary”]; see § 9203, subd. (a).) The relief requested by the City would
26 not cure that violation, nor would it resolve the underlying dispute as to the constitutionality of the
27 initiative. There is no emergency warranting the relief requested by the City.

1 In addition, it bears emphasis that the City had *months* to seek judicial review of the
2 initiative, and then waited *over a week* after filing its lawsuit to submit its ex parte application. The
3 City offers no explanation for that delay.³ There is no reason to force NBSA and this Court to
4 respond to the City’s meritless application on a short timeline, especially when the parties had
5 already discussed an expedited briefing schedule on the merits. The application serves no useful
6 purpose and should be denied on that ground alone.

7 **B. The City’s Single Subject Rule Argument Lacks Merit.**

8 The gist of the City’s argument is that the Sunshine Initiative violates the single subject rule
9 because it imposes too many “substantive constraints” and will “interfere” with current
10 governmental processes. (Complaint at ¶¶ 15-23; Appl. at 6 [citing Complaint].) But those
11 arguments go to the *merits* of the initiative, not its *constitutionality*. The only question properly
12 before this Court is whether the initiative’s provisions are “reasonably related to a common theme
13 or purpose.” (*Legislature*, 54 Cal.3d at 513.) The Sunshine Initiative easily passes that test. Each
14 provision of the initiative embraces the same subject: increasing the transparency of local
15 government. (See *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 253 [California courts have a “liberal
16 interpretative tradition” of “sustaining statutes and initiatives which fairly disclose a reasonable and
17 common sense relationship among their various components in furtherance of a common purpose”].)

18 The City’s own papers prove the point. According to the City, the Sunshine Initiative will
19 improve access to public meetings and public records, and compel the City to provide its citizens
20 with critical information concerning the City’s finances, the influence of paid lobbyists, and
21 operations of key City officials. (Appl. at 3:13-16.) That advances governmental transparency by
22 providing information the public needs to meaningfully participate in the democratic process.
23 NBSA is confident that this Court will reach the same conclusion after reviewing the Sunshine
24 Initiative.

25
26
27 ³ The “urgency with which the trial court [is] forced to decide plaintiffs’ motion may have been, to
28 some extent, of plaintiffs’ own making—a fact that the trial court, as a court of equity, should []take[]
into account in determining what weight to give plaintiffs’ claim of imminent irreparable injury.”
(*O’Connell v. Superior Ct.* (2006) 141 Cal.App.4th 1452, 1481.)

1 Making matters worse, the City’s application ignores longstanding California law stating
2 that courts will only take up a pre-election challenge to an initiative upon a “clear showing” of the
3 initiative’s unconstitutionality. (*Brosnahan*, 31 Cal.3d at 4.) The City cannot meet that standard.
4 The City asserts the Sunshine Initiative is unconstitutional but provides no analysis whatsoever of
5 the initiative’s provisions, let alone a discussion of how they are or aren’t reasonably related to
6 governmental transparency. Again, the Court should reject the application on that ground alone.

7 **C. The City Only Seeks Delay.**

8 The arguments advanced in the City’s application are a pretext. The City knows its ex parte
9 application should be rejected and that it will lose its lawsuit. But the City’s ultimate goal is not to
10 prevail, it is to delay. As explained above, NBSA must collect 6,000+ signatures by no later than
11 **May 29, 2026** to ensure the Sunshine Initiative qualifies for the November 2026 election. That is
12 already a difficult task, and the City knows that even a minor delay (e.g., the instant lawsuit) will
13 make a difficult task an impossible one. It is for that reason that the City filed this lawsuit *before*
14 *preparing the ballot title and summary*, rather than seeking judicial review *after the election* as is
15 customary. This is pure gamesmanship.

16 The City’s decision to unilaterally violate its ministerial duty is extreme by any measure,
17 and the City knows it. Despite claiming that “[t]he *California Supreme Court* has recognized that
18 *pre-circulation, pre-election review* is necessary where a constitutional infirmity exists” (Appl. 5:8-
19 9 [emphasis added]), the City musters just two “pre-circulation” cases, neither of which are from
20 the Supreme Court. (Appl. at pp. 3-8.) Moreover, those two pre-circulation cases—*Widders*, 167
21 Cal.App.4th 769, and *Jahr v. Casebeer* (1990) 70 Cal.App.4th 1250—are easily distinguishable.
22 *Widders* involved a facially deficient initiative that contained no operative legislation (167
23 Cal.App.4th at 773 [“Instead of proposing actual legislation, the measures merely direct the council
24 to exercise its ‘informed judgment’ to enact laws that will accomplish that stated goals.”]), while
25 the initiative in *Jahr* involved a topic that California courts had already determined was not properly
26 subject to initiative (70 Cal.App.4th at 1253-54 [confirming that the setting of compensation for a
27 local board of supervisors is the sole province of the local governing body, not voters (citing Cal.
28 Const., Art. XI, § 1(b); *Meldrim v. Board of Supervisors* (1976) 57 Cal.App.3d 341)].) *Widders*

1 does not apply here because the Sunshine Initiative contains operative legislation, and the reasoning
2 of *Jahr* has no bearing because no case law suggests the Sunshine Initiative is invalid, which is not
3 surprising given the initiative was modeled after a similar measure adopted by voters in the
4 notoriously litigious city and county of San Francisco.

5 In contrast, every other case cited by the City (see Appl. at pp. 3-8) involves a *post-*
6 *circulation* challenge to an initiative.⁴ There is no reason the City could not have followed the
7 teachings of its own authorities and pursued a post-circulation, pre-election challenge.

8 Sensing the weakness of its position, the City argues the requested relief is necessary
9 because the mere preparation of a ballot title and summary would “confuse and mislead electors,
10 and ultimately undermine the public’s trust in the electoral process.” (Appl. at 7:17-18.) The
11 argument is frivolous. Nothing in the Sunshine Initiative is confusing or misleading such that the
12 City Attorney could not craft a simple, straightforward summary of the measure. And as to the
13 public’s trust, the best way to foster that trust is to allow a vote on the measure, rather than
14 “disrupt[ing] the electoral process by preventing the exercise of the people’s franchise.”
15 (*Brosnahan v. Eu*, 31 Cal.3d at 4.)

16 **D. Further Delay Will Irreparably Harm and Unduly Prejudice NBSA.**

17 The City concludes its application by blithely asserting that NBSA will suffer no irreparable
18 harm from further delays in the preparation of a ballot title and summary. (Appl. 7-8.) That is
19 plainly incorrect. NBSA agreed to the March 30 deadline only because that deadline would provide
20 sufficient time to gather signatures and qualify the Sunshine Initiative for the November 2026
21

22 ⁴ *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, 694 (signatures received on challenged
23 initiative); *Legislature v. Deukmejian* (1983) 34 Cal.3d 658, 681 (dis. opn. of J. Richardson)
24 (involving “a qualified initiative measure”); *Cal. Trial Lawyers Assn. v. Eu* (1988) 200 Cal.App.3d
25 351, 355 (“the Attorney General provided the Secretary of State with a title and summary of the
26 initiative” and thereafter “supporters of the initiative began circulating petitions”); *Senate of State*
27 *of Cal. v. Jones* (1999) 21 Cal.4th 1142, 1143 (initiative received “the requisite number of
28 signatures to qualify for the ballot”); *Chemical Specialties Manufacturers Assn., Inc. v. Deukmejian*
(1991) 227 Cal.App.3d 663, 666 (post-election challenge to voter-approved initiative); *Brosnahan*
v. Brown (1982) 32 Cal.3d 236, 241 (post-election challenge); *Boyd v. Jordan* (1934) 1 Cal.2d 468,
470 (title and summary prepared by the Attorney General); *Clark v. Jordan* (1936) 7 Cal.2d 248,
22 (dis. Opn. of J. Seawell) (“The attorney-general, as required by law, prepared a title and
summary of the proposed measure”).

1 election. The City’s decision to blow past that agreed-upon deadline has already jeopardized
2 NBSA’s plans, and the additional delay requested by the City would strike a fatal blow. That the
3 City was “forthright and clear as to the nature of the [alleged] constitutional infirmity” (Appl. at
4 7:27-28), even if true, has zero relevance to the question of harm to NBSA. NBSA’s ability to
5 promptly present its Sunshine Initiative to local voters will be frustrated regardless of whether the
6 City’s gamesmanship is “forthright and clear” or underhanded. NBSA now has less than two
7 months to complete numerous actions in order to qualify its Sunshine Initiative for the November
8 2026 ballot, and that schedule assumes the City and its officials comply with various other statutory
9 deadlines—no sure thing given the City’s recent conduct. Any additional delay would irreparably
10 harm NBSA by further jeopardizing NBSA’s ability to engage in one of the “most precious rights
11 of our democratic process.” (*Associated Home Builders*, 18 Cal.3d at 592.)

12 CONCLUSION

13 We ask that the Court deny the application in full, and set a hearing and briefing schedule
14 on an alternative writ hearing.

15 Respectfully submitted,

16 DATED: April 7, 2026

PAUL HASTINGS LLP

17
18 By: 

19 NAVI SINGH DHILLON

20 Attorneys for Defendants
21 NEWPORT BEACH STEWARDSHIP
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