



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

FOR IMMEDIATE RELEASE: January 15, 2015

Contact: [Gerry Braun](mailto:gbraun@sandiego.gov), Director of Communications: gbraun@sandiego.gov (619) 533-4782

Briggs Loses Again to City of San Diego *SDFOG now 0-for-2 in trying to block City infrastructure bonds*

Lawyer Cory Briggs and San Diegans For Open Government have failed again in their efforts to keep the City from issuing lease-revenue bonds to pay for badly needed infrastructure projects.

The City uses lease revenue bonds to finance capital improvement projects prioritized by the Mayor and City Council, including libraries, fire stations, life guard stations and accessibility projects, and to replace crumbling sidewalks and aging storm drains.

Briggs' first challenge to the City's practice of using bond proceeds to finance infrastructure projects went down in flames last November. After a three-day trial, Superior Court Judge John S. Meyers issued a resounding affirmation of San Diego's method for funding neighborhood improvements.

Briggs made the same arguments in a second complaint, but this time he couldn't even get a trial.

Instead, Superior Court Judge Ronald L. Styn ruled that the case was not properly handled by Briggs, because Briggs had failed to timely serve a copy of his complaint to the state Attorney General and Treasurer, as required by California law.

Briggs argued that the filing requirement applies only to bond lawsuits initiated by governments, but Judge Styn noted that the law explicitly states otherwise.

The case was dismissed "with prejudice," a legal term meaning it is dead and cannot be refiled. Judge Styn signed the dismissal order Monday.

Then, early today, Briggs informed the City Attorney that he would seek to resuscitate the case by asking the Court to set aside the dismissal due to Briggs' own negligence. By seeking this type of relief, Briggs will be acknowledging under oath that his own negligence caused his client's case to be dismissed. Briggs' motion may also subject him to civil penalties as punishment for his negligent representation of SDFOG.

There is little doubt that Briggs' latest desperate attempt to stall the bond issuance is frivolous and not grounded in the law. Unfortunately, the City will be forced to waste scarce resources to fend off yet another frivolous Briggs' attack on City operations.

The Briggs lawsuits challenging the bonds have already added months of delay to the City's efforts to improve neglected neighborhoods.

“Through these dubious lawsuits, Cory Briggs is delaying the City from addressing infrastructure deficiencies in some of its oldest and least affluent neighborhoods,” San Diego City Attorney Jan Goldsmith said. **“Mr. Briggs has filed over 50 cases against the City of San Diego and has won only a few. Still, his losses cost taxpayers a lot of money. We could fill many potholes for what it costs to deal unnecessarily with Cory Briggs.”**

Last year, the San Diego City Attorney's office won an important case in which SDFOG and Briggs unsuccessfully tried to prevent Business Improvement Districts from promoting neighborhood events such as street fairs, farmer's markets and community festivals.

If successful in that case, SDFOG would have likely shut down such events as the Little Italy farmer's market and festivals. However, Superior Court Judge Ronald S. Prager found that SDFOG and Briggs failed to show they had even a reasonable likelihood of prevailing on the merits.

###