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Jorge Navarrete Clerk

S242835

Deputy

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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CITY AND COUNTY OF SAN FRANCISCO,  
acting by and through its Office of Treasurer and Tax Collector,

*Plaintiff and Petitioner,*

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al.,

*Defendants and Respondents.*

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*After a Decision by the Court of Appeal  
First Appellate District, Division One, Case No. A144500*

*San Francisco Superior Court, Case No. CPF-14-513434  
Honorable Marla J. Miller, Judge*

## ANSWER TO BRIEF OF AMICUS CURIAE LEAGUE OF CALIFORNIA CITIES

\*Benjamin P. Fay, SBN: 178856  
Gabriel McWhirter, SBN: 280957  
Jarvis, Fay & Gibson, LLP  
492 Ninth Street, Suite 310  
Oakland, CA 94607  
Telephone: (510) 238-1400  
Facsimile: (510) 238-1404  
bfay@jarvisfay.com  
gmcwhirter@jarvisfay.com

Elise Traynum, SBN: 127965  
General Counsel  
UC Hastings College of the Law  
200 McAllister Street  
San Francisco, CA 94102-4707  
Telephone: (415) 565-4787  
Facsimile: (415) 565-4825  
traynum@uchastings.edu

Attorneys for Defendant and Respondent  
BOARD OF DIRECTORS OF HASTINGS COLLEGE OF THE LAW

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Oakland, CA 94607  
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UC Hastings College of the Law  
200 McAllister Street  
San Francisco, CA 94102-4707  
Telephone: (415) 565-4787  
Facsimile: (415) 565-4825  
traynume@uchastings.edu

Attorneys for Defendant and Respondent  
BOARD OF DIRECTORS OF HASTINGS COLLEGE OF THE LAW

In the interest of economy, Respondent Board of Directors of Hastings College of the Law will not provide a detailed response to the League of California Cities' *amicus curiae* brief, and instead joins the answering brief filed by the Board of Trustees of the California State University. The immunity principles recognized by this Court in *In re Means* (1939) 14 Cal.2d 254 and *Hall v. City of Taft* (1956) 47 Cal.2d 177 provide that cities may not exercise legal control over the operations and activities of state agencies, unless the State consents to such control. There is no exception to this rule for municipal ordinances that relate to local taxes, and the League offers no persuasive reason to create one. When it comes to the direct regulation of state agencies, *Means* and *Hall* place the difficult task of balancing state and local priorities where it belongs—with the Legislature and the people of California. If the League believes that state universities should collect local parking taxes at campus parking lots, it must bring that request to the State's political branches, not this Court.

UC Hastings writes separately to emphasize one point. The League suggests that by refusing to collect the city's parking tax, UC Hastings gains a competitive advantage over businesses in the paid parking market. But UC Hastings did not build its campus parking garage to compete in the paid parking market. Although members of the public are not excluded from the garage, its primary purpose is to give students, faculty, staff, and visitors a safe and convenient way to access UC Hastings' campus facilities. UC Hastings offers significant discounts to students who use the garage; it took on a large amount of long-term debt to construct the garage; and, as the trial court found, it "considers the garage important enough ...

that it is willing to operate it at a loss.” (CT 269-74, 561-62.) These facts were not disputed by San Francisco below, and they are not disputed now.

In any event, for the reasons set forth by CSU, and by UC Hastings in its answer brief on the merits, this Court should reject the League’s arguments and affirm the judgment of the Court of Appeal in full.

JARVIS, FAY & GIBSON, LLP



Dated: August 22, 2018

By: \_\_\_\_\_

Benjamin P. Fay

Gabriel McWhirter

Attorneys for Respondent

BOARD OF DIRECTORS OF

HASTINGS COLLEGE OF THE LAW

### CERTIFICATE OF WORD COUNT

I certify that this brief contains **370 words** (excluding tables, caption, signature block, and this certification), as indicated by the word count feature of Microsoft Word, the computer program used to prepare it.

Dated: August 22, 2018



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Benjamin P. Fay

**DECLARATION OF SERVICE**

I, the undersigned, declare as follows:

I am a citizen of the United States and employed in the County of Alameda; I am over the age of eighteen years and not a party to the within entitled action; my business address is Jarvis, Fay & Gibson, LLP, 492 Ninth Street, Suite 310, Oakland, California 94607.

On August 22, 2018, I served the within:

**ANSWER TO BRIEF OF AMICUS CURIAE LEAGUE  
OF CALIFORNIA CITIES**

on the parties in this action, by placing a true copy thereof in a sealed envelope.

I caused each these envelopes to be sent by Federal Express to the offices of each addressee below:

Peter J. Keith  
Deputy City Attorney  
City and County of San Francisco  
1390 Market Street, 6<sup>th</sup> Floor  
San Francisco, CA 94102

*Attorney for Petitioner and Appellant  
CITY AND COUNTY OF SAN  
FRANCISCO*

Xavier Becerra  
Attorney General of California  
Janill L. Richards  
Principal Deputy Solicitor General  
Gonzalo C. Martinez  
Deputy Solicitor General  
455 Golden Gate Ave., Ste 11000  
San Francisco, CA 94102

*Attorney for Defendants and  
Respondents THE BOARD OF  
TRUSTEES OF THE CALIFORNIA  
STATE UNIVERSITY*

Robert E. Asperger  
Deputy Attorney General  
California Department of Justice  
1300 I Street, Suite 125  
Sacramento, CA 95814

*Attorney for Defendants and  
Respondents THE BOARD OF  
TRUSTEES OF THE CALIFORNIA  
STATE UNIVERSITY*

Margaret L. Wu  
Office of the General Counsel  
University of California  
1111 Franklin Street, 8<sup>th</sup> Floor  
Oakland, CA 94607

*Attorney for Defendants and  
Respondents REGENTS OF THE  
UNIVERSITY OF CALIFORNIA*

Benjamin J. Horwich  
Bradley S. Phillips  
Munger, Tolles & Olson, LLP  
560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105-2907

*Attorney for Defendants and  
Respondents REGENTS OF THE  
UNIVERSITY OF CALIFORNIA*

Dila Mignouna (Pro Hac Vice)  
Munger, Tolles & Olson, LLP  
1155 F Street N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20004-1357

*Attorney for Defendants and  
Respondents REGENTS OF THE  
UNIVERSITY OF CALIFORNIA*

Michael G. Colantuono  
Aleksan R. Giragosian  
Colantuono, Highsmith  
& Whatley, PC  
420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945

*Attorneys for Amicus Curiae  
LEAGUE OF CALIFORNIA CITIES*

David A. Carrillo  
University of California,  
Berkeley Law School  
Boalt Hall, #7200  
Berkeley, CA 94720

*Attorneys for Amicus Curiae*  
*CALIFORNIA CONSTITUTION*  
*CENTER*

Bradley A. Benbrook  
Stephen M. Duvernay  
Benbrook Law Group, PC  
400 Capitol Mall, Suite 2530  
Sacramento, CA 95814

I caused these envelopes, with postage thereon fully prepaid, to be placed in the United States mail to be mailed by First Class mail at Oakland, California:

Court of Appeal  
First Appellate District, Div. One  
350 McAllister Street  
San Francisco, CA 94102-3600

Hon. Marla Miller  
Superior Court of California  
County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 22, 2018, at Oakland, California.



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Katherine Carr James