U.S. Court of Appeals Docket No. 06-56306
Lower Court Docket No. CV 02-02748 FMC (RZx)

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DANIEL GUGGENHEIM, SUSAN GUGGENHEIM
AND MAUREEN H. PIERCE
Plaintiffs-Appellants,

vs.

CITY OF GOLETA
Respondent-Appellee.

CITATION TO SUPPLEMENTAL AUTHORITIES

On Appeal From Order
Of the United States District Court
for the Central District of California
The Honorable Florence-Marie Cooper, District Judge

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CITATION TO SUPPLEMENTAL AUTHORITIES

Pursuant to Federal Appellate Rule 28 (j), Appellants apprize the Court of Appeals of the May 14, 2010 Ninth Circuit Decision *Adam Bros. Farming, Inc. v. County of Santa Barbara*, 9th Circ. No. 09-55315 ("*Adam Bros*."). The Court in *Adam Bros*. affirmed that the ripeness requirements of *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 are prudential. *Id* at 7028. The *Adams Bros.* Court exercised its prudential jurisdiction, stating that the alleged injury was not speculative and the issues were clear:

> Regarding Article III, or jurisdictional, ripeness, Adam Bros.'s alleged injury is not "too 'imaginary' or 'speculative' to support jurisdiction." *Thomas v. Anchorage Equal Rights Comm'n*, 220 F.3d 1134, 1139 (9th Cir. 2000). Nor would adjudication of the issue before us be premature at this point in time. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1122 (9th Cir. 2009). The issues before us are clear and not dependent upon contingent events.

(*Id*., fn. 4)

The decision in *Adams Bros.* is relevant to this case. This case raises the question of whether the ripeness requirement of *Williamson County* is prudential or

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jurisdictional. Any ripeness requirement in this case is prudential. Thus, the Court would also need to address whether it is appropriate to exercise its prudential authority in this case if ripeness is deemed an issue for this en banc rehearing.

Dated: May 19, 2010

Respectfully Submitted,

HART, KING & COLDREN

By: /s/ Robert S. Coldren
Robert S. Coldren
C. William Dahlin
Mark D. Alpert
Attorneys for Plaintiffs Daniel Guggenheim, Susan Guggenheim and Maureen H. Pierce

CERTIFICATE OF SERVICE

DANIEL GUGGENHEIM, et al. v. CITY OF GOLETA
USCA DOCKET NO. 06-56306
Lower Court Case No. CV 02-2478 FMC (RZx)

I hereby certify that I electronically filed the foregoing CITATION TO SUPPLEMENTAL AUTHORITIES with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 19, 2010.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

By: /s/ Sandy Moore