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7 Attorneys for Respondent
MICHELLE ASCENCION,
8 in her official capacity as Oxnard City Clerk

**Exempt from Filing Fees
Government Code § 6103**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF VENTURA, HALL OF JUSTICE**

Colantuono, Highsmith & Whatley, PC
790 E. COLORADO BOULEVARD, SUITE 850
PASADENA, CA 91101-2109

12 AARON STARR,
13 Petitioner,

14 v.

15 MICHELLE ASCENCION, in her official
capacity as Oxnard City Clerk; and DOES 1
16 through 25, inclusive,

17 Respondents.

18 _____
19 TIM FLYNN,
20 Real Party in Interest.

CASE NO. 56-2018-00508329-CU-WM-VTA
Unlimited Jurisdiction

(Case assigned to Hon. Vincent J. O'Neill)

**RESPONDENT CITY CLERK'S
STATEMENT OF NO POSITION**

Complaint Filed: February 22, 2018

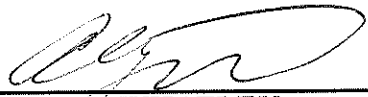
Hearing Date: March 7, 2018
Time: 8:30 a.m.
Dept.: 41

1 Petitioner Aaron Starr filed a Verified Petition for Alternative and/or Peremptory Writ of
2 Mandate; Complaint for Injunctive Relief ("Petition") regarding candidate statements for the
3 upcoming May 1, 2018 election in the City of Oxnard. The Petition does not challenge any actions
4 of Respondent Michelle Ascencion relating to the May 1, 2018 election. Petitioner only names
5 Ms. Ascencion in her official capacity as Oxnard City Clerk pursuant to the procedural requirements
6 of Elections Code section 13313, subdivision (b)(3).

7 Ms. Ascencion takes no position regarding any of the substantive claims in or defenses to the
8 Petition. Ms. Ascencion's only interest is to ensure any ruling on the Petition is issued in time to
9 comply with the March 9, 2018 printing deadline for the election materials.

10
11 DATED: March 1, 2018

**COLANTUONO, HIGHSMITH &
WHATLEY, PC**

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15 _____
16 HOLLY O. WHATLEY
17 JON R. di CRISTINA
18 ALEKS R. GIRAGOSIAN
19 Attorneys for Respondent
20 MICHELLE ASCENCION,
21 in her official capacity as Oxnard City Clerk
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Colantuono, Highsmith & Whatley, PC
790 E. COLORADO BOULEVARD, SUITE 850
PASADENA, CA 91101-2109

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is 790 E. Colorado Blvd., Suite 850,
Pasadena, California 91101-2109.

5 On **March 1, 2018**, I served the document(s) described as: **RESPONDENT CITY**
6 **CLERK'S STATEMENT OF NO POSITION** on the interested parties in this action as follows:

<p><u>Attorney for Petitioner AARON STARR</u> Chad D. Morgan, Esq. Law Office of Chad D. Morgan 1101 California Ave., Suite 100 Corona, CA 92881-6472 Tel. (951) 667-1927 Fax. (866) 495-9985 Email: chad@chadmorgan.com</p>	<p><u>Courtesy Copies to:</u> Department 41: courtroom41@ventura.courts.ca.gov Mayor Tim Flynn: timbflynn@gmail.com</p>
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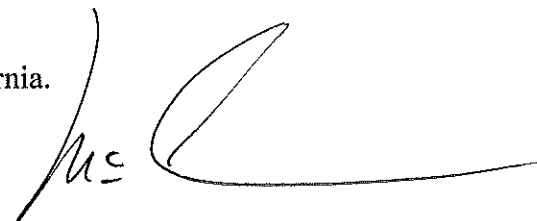
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8
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11 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an
12 agreement of the parties to accept service by e-mail or electronic transmission, I caused the
13 documents to be sent to the persons at the e-mail addresses listed above.

14
15 **BY MAIL:** The envelope was mailed with postage thereon fully prepaid. I am readily
16 familiar with the firm's practice of collection and processing correspondence for mailing.
17 Under that practice it would be deposited with the U.S. postal service on that same day with
18 postage thereon fully prepaid at Pasadena, California in the ordinary course of business. I am
aware that on motion of the party served, service is presumed invalid if the postal
cancellation date or postage meter date is more than one day after service of deposit for
mailing in affidavit.

19 **OVERNIGHT DELIVERY:** By overnight delivery, I placed such document(s) listed above
20 in a sealed envelope, for deposit in the designated box or other facility regularly maintained
21 by FEDERAL EXPRESS (FEDEX) and/or GOLDEN STATE DELIVERY (GSO) for overnight
22 delivery, caused such envelope to be delivered to the office of the addressee(s) on the
attached service list via overnight delivery pursuant to C.C.P. §1013(c), with delivery fees
fully prepaid or provided for.

23 I declare under penalty of perjury under the laws of the State of California that the above is
24 true and correct.

25 Executed on **March 1, 2018**, at Pasadena, California.

26
27 

28 ANGELO MCCABE

Colantuono, Highsmith & Whatley, PC
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