

HAND DELIVERED

June 11, 2012

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Hon. George Nicolson, Acting Presiding Justice
Hon. Elena J. Duarte, Associate Justice
Hon. Harry E. Hull, Jr., Associate Justice
Court of Appeal, Third Appellate District
621 Capitol Mall, 10th Floor
Sacramento, CA 95814-4719

Re: Publication of *McMillan v. County of Siskiyou*
Case No. C067581
Siskiyou County Superior Court Case No. SCSCCVPT081404

Dear Honorable Justices:

Pursuant to California Rules of Court, rule 8.1120, the California State Association of Counties and the League of California Cities join the County of Siskiyou's request to publish this Court's opinion in the above-named case.

I. Statement of Interest

The California State Association of Counties (CSAC) is a non-profit corporation. The membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels' Association of California and is overseen by the Association's Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this case is a matter affecting all counties.

The League of California Cities is an association of 469 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, which is comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that are of statewide or nationwide significance. The Committee has identified this case as being of such significance.

Hon. George Nicolson, Acting Presiding Justice
Hon. Elena J. Duarte, Associate Justice
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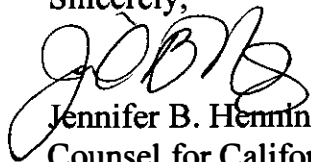
II. The Opinion Meets the Standards for Publication

CSAC and the League join in the arguments made by the County of Siskiyou on the importance of this opinion on the jurisprudence of vested rights. Specifically, the opinion addresses a set of facts not currently covered by any published opinions, and creates a new rule of law governing vested rights and nonconforming uses.

Most importantly to CSAC and the League's member counties and cities, the opinion has application beyond the context of the Surface Mining and Reclamation Act. As noted in the publication request filed by Mr. John M. Taylor, the opinion provides needed guidance on when vested rights claims are rightfully asserted, which will aid cities and counties greatly in addressing vested rights claims and dealing with a wide variety of nonconforming uses.

For these reasons, CSAC and the League respectfully join in the County of Siskiyou's request to publish this Court's opinion in *McMillan v. County of Siskiyou*.

Sincerely,



Jennifer B. Henning, SBN 193915
Counsel for California State Association of Counties
and League of California Cities

Proof of Service Attached

Proof of Service by Mail
McMillan v. County of Siskiyou
Case No. C067581

I, Mary Penney, declare:

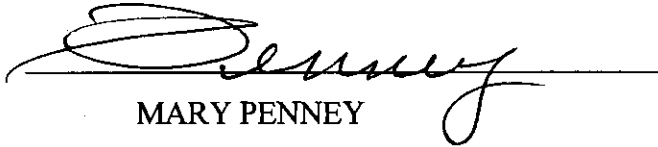
That I am, and was at the time of the service of the papers herein referred to, over the age of eighteen years, and not a party to the within action; and I am employed in the County of Sacramento, California, within which county the subject mailing occurred. My business address is 1100 K Street, Suite 101, Sacramento, California, 95814. I served the within **REQUEST FOR PUBLICATION** by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Proof of Service List

Party	Attorney
McMillan et al., Plaintiff and Appellant	James L. Buchal Murphy & Buchal LLP 3425 SE Yamhill Street, Suite 100 Portland, OR 97214
County of Siskiyou : Defendant and Respondent	Philip B. Price Price & Brown P. O. Box 1420 466 Vallombrosa Avenue Chico, CA 95927
Trial Court	Clerk of the Court Siskiyou County Superior Court Attn: Hon. Karen Dixon 311 4 th Street P.O. Box 1026 Yreka, CA 96097-2998

and by placing the envelopes for collection and mailing following our ordinary business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 11, 2012, at Sacramento, California.


MARY PENNEY