



FOR IMMEDIATE RELEASE

Contact: Superintendent Kirsten Vital (510) 337-7060

Judge Denies Plaintiffs' Motion for Summary Judgment in Measure H Lawsuit ***Plaintiffs Fail to Demonstrate that Measure H Is Not Uniformly Applied***

Alameda, Calif. - Tuesday, March 17, 2009 - Today, Judge Kenneth Mark Burr of the Alameda County Superior Court denied Plaintiffs' motion for summary judgment in the case of *Borikas et al v. Alameda Unified School District*. Plaintiffs in the *Borikas* case have been seeking to overturn Measure H, the parcel tax supporting Alameda schools that was passed by 66.9% of Alameda voters in June 2008.

In today's ruling, the judge determined that the plaintiffs had failed to present evidence that Measure H violates Government Code section 50079, which governs how special tax rates are applied. Specifically, the ruling stated: "*The Court finds that Plaintiffs have not shown that the special tax imposed by Measure H violates the uniformity requirement of Government Code section 50079.*"

Judge Burr also determined that the plaintiffs had failed to demonstrate that exemptions for certain properties owned by seniors and persons receiving supplemental social security disability income are invalid. Specifically, Judge Burr stated, "*The provisions in Measure H imposing requirements on those seeking exemptions do not violate Government Code section 50079.*"

The plaintiffs had requested summary judgment to preclude a trial. Today's denial of summary judgment clears the way for the case to proceed to trial before the same judge.

"We are very pleased that Judge Burr ruled against the plaintiffs' motion for summary judgment," said Superintendent Kirsten Vital. "We are particularly heartened that he specifically indicated that the requirement that the tax be applied 'uniformly' only requires that the tax be applied uniformly to all parcels within the same classification and not identically to every parcel regardless of its size or use," she continued.

Additionally, the judge consolidated a second lawsuit against Measure H, *Beery et al v. AUSD*, with the *Borikas* case due to the similarity of claims. The judge has set a September 17th trial date for the consolidated actions.

"On behalf of the School Board, I'd like to reiterate our commitment to vigorously defend Measure H," stated AUSD Board President Mike McMahon. "Measure H is critically important to our schools, the students and our greater community," he said.

Measure H is expected to raise over \$4 million in new revenue per year over the next four years to help close the budget gap caused by reductions in funding the District receives from the State. Because of Measure H, drastic cuts have been averted, including the elimination of AP classes, athletics and school closures.