

1 John C. Lemmo (Bar No. 190885)  
E-mail:john.lemmo@procopio.com  
2 Rebecca L. Reed (Bar No. 275833)  
E-mail:rebecca.reed@procopio.com  
3 Justin M. Fontaine (Bar No. 323357)  
E-mail:justin.fontaine@procopio.com  
4 PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP  
5 525 B Street, Suite 2200  
San Diego, CA 92101  
6 Telephone: 619.238.1900  
Facsimile: 619.235.0398

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8 Attorneys for Petitioner and Plaintiff  
PROTECT OUR COMMUNITY NOW

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO

11 PROTECT OUR COMMUNITY NOW, a  
California nonprofit public benefit corporation,

12 Petitioner and Plaintiff,

13 v.

14 POWAY UNIFIED SCHOOL DISTRICT, a  
15 California public school district, POWAY  
UNIFIED SCHOOL DISTRICT BOARD OF  
16 EDUCATION; and MARIAN KIM PHELPS, in  
her capacity as Superintendent,

17 Respondent and Defendant.  
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23 COSTCO WHOLESALE CORPORATION, a  
Washington profit corporation,

24 Real Party-in-Interest.  
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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**11/16/2020** at 10:40:00 PM

Clerk of the Superior Court  
By E- Filing, Deputy Clerk

Case No. 37-2020-00037296-CU-WM-  
CTL

**DECLARATION OF BRIAN  
VOGELSANG IN SUPPORT OF  
PETITIONER PROTECT OUR  
COMMUNITY NOW'S REPLY BRIEF  
IN SUPPORT OF EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

**IMAGED FILE**

Date: November 20, 2020  
Time: 9:00 a.m.  
Dept: C-67  
Judge: Hon. Eddie C. Sturgeon

Complaint Filed: October 15, 2020  
Trial Date: Not Set

1 **DECLARATION OF BRIAN VOGELSANG**

2 I, Brian Vogelsang, declare:

3 1. I am over the age of eighteen years old and I am not a party to this action. I submit  
4 this declaration in support of Petitioner and Plaintiff Protect Our Community Now's ("Plaintiff")  
5 Reply to Poway Unified School District's ("PUSD") Opposition to Plaintiff's Ex Parte Application  
6 for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should  
7 Not Issue.

8 2. I have personal knowledge of the facts set forth below, with the exception of those  
9 matters stated on information and belief, and as to those matters, I believe them to be true. If called  
10 upon to testify I could and would testify as follows:

11 3. I have been monitoring PUSD's website regarding the Real Property Advisory  
12 Committee, <https://www.powayusd.com/en-US/Departments/Business-Support/Planning/RPAC>  
13 (the "RPAC website").

14 4. PUSD added the "Request for Proposals (RFP) document" to the RPAC website  
15 sometime after September 10, 2020.

16 5. PUSD added the "Presentation of Potential Ground Lease" dated September 10,  
17 2020, to the RPAC website later in September 2020.

18 6. PUSD added the "Presentation of Potential Lease, Sale, or Exchange Request of  
19 Proposals" dated November 14, 2019, to the RPAC website sometime after September 10, 2020.

20 7. On September 18, 2020, PUSD added the "FAQs" section to the RPAC website,  
21 which included four presentations: (1) History of the Black Mountain Ranch Southern Site, (2)  
22 Designation of Surplus Property, (3) 2019 Surplus Review, and (4) Next Steps in the Long-term  
23 Lease Process.

24 8. On September 18, 2020, PUSD added the presentation "Presentation of Potential  
25 Lease, Sale or Exchange" dated August 8, 2019, to the RPAC website.

26 9. On September 23, 2020, PUSD added an additional "FAQ" for "District  
27 Demographics" to the RPAC website.

1           10.    On October 7, 2020, PUSD added the “Costco Letter of Intent” to the RPAC  
2 website.

3           11.    On October 8, 2020, PUSD added the “Santaluz town hall meeting slides” to the  
4 RPAC website.

5           12.    On October 13, 2020, PUSD added the RFP responses from Cambridge School,  
6 Brookfield Residential, and Costco to the RPAC website.

7           13.    Sometime after September 10, 2020, PUSD added the “RPAC Letter of Support for  
8 CDE Waiver” to the RPAC website.

9           I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11           Executed this 16th day of November, 2020, at San Diego, California.

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Brian Vogelsang

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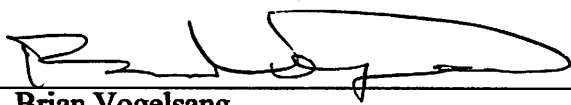
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Brian Vogelsang