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9 Attorneys for Plaintiff SHORT TERM RENTAL ALLIANCE OF SAN DIEGO

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 SHORT TERM RENTAL ALLIANCE OF SAN
14 DIEGO, a non-profit California corporation,

15 Plaintiff,

16 vs.

17 CITY OF SAN DIEGO, a California municipal
18 corporation, and DOES 1 through 10 inclusive,

19 Defendants.

Case No.: 22-cv-1831-L-RBB
Action Filed: Sept. 26, 2022
Trial Date: None Set

**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF OR IN THE ALTERNATIVE,
PETITION FOR TRADITIONAL
MANDAMUS**

Judge: Hon. M. James Lorenz
Magistrate Judge: Ruben B. Brooks

20 Comes now Plaintiff SHORT TERM RENTAL ALLIANCE OF SAN DIEGO (hereinafter
21 "PLAINTIFF" alleges as follows:

22
23 **I.**

24 **GENERAL ALLEGATIONS**

25 1. SHORT TERM RENTAL ALLIANCE OF SAN DIEGO, hereinafter "PLAINTIFF" is
26 a non-profit California corporation, based out of San Diego, CA.

27 2. PLAINTIFF's purpose(s), *inter alia*, educating and advocating for short term rental
28 owners and operators, and protecting the statutory and constitutional rights of landlords, tenants,

1 hosts, guests, and both the providers of and consumers of services/goods related to the short (and
2 longer term) rental industry. Such rights include but are not limited to the rights of equal protection, to
3 be free of discrimination, and the right to equal access to public resources such as public beaches.
4 PLAINTIFF's members also include individuals of various racial and ethnic groups historically
5 subjected to discrimination, including but not limited to Hispanics and African Americans, whose
6 rights are protected by the provisions of the FHA and the U.S. and California constitutions.

7 3. PLAINTIFF's members include but are not limited to, landlords and hosts with one or
8 more short term rental properties within the geographic area sometimes referred to as the San Diego
9 Coastal Overlay (hereinafter "COASTAL OVERLAY").

10 4. On information and belief, CITY OF SAN DIEGO (hereinafter "DEFENDANT") is a
11 California municipal corporation.

12 5. PLAINTIFF's landlord and host members each own one or more single family
13 residences (including but not necessarily limited to detached homes and or attached condominiums) in
14 close proximity to beaches in areas like Mission Beach, Pacific Beach, and La Jolla, within the
15 COASTAL OVERLAY.

16 6. PLAINTIFF's renter and guest member(s) include but are not necessarily limited to,
17 people who have a past history of renting short term rentals in the COASTAL OVERLAY for
18 business and pleasure related purposes (or a mix thereof), hailing from one or more other states of the
19 United States, who wish to continue using short term rentals in the CITY OF SAN DIEGO, including
20 within the COASTAL OVERLAY. These members include at least one member who frequents more
21 than one short term rental owned by the same owner, and by extension, he will lose access to at least
22 one rental property which he wishes to continue to visit as a direct outgrowth of the of the
23 ORDINANCE, as further described and or defined further herein. PLAINTIFF's renter and guest
24 member(s) also include individuals of Hispanic and African American heritage, whose rights are
25 protected by the provisions of the FHA and the U.S. and California constitutions.

26 7. In or around April of 2021, DEFENDANT adopted Ordinance O-21305, which
27 adopted amendments to the San Diego Municipal Code which regulate short term rentals within the
28 City of San Diego (generally). However, pursuant to California law and pursuant to the City's own

1 ordinance, Ordinance O-21305 would not (and could not) apply to the COASTAL OVERLAY
2 without subsequent recommendations and approval from the California Coastal Commission
3 (hereinafter “COMMISSION”).

4 8. On information and belief, sometime after initial passage of O-21305, DEFENDANT
5 submitted the ordinance for review to the COMMISSION. On February 17th, 2022, the California
6 Coastal Commission issued a report including recommended modifications to O-21305.
7 DEFENDANT adopted the proposed modifications to O-21305 through a separate ordinance
8 numbered O-21464, with final passage on June 27th, 2022, the effectiveness of which was made
9 subject to final COMMISSION approval. Pursuant to its terms, O-21464 (and by extension O-21305)
10 would not become law and would not be in effect within the COASTAL OVERLAY until 30 days
11 after final passage, or until the COMMISSION unconditionally certified the operative provisions,
12 whichever occurred later. Hereinafter, O-21305, as modified by O-21464 to apply within the
13 COASTAL OVERLAY, is referred to as the “ORDINANCE.” On information and belief, the
14 COMMISSION unconditionally certified the operative provisions of O-21464 on or around August
15 10th, 2022, and the ORDINANCE (as amended O-21464) became effective in the COASTAL
16 OVERLAY on that date.

17 9. Some time on or around October 3rd, 2022, DEFENDANT opened its online
18 application portal to the public and began accepting applications for licenses pursuant to the express
19 provisions of the ORDINANCE. On information and belief, Applicants were only allowed to submit
20 applications for one property, and LLCs and Corporations were not allowed to submit applications at
21 all. Accordingly, pursuant to the prima facie terms of the ORDINANCE, and by its application as
22 effectuated by the application portal, any applicant which wished to obtain licenses for more than one
23 property was prevented from doing so, resulting in a *de facto* refusal and or rejection of any attempt to
24 secure licenses for multiple properties owned by the same owner. For LLCs and Corporations, the
25 application of the ORDINANCE was even more severe, completely prohibiting them from even
26 applying for a license.

27 10. The ORDINANCE, both through its online application portal (i.e. as applied), and
28 through the express facial provisions of the ordinance, discriminates between natural persons and

1 corporations, prohibiting outright corporations and similar entities from applying for or receiving any
2 license to operate a short term rental of any sort.

3 11. PLAINTIFF alleges on information and belief that DEFENDANT is and was at all
4 times aware that the COASTAL OVERLAY communities within the City of San Diego are vacation
5 and business destinations not only for local and regional vacationers, but also for business and
6 vacation travelers from neighboring states and the United States as a whole. It is further alleged on
7 information and belief that one of the primary reasons, if not the sole reason for such destination
8 status, is the ready accessibility to the coast and beaches in communities within the COASTAL
9 OVERLAY.

10 12. On information and belief, DEFENDANT knew or should have known that it has been
11 judicially recognized within the courts of the state of California that short term vacation rental bans
12 (and by extension partial short-term vacation rental bans) are inconsistent with providing low-income
13 individuals and families access to the coast. (See e.g. *Kracke v. City of Santa Barbara*, (2021) 63 Cal.
14 App. 5th 1089).

15 13. Further, according to American Communities Survey data, in 2021 Hispanic (i.e.
16 “Hispanic or Latino Origin (of any race)”) Americans experienced poverty within the last 12 months
17 at a disproportionate rate, with 18.3% of Hispanic Americans experiencing poverty, as compared with
18 9.3% of White Americans (“White alone, not Hispanic or Latino”). Similarly, African Americans
19 experience poverty at a disproportionately high rate (22.1%) in comparison.

20 14. Furthermore, the income level of Hispanic Americans was substantially lower, with the
21 median annual income for Hispanic Americans (in 2021) at \$60,566, as compared to White Americans
22 at \$75,412. Similarly, the median annual income level for African Americans was also lower, at
23 \$46,774. On information and belief, DEFENDANT either knew or should have known that Hispanics
24 and African Americans experience poverty and low income at a disproportionate rate , and that
25 accordingly, they would be disparately impacted by the reduced coastal access created by the
26 ORDINANCE.

27 15. DEFENDANT also knew or should have known that short term rental bans
28 disproportionately affect large groups (and by extension families) as short term rentals are peculiarly

1 suitable for large group gathering and accommodations.

2 16. Any ban disproportionately affecting large groups will disproportionately affect
3 Hispanic households, as Hispanic households are larger than those of many other demographic
4 groups. In 2015 71.7% of Hispanic households consisted of three or more people (with 25.3 %
5 consisting of five or more), as compared with 47.2% of White households at three or more (and with
6 just 10% at five or more).¹ Thus, Hispanic families seeking to take family vacations near the beach in
7 San Diego will disproportionately be adversely impacted by the reduced supply of short term vacation
8 rentals within the COASTAL OVERLAY.

9 17. Accordingly, DEFENDANT either knew or should have known that implementation of
10 the ORDINANCE would result in a partial short-term rental ban within the COASTAL OVERLAY,
11 and that by extension, disparately impact various racial minorities, including but not necessarily
12 limited to Hispanics, who are disproportionately below the poverty line, have lower median income,
13 and have larger household sizes than at least one other racial community. By extension, this group or
14 groups will disproportionately suffer from application of the ORDINANCE.

15 18. The ORDINANCE, as ultimately enacted and as applicable in the COASTAL
16 OVERLAY, caps the number of short term rentals not occupied by the owner as a primary residence
17 (Tier III and Tier IV licenses) to 1% of the City's total housing units generally (excluding the housing
18 units in the Mission Beach community), including in the COASTAL OVERLAY, except for in
19 Mission Beach, wherein the cap is 30% of total housing units in the Mission Beach community. It is
20 estimated that this cap will result in an approximately 28% reduction in short term rental inventory
21 versus immediately pre-ORDINANCE in the Mission Beach area. Overall, short term rentals are
22 anticipated to decrease 50% overall, substantially decreasing critical coastal access.

23 19. On information and belief, PLAINTIFF further alleges that in addition to decreasing
24 the supply of short-term rentals within the Mission Beach area by 28% and reducing short term rentals
25 in other areas of San Diego by a massive 50%, the resulting supply shift will result in higher
26 equilibrium prices for those short-term rentals which remain (i.e. remaining short term rentals will be
27

28 _____
¹ [Race and ethnicity of U.S. households in 2015, by size | Statista](#); accessed 09-25-2022.

1 more expensive). Accordingly, not only will the basic supply of short-term rentals available be
2 significantly reduced, but this reduction will result in higher overall prices, resulting in a near perfect
3 storm for people and families with low income and or affected by poverty.

4 20. Under essential terms of the ORDINANCE, all short-term rental properties within the
5 COASTAL OVERLAY must secure a property specific license in order to continue operating as a
6 short-term rental. Owners can seek licenses to use their primary residence as a short-term rental under
7 a Tier I or Tier II license. These licenses are not subject to any caps, or lotteries. Each owner can only
8 secure a single license. Owners seeking to use a non-primary residence as a short-term rental must
9 seek either a Tier III license (for properties not within the Mission Beach Community), or a Tier IV
10 license (for properties within the Mission Beach Community). Properties which are not also used by
11 the owner as a primary residence may receive a license if and only if the owner holds no other short-
12 term rental licenses (i.e. no owner can possess more than one license). Accordingly, each and every
13 member of PLAINTIFF with more than one short-term rental prior to the effective date of the
14 ORDINANCE will effectively be deprived of at least one short-term rental by implementation of the
15 ORDINANCE resulting in future loss of income, and loss of property rights.

16 21. The ORDINANCE also is structured to discriminate against owners based upon
17 whether or not the owner also utilizes he/her/its short-term rental property as a primary residence.
18 Further, the ORDINANCE discriminates between natural persons (who can apply for licenses) and
19 corporations and related entities, which are prohibited from applying for or receiving licenses.

20
21 22. The ORDINANCE’s ostensible purpose, which is in essence simply “...to protect the
22 public health, safety, and citizens of San Diego...” is entirely disconnected from and unrelated to its
23 actual provisions and restrictions. No explanation or rationale is provided for why or how the
24 ORDINANCE is designed to improve the public health or safety of the citizens of San Diego. On
25 information and belief, DEFENDANT conducted no studies of any kind, and gathered no evidence to
26 suggest that short term renters are any more of a danger to public health and safety than long term
27 renters, or for that matter, owner occupied properties. No rationale whatsoever exists to distinguish
28

1 between homeowners who share their primary residence with short term guests, and homeowners who
2 rent the entire premises to short term guests.

3 23. Furthermore, the ordinance's regulatory scheme is entirely irrational, as its various
4 provisions, prohibitions, and licensing requirements apply even within commercial zones where
5 hotels, motels, and other high intensity uses are allowed. No rationale exists to distinguish between
6 guests at a short term rental, and guests at a motel or hotel.

7
8 24. The true names and capacities of Defendants fictitiously named herein as DOES 1
9 through 50 are unknown to PLAINTIFF, and PLAINTIFF prays leave to amend this complaint to
10 allege their true names and capacities when ascertained. PLAINTIFF sues said defendants fictitiously
11 named herein as DOES 1 to 10 pursuant to the provisions of CCP§474. PLAINTIFF is informed and
12 believes and thereon alleges that each of the fictitiously named defendants is in some manner
13 responsible for injuries PLAINTIFF's members as hereinafter alleged, and negligently and or
14 intentionally caused PLAINTIFF's members injuries.

15
16 25. PLAINTIFF is informed and believes, and thereon alleges, that at all times mentioned
17 in this Complaint, that each Defendant herein, including each Doe Defendant, was, at all times
18 relevant hereto, acting as the agent, employee, partner, joint venturer, or representative of the
19 remaining Defendants, and in such capacity was acting within the scope of such agency, service or
20 employment relationship. PLAINTIFF is further informed and believes that each Defendant, while
21 acting as a principal, expressly directed, acted with knowledge of, authorized, affirmed, consented to,
22 ratified, encouraged, approved, adopted and participated in the acts or transactions of the other
23 Defendants, including each Doe Defendant.
24

25
26 **II.**

27 **FIRST CAUSE OF ACTION**

28 **(DECLARATORY JUDGMENT UNDER CAL. CIV. PROC. §1060)**

1 26. PLAINTIFF hereby incorporates by this reference paragraphs 1 through 24 as if
2 restated in full herein.

3 27. For all the above reasons, the ORDINANCE on its face discriminates, and unlawfully
4 distinguishes between owner occupied and non-owner occupied short term rentals, and this distinction
5 is not rationally related to any legitimate public policy goal. Accordingly, this distinction is unlawful
6 as repeatedly affirmed by the courts of this district, including in *College Area Renters and Landlord's*
7 *Ass'n. vs. City of San Diego* (1996) 43 Cal. App. 4th 677, and again more recently reaffirmed by the
8 Honorable Judge Styn in *College Area Students Tenants and Landlords Ass'n vs. City of San Diego*
9 (2017) 37-2017-00009715-CU-MC-CTL. Furthermore, this ordinance discriminates between the
10 owners of short-term rentals, and other short-term accommodations like motels and hotels in
11 commercial zones.

12 28. Although the CITY does not expressly identify any meaningful legislative goals
13 associated with the ORDINANCE (as further described above), the 4th district court of appeal has
14 previously provided guidance to the CITY regarding such ordinances:

15 “In short, if the City wants to address problems associated with overcrowded
16 detached homes, it should do so with a law that applies “evenly to all households.”
17 (See *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133, 164 Cal.Rptr. 539,
18 610 P.2d 436.) As stated by our Supreme Court in *Adamson*: “... Population density
19 can be regulated by reference to floor space and facilities. Noise and morality can be
20 dealt with by enforcement of police power ordinances and criminal statutes. Traffic and
21 parking can be handled by limitations on the number of cars (applied evenly to all
22 households) and by off-street parking requirements. *In general, zoning ordinances are*
23 *much less suspect when they focus on the use than when they command inquiry into*
24 *who are the users.” (Ibid.; italics in original.) ”*

25 *College Area Renters & Landlords Assn. v. City of San Diego*, (1996) 43 Cal. App. 4th 677, 687-688
26 [pagination omitted, emphasis in original].

1 assuming certain other requirements are met. These licenses are not subject to the overall cap on short
2 term rentals.

3 40. This discrimination in requirements between the TIER I and TIER II licenses (i.e.
4 owner occupied licenses) and TIER III and TIER IV licenses (non-owner occupied licenses)
5 constitutes prima facie discrimination against out-of tate property owners. The upshot of the ordinance
6 is that while owners who also occupy their short-term rentals as their primary residence are virtually
7 guaranteed a license., out of area and more importantly, out of state owners must enter a lottery just
8 for the *possibility* of securing one (and only one) license. If they don't happen to win the lottery, they
9 are out of luck.

10 41. As previously stated herein, the online application portal for this arbitrary and
11 discriminatory lottery opened (on information and belief) on or around October 3rd, 2022, and
12 applicants were only permitted to submit a single license application for a single property. Any
13 applicant seeking licenses for more than one property, including out of state owners, were by
14 operation of the facial terms of the ordinance, and by the actual implementation of the application
15 system, had any attempt to procure licenses for multiple properties rejected and or refused.

16 42. Many out of state operators, including out of state operators which are members of
17 PLAINTIFF, who have (prior to adoption of the ORDINANCE) purposefully purchased multiple
18 properties within the COASTAL OVERLAY based upon reasonable investment backed expectations,
19 will thus be deprived of the opportunity to recoup their investment, as the ORDINANCE does not
20 include an amortization period and or grandfathering provision for their properties.

21 43. This discriminatory treatment (both on its face and as applied) of TIER I and TIER II
22 licenses is differential treatment of in- state vs. out-of-state short-term rental owners (i.e. by definition
23 no out-of -tate short-term rental owners can avail themselves of a TIER I or TIER II license), and this
24 differential treatment generally benefits the former while burdening the latter. This burden is more
25 than just incidental.

26 44. The ORDINANCE as written neither identifies any legitimate local purpose to any
27 degree of specificity, nor advances a legitimate local purpose in any identifiable way, and ample
28

1 alternatives exist which do not facially discriminate against interstate commerce, as previously
2 discussed above.

3 45. Accordingly, PLAINTIFF respectfully seeks an order declaring the ORDINANCE (O-
4 21464 and O-21305) void and unconstitutional, both on its face (*prima facie*), and as applied, and
5 permanently enjoining enforcement within the COASTAL OVERLAY for violation of the Dormant
6 Commerce Clause to the United States Constitution.

7 **V. FOURTH CAUSE OF ACTION**
8 **(SUBSTANTIVE DUE PROCESS)**

9 46. PLAINTIFF hereby incorporates by this reference paragraphs 1 through 45 in full as if
10 fully restated herein.

11 47. PLAINTIFF further alleges that pursuant to both the facial provisions and application
12 of the ORDINANCE as implemented through the application portal, is also arbitrary and
13 discriminatory, and is contrary to the welfare of the region and its visitors, and thus also violates the
14 substantive due process rights of hosts, guests, and non-natural persons (corporations, LLCs, etc.)
15 under both the 14th Amendment to the United States Constitution, and under the due process clause of
16 the California Constitution. Therefore, the ORDINANCE is void both on its face and as applied, and
17 is unenforceable.

18 48. Accordingly, PLAINTIFF respectfully seeks an order declaring the ORDINANCE (O-
19 21464 and O-21305) void and unconstitutional, both on its face (*prima facie*), and as applied, and
20 permanently enjoining enforcement within the COASTAL OVERLAY for violation of the
21 Substantive Due Process clause of the 14th Amendment of the United States Constitution, and the
22 Substantive Due Process clause of the California Constitution.

23 **VI.**
24 **FIFTH CAUSE OF ACTION**
25 **(INVERSE CONDEMNATION UNDER THE UNITED STATES AND CALIFORNIA**
26 **CONSTITUTIONS)**

27 49. PLAINTIFF hereby incorporates by this reference paragraphs 1 through 48 in full as if
28 fully restated herein.

1 50. Traditionally and or historically, many homes within the COASTAL OVERLAY and
2 surrounding areas, both attached and detached, have been used as short term and or vacation rentals.

3 51. On information and belief, such uses, on a cash flow basis, constitute the highest and
4 best use of such properties, and yield the highest rate of return.

5 52. PLAINTIFF further alleges that one or more members of PLAINTIFF have purchased
6 properties in the COASTAL OVERLAY, and incurred substantial debt related thereto, based upon the
7 express expectation of (and in reliance upon) cashflows from using said properties as short term
8 rentals. These leveraged investments were made based upon the reasonable and primary expectation
9 that such use would, consistent with the area’s history, be permissible in the future.

10 53. The ability to use a home as a short-term rental goes to the core of owners’ property
11 interest in real estate, i.e. being able to use, let, lease, or otherwise dispose of their possessory interest
12 in the property as they wish. The ORDINANCE severely constricts and or eliminates that right, which
13 is a fundamental attribute of ownership.

14 54. The ORDINANCE does not provide any grandfathering provision, amortization
15 provision, monetary compensation to owners, or other mitigating benefits which would offset or
16 mitigate the burdens which the ORDINANCE imposes.

17 55. In many cases, by depriving owners of their rights to use their property or properties as
18 a short-term rental, owners will be deprived of their ability to secure a reasonable rate of return, and in
19 many cases, that rate of return will actually be negative.

20 56. The cumulative effect of the ORDINANCE, if applied consistent with the facial
21 provisions of the ORDINANCE and consistent with the application of the ORDINANCE thus far
22 through use of the application portal, has and will result in the non-categorical taking of properties
23 within the COASTAL OVERLAY without compensation in violation of the 5th Amendment (as
24 applied to the states by the 14th Amendment) of the U.S. Constitution, and provisions of the California
25 Constitution.

26 57. Accordingly, PLAINTIFF respectfully seeks an order declaring the ORDINANCE (O-
27 21464 and O-21305) void and unconstitutional, both on its face (*prima facie*), and as applied, and
28 permanently enjoining enforcement within the COASTAL OVERLAY for violation of the takings

1 clause of the 5th Amendment United States Constitution, and the takings clause of the California
2 Constitution.

3
4 **VII.**

5 **SIXTH CAUSE OF ACTION**

6 **(PREEMPTION BY STATE LAW)**

7 58. PLAINTIFF hereby incorporates by this reference paragraphs 1 through 57 in full as if
8 fully rest08

9 59. The legislature of the State of California, no later than the implementation of the
10 Beverly-Killea Act, and continuing through the present in the form of the Revised Uniform Limited
11 Liability Company Act (and similar legislation), has evinced an intent to occupy and preempt the field
12 of rights and powers of LLCs and corporations within the state of California. (See e.g. Cal. Corp.
13 Code 17701.05).

14 60. In so doing, the legislature has evinced an intent that LLCs and Corporations shall have
15 all those powers of natural persons related to the acquisition and disposition of property.

16 61. While the express provisions of the ORDINANCE allow individuals to apply for
17 licenses to operate a property as a short-term rental, LLCs and Corporations are barred from applying
18 for such licenses.

19 62. While the legislature of the State of California has specifically empowered LLCs and
20 Corporations with those rights of natural persons related to the ownership and disposition of property,
21 DEFENDANT City of San Diego has invaded that area of law preempted by state legislation and
22 expressly prohibited LLCs and Corporations from enjoying the same rights of natural persons to own
23 and dispose of property as it has completely prohibited LLCs and Corporations from applying for
24 short term rental licenses, and by extension, completely prohibited LLCs and Corporations from
25 operating short term rentals.

26 63. Accordingly, and for all the reasons stated above, PLAINTIFF respectfully seeks an
27 order declaring the ORDINANCE (O-21464 and O-21305) void and unenforceable, both on its face
28

1 (*prima facie*), and as applied, and permanently enjoining enforcement within the COASTAL
2 OVERLAY due to preemption by state law.

3
4 **VIII.**

5 **PRAYER FOR RELIEF**

6 WHEREFORE, PLAINTIFF prays for an order containing the following relief:

- 7 1. Declaring the ORDINANCE void on its face and or as applied, and enjoining any
8 and all future enforcement within the COASTAL OVERLAY for violation of the
9 Equal Protection clause under the 14th Amendment to the U.S. Constitution, and the
10 Equal Protection clause of the California Constitution, and;
- 11 2. Declaring the ORDINANCE void on its face and or as applied, and enjoining any
12 and all future enforcement within the COASTAL OVERLAY for violation of the
13 FHA and the 14th Amendment to the United States Constitution based upon
14 Disparate Impact, and;
- 15 3. Declaring the ORDINANCE void on its face and or as applied, and enjoining any
16 and all future enforcement within the COASTAL OVERLAY for violation of the
17 Dormant Commerce Clause of the United States Constitution, and;
- 18 4. Declaring the ORDINANCE void on its face and or as applied, and enjoining any
19 and all future enforcement within the COASTAL OVERLAY for violation of the
20 Substantive Due Process clause of the 14th Amendment to the United States
21 Constitution, and the Substantive Due Process clause of the California Constitution,
22 and;
- 23 5. Declaring the ORDINANCE void on its face and or as applied, and enjoining any
24 and all future enforcement within the COASTAL OVERLAY for violation of the
25 takings clause of the 5th Amendment to the United States Constitution, and the
26 takings of the California Constitution, or in the alternative;
- 27
28

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 2 Ian W. McKinley, Esq. (Bar No. 303218)
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7 Attorneys for Plaintiff SHORT TERM RENTAL ALLIANCE OF SAN DIEGO

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 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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 12 SHORT TERM RENTAL ALLIANCE OF
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15 vs.

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18 Defendants.

Case No.: **22-cv-1831-L-RBB**
 Action Filed: **Sept. 26, 2022**
 Trial Date: **None Set**

PROOF OF SERVICE

Judge: Hon. M. James Lorenz
Magistrate Judge: Ruben B. Brooks

19
 20
 21 I, the undersigned, declare under penalty of perjury that I am over the age of
 22 eighteen years and not a party to the case. I am an attorney with the law firm of
 23 McKinley LLP. My business address is 501 West Broadway, Suite 1340, San Diego,
 24 California 92101, Tel: (619)297-3170. My electronic address is
 25 karen@mckinleylegal.net.
 26
 27
 28

1 On November 23 2022, I electronically filed the documents listed below with the
2 Clerk of the United States District Court of California by using said Court’s CM/ECF
3 system.

- 4 • **PLAINTIFF’S FIRST AMENDED COMPLAINT FOR**
5 **DECLARATORY AND INJUNCTIVE RELIEF OR IN THE**
6 **ALTERNATIVE, PETITION FOR TRADITIONAL MANDAMUS**

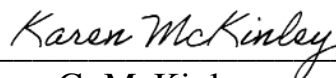
7 Copy of said document were served in the following manner:

8 X (BY CM/ECF) I caused to be transmitted a copy of the foregoing
9 document(s) this date via the United States District Court’s ECF System, in accordance
10 with the rules governing the electronic filing of documents in the United States District
11 Court for the Southern District of California, which electronically notifies all counsel as
12 follows:
13
14

15 Tyler Krentz, Esq. 16 Deputy City Attorney 17 Civil Division 18 Office of City Attorney 19 1200 Third Avenue, Suite 1200 20 San Diego, CA. 92101 21 Tel: 619-533-4542 22 Cell Phone: 619-535-7963 23 Email: tkrentz@sandiego.gov	
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24 I declare under penalty of perjury under the laws of the State of California that
25 the foregoing is true and correct.

26 Dated: November 23, 2022

27 
28 _____
Karen G. McKinley