

[PROPOSED] ORDER

ISSUING PEREMPTORY WRIT OF MANDATE IN THE FIRST INSTANCE IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA, RESPONDENT.
RYAN RICHARDSON, IN HIS INDIVIDUAL CAPACITY AS OAKLAND CITY ATTORNEY; CITY OF OAKLAND A MUNICIPAL CORPORATION; AND DOES 1-20 REAL PARTIES VIN INTEREST

ORDER Upon consideration of the Petition for Writ of Mandate, the supporting papers, and the record before the Court, and good cause appearing: The Court finds that this matter presents pure questions of law, that the material facts are undisputed, and that Petitioner’s entitlement to relief is clear as a matter of law, within the meaning of *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171.

The Court further finds that:

1. Oakland Ballot Measure A includes a provision stating “ENJOINING COLLECTION FORBIDDEN,” which purports to restrict the availability of injunctive relief and judicial review;
2. Said provision is unconstitutional on its face as it violates Article VI of the California Constitution and impermissibly infringes upon the judiciary’s inherent authority;
3. The text of Measure A, including Section 4.26.010, imposes a transaction and use tax, and does not impose or authorize a “sales tax”;
4. The official certification of the April 15, 2025 Special Election results (Resolution No. 90717) contains no reference to a “sales tax”;
5. The City of Oakland’s October 1, 2025 Notice characterizing Measure A as a “sales tax” constitutes an unauthorized and ultra vires act, lacking statutory authority and inconsistent with the enacted measure;
6. The conduct described herein is inconsistent with governing law, including *Rossi v. Brown* (1995) 9 Cal.4th 688.

IT IS HEREBY ORDERED:

1. A peremptory writ of mandate in the first instance shall issue;
2. Respondents are directed to cease and refrain from enforcing, invoking, or relying upon the provision of Measure A stating “ENJOINING COLLECTION FORBIDDEN”;

3. Said provision is hereby declared void and unconstitutional;
4. Respondents are further directed to cease and refrain from representing,

characterizing, or administering Measure A as a “sales tax,” and shall conform
official

statements conduct to the enacted text of the measure;

5. Any actions taken in reliance on the unlawful recharacterization of Measure A as a
“sales tax” are hereby declared invalid to the extent inconsistent with this Order;

6. This decision shall be final immediately as to this Court, and no rehearing shall be
entertained.

IT IS SO ORDERED

Dated:

Presiding Justice

Associate Justice

Associate Justice