

Bond Case Briefs

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Animal Protection and Rescue League v. City of San Diego

**Court of Appeal, Fourth District, Division 1, California - May 27, 2015 - Cal.Rptr.3d - 15
Cal. Daily Op. Serv. 5251 - 2015 Daily Journal D.A.R. 5754**

Plaintiffs brought action for writ of mandate and injunctive relief against city, seeking an order requiring city to vacate and set aside planning commission's denial of a permit for guideline rope at pool to protect seals from humans and to reinstate the findings of a hearing officer in support of the permit. After city filed answer in which it confessed error, the Superior Court granted petition for writ of mandate and awarded attorney's fees under the private attorney general statute. City appealed.

The Court of Appeal held that city was an "opposing party" liable for attorney's fees under the private attorney general statute.

City was an "opposing party" liable for attorney fees under the private attorney general statute in action for writ of mandamus seeking an order requiring city to vacate and set aside planning commission's denial of a permit for guideline rope at pool to protect seals, even though city did not oppose the writ and did not take any adverse position, but rather confessed error at the inception of the case. City was the named respondent to the petition, city was responsible for initiating and maintaining actions or policies that gave rise to the litigation, and plaintiffs obtained a judgment against city.