

Bond Case Briefs

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Vosburg v. County of Fresno

Court of Appeal, Fifth District, California - September 9, 2020 - Cal.Rptr.3d - 2020 WL 5377298 - 20 Cal. Daily Op. Serv. 9579 - 2020 Daily Journal D.A.R. 9881

City council members brought election contest against county and registrar of voters, alleging that patients committed to state psychiatric hospital within city illegally voted in city election despite not being city domiciliaries.

Unincorporated association of patients moved to intervene. Without ruling on intervention motion, trial court denied election contest, finding patients committed to psychiatric hospital could register to vote in county of commitment. Association moved for attorney fees under private attorney general statute. The Superior Court denied motion, finding association was not successful party. Association appealed.

The Court of Appeal held that:

- Unincorporated association had standing to appear in election contest as representative of its members;
- Issue of whether association was de facto intervener was subject to de novo review;
- Association was de facto intervener qualifying as “party” under private attorney general statute; and
- Association provided unique contributions to evidence and argument qualifying it as “successful party” under private attorney general statute.