

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE**

MINUTE ORDER

DATE: 08/15/2016

TIME: 10:00:00 AM

DEPT: 44

JUDICIAL OFFICER PRESIDING: Christopher Krueger

CLERK: M. Greco

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: M. Meraz

CASE NO: **34-2016-80002413-CU-WM-GDSC** CASE INIT.DATE: 08/08/2016

CASE TITLE: **Aziz vs. Alex Padilla in his official capacity as Secretary of State of the State of California**

CASE CATEGORY: Civil - Unlimited

EVENT ID/DOCUMENT ID: ,13918642

EVENT TYPE: Ex Parte Application - Other - Writ of Mandate

MOVING PARTY: Aref Aziz

CAUSAL DOCUMENT/DATE FILED: Petition for Writ of Mandate, 08/08/2016

APPEARANCES

Nancy J Doig, counsel, present for Real Party In Interest (RpII), Respondent(s).

Daniel Kessler, specially appearing for Mac Taylor in his official capacity as the Legislative Analyst of the State of California, Real Party In Interest (RpII).

Constance L. LeLouis, Deputy Attorney General; Margaret Prinzing appearing for petitioner, Aref Aziz

NATURE OF PROCEEDINGS: COURT'S MINUTE ORDER ON EX PARTE APPLICATION FOR PETITION FOR WRIT OF MANDATE, PRIORITY ELECTIONS MATTER PURSUANT TO ELECTIONS CODE SECTION 13314(a)(3)

The matter was briefed, argued and submitted for ruling.

The court announced the following ruling in open court this day:

Section 9087 of the Elections Code and section 88003 of the Government Code, in turn, both provide, "The Legislative Analyst shall prepare an *impartial analysis of the measure* describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government." (Emphasis added.) "The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information . . . and shall *generally set forth in an impartial manner the information the average voter needs to adequately understand the measure.*" (Elec. Code § 9087, subd. (b) [emphasis added].)

The court finds nothing misleading about the Legislative Analyst's language, much less clear and convincing proof that it is misleading. Petitioner's complaint is that the Legislative Analyst's analysis suggests drug manufacturers can raise VA prices without limitation, which will leave voters "with the alarming impression that veterans could face unlimited price increases, perhaps doubling or tripling their brand name prescription drug costs, or even worse." Petitioner fails to persuade, because the analysis does inform viewers that "[t]he federal government has established discount programs *that place upper limits on the prices paid for prescription drugs* by selected federal payers, including *the VA.*" (Emphasis added.) The court finds this is sufficient to inform voters that although drug manufacturers might choose to raise VA drug prices, there are federally-imposed "upper limits" on their ability to do so. Particularly given the Legislative Analyst's considerable latitude in preparing the analysis, the court finds that this is not the type of clear case where the failure to specifically state that VA price increases would be "subject to federal price caps" renders the analysis misleading. For these reasons, the petition for writ of

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mandate is DENIED.

Court signed the order and judgment.

Court adjourned.