

IN THE
Court of Appeal of the State of California

IN AND FOR THE
THIRD APPELLATE DISTRICT

FILED

JUL - 8 2004

CALIFORNIANS FOR AN OPEN PRIMARY,
Petitioners,

v.

SECRETARY OF STATE KEVIN SHELLEY,
Respondent;

THE LEGISLATURE OF THE STATE OF CALIFORNIA,
Real Party in Interest.

COURT OF APPEAL - THIRD DISTRICT
DEENA C. FAWCETT

BY _____ Deputy

C047231
Sacramento County
No.

BY THE COURT:

Let an alternative writ of mandate issue. Written return to the alternative writ by real party in interest is to be served and filed on or before July 19, 2004. Petitioner's replication, if any, is to be served and filed with this court by July 22, 2004. The time for filing any document in this case shall not be extended by the provisions of section 1013 of the Code of Civil Procedure nor rule 40(d) of the California Rules of Court.

The above case is ordered on calendar for hearing on Monday, July 26, 2004, at 9:30 a.m., and all counsel are directed to appear. Counsel's attention is directed to the attached memorandum that describes the calendar procedures of this court.

Dated: July 8, 2004

SCOTLAND, P.J.

cc: See Mailing List

IN THE
Court of Appeal of the State of California
 IN AND FOR THE
THIRD APPELLATE DISTRICT

CALIFORNIANS FOR AN OPEN PRIMARY,
 Petitioners,
 v.
 SECRETARY OF STATE KEVIN SHELLEY,
 Respondent;
 THE LEGISLATURE OF THE STATE OF CALIFORNIA,
 Real Party in Interest.

C047231
 Sacramento County
 No.

ALTERNATIVE WRIT OF MANDATE

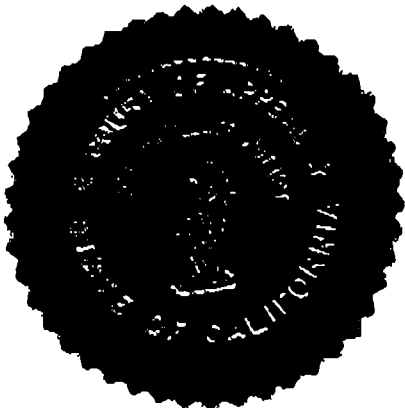
TO Secretary of State Kevin Shelley, Respondent, and The Legislature of the State of California, Real Party in Interest:

THE above named petitioners have filed a verified petition for writ of mandate and it appears to this court that petitioners have no other plain, speedy, or adequate remedy at law, and that the relief requested should be granted;

THEREFORE, the Secretary of State Kevin Shelley Respondent, is directed to forthwith grant the relief requested in this petition and indicate to this court that it has done so or show cause in writing on or before July 19, 2004, why it has not done so and why the relief requested in this proceeding should not be granted.

WITNESS THE HONORABLE ARTHUR G. SCOTLAND Presiding Justice of the Court of Appeal of the State of California, in and for the Third Appellate District.

Attest my hand and the seal of the court this 8TH day of July 2004.



DEENA C. FAWCETT
 Clerk/Administrator

By: *Deena C. Fawcett*
 Deputy