

City Council to Appeal O'Sullivan ruling

By DOUG SHERWIN, The Daily Transcript

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Last year, Superior Court judge William C. Pate ruled the city breached the terms and obligations of its agreement in the use of the "Children's Pool" in La Jolla.

The case, *Valerie O'Sullivan v. City of San Diego*, challenged the city's use and maintenance of the "Children's Pool" in La Jolla under the 1931 state tidelands trust.

San Diego City Council voted 7-1 in closed session last week to appeal the trial court's ruling. The motion was brought by Councilwoman Donna Frye and seconded by Councilman Tony Young. The lone opposition was by Council President Scott Peters.

According to Deputy City Attorney Robert Martinez, Judge Pate ordered the city last Oct. 4 to "employ all reasonable means to restore the pool to its 1941 condition by removing the sand build-up and further reduce the level of water contamination in the pool to levels certified by the county of San Diego as being safe for humans."

The city also is appealing Judge Pate's decision to award the plaintiff \$479,847.15 in attorney's fees and costs. Paul Kennerson, the attorney for O'Sullivan, has appealed the award as well, seeking a greater amount in attorney's fees and costs.

Source: <http://www.sddt.com/Government/article.cfm?SourceCode=20060301tbb#.VwbhQHpvmpQ>