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Attorneys for Petitioner and Plaintiff
ITT Educational Services, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ITT EDUCATIONAL SERVICES, INC., Petitioner and Plaintiff, vs. **THE CALIFORNIA STATE APPROVING AGENCY FOR VETERANS EDUCATION and THE CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS,** Respondents and Defendants.	CASE NO. 30-2015-00790492-CU-WM-CJC **PETITIONER AND PLAINTIFF ITT EDUCATIONAL SERVICES, INC.'S OBJECTIONS TO RESPONDENTS AND DEFENDANTS' PROPOSED JUDGMENT** Dept: C-18 Judge: Hon. William D. Claster Action Filed: June 1, 2015

Petitioner and Plaintiff ITT Educational Services, Inc. ("ITT") objects to the proposed judgment submitted by Respondents and Defendants The California State Approving Agency for Veterans Education ("CSAAVE") and The California Department of Veterans Affairs ("CalVet") on the following grounds:

First, Respondents' proposed judgment does not accurately recite the proceedings before the Court and falsely implies that judgment on the merits of the dispute was entered in their favor and against ITT.

On June 23, 2015, the Court issued an alternative writ of mandate commanding CSAAVE and CalVet either to immediately rescind CSAAVE's suspension of its approval of ITT's courses for enrollment by veteran students and notify the public that ITT's courses are approved for enrollment by veteran students; or, in the alternative, show cause before this Court on August 21, 2015 why CSAAVE and CalVet have not done so. On June 23, 2015, the Court also stayed and lifted CSAAVE's suspension pending the Court's adjudication of ITT's petition for a peremptory writ of mandate.

On August 21, 2015, the Court issued a tentative ruling granting ITT's petition for a writ of mandate requiring CSAAVE and CalVet to rescind CSAAVE's suspension of its approval of ITT's courses for enrollment by veteran students. Thereafter, on August 21, 2015, the Court heard oral argument on ITT's petition for a peremptory writ of mandate. During the hearing, CSAAVE and CalVet argued and represented that ITT's petition had become moot because CSAAVE's suspension had expired on July 12, 2015, ITT was no longer suspended, and CSAAVE and CalVet will not suspend ITT again based on the same reasons as the prior suspension. Based on these representations by CSAAVE and CalVet, the Court denied ITT's petition for writ of mandate without prejudice for mootness.

Any judgment entered by the Court should reflect that: (a) the Court issued an alternative writ of mandate, a stay of CSAAVE's suspension, and a tentative ruling granting ITT's petition for a writ of mandate; and (b) the Court denied ITT's petition for writ of mandate without prejudice for mootness based on the representations by CSAAVE and CalVet at the August 21, 2015 hearing.

Second, Respondents' proposed judgment does not result in a final judgment because it does not dispose of ITT's complaint for injunctive and declaratory relief. ITT acknowledges that its complaint for injunctive and declaratory relief is moot based on the representations by CSAAVE and CalVet at the August 21, 2015 hearing.

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ITT submits a counter-proposed judgment.

Respectfully submitted,

DATED: **September 9, 2015**

THOMPSON/COBURN LLP

By: _____

HELEN B. KIM
Attorneys for Petitioner and Plaintiff
ITT Educational Services, Inc.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action.** I am employed in the County of Los Angeles, State of California. My business address is 2029 Century Park East, Suite 1900, Los Angeles, CA 90067.

On September 9, 2015, I served true copies of the following document(s) described as **PETITIONER AND PLAINTIFF ITT EDUCATIONAL SERVICES, INC.'S OBJECTIONS TO DEFENDANTS' COUNTER-PROPOSED ALTERNATIVE WRIT AND ORDER ON ITT'S RENEWED EX PARTE APPLICATION** on the interested parties in this action as follows:

Kenneth K. Wang
Richard T. Waldow
Jennifer M. Kim
Office of the Attorney General
300 S. Spring Street, No. 1702
Los Angeles, CA 90013
Telephone: (213) 897-2451
Facsimile: (213) 897-2805
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address hkim@thompsoncoburn.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 9, 2015, at Los Angeles, California.

Michelle Wessman

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 08/21/2015 TIME: 01:30:00 PM DEPT: C18

JUDICIAL OFFICER PRESIDING: William Claster
CLERK: Gus Hernandez
REPORTER/ERM: (ACRPT) Robert J. Sullivan CSR# 5646
BAILIFF/COURT ATTENDANT: Barbara Allen

CASE NO: **30-2015-00790492-CU-WM-CJC** CASE INIT.DATE: 06/01/2015
CASE TITLE: **ITT Educational Services, Inc. vs. The California State Approving Agency For Veterans Education**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 72185671

EVENT TYPE: Petition for Writ

APPEARANCES
Helen Kim and Jeffrey R. Fink, from Thompson Coburn LLP, present for Petitioner,Plaintiff(s).
Richard Waldow and Kenneth Wang, from Department of Justice, Office of the Attorney General, present for Defendant,Respondent(s).

Petitioner's Writ of Mandate

Tentative Ruling posted on the Internet .

Hearing held. Counsel for respondents represent to the Court that this petition is now moot. The Petition for Writ of Mandate is denied without prejudice.