

March 23, 1993  
REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

PAULSON V. CITY OF SAN DIEGO

The Ninth Circuit Court of Appeals has today, March 23, 1993, issued a ruling on the Mount Soledad Cross case, entitled Paulson, et al, v. City of San Diego. We have briefly reviewed the twenty-three (23) page Circuit Court's opinion in which the three-judge panel affirmed the District Court's ruling in favor of the plaintiffs, which included a permanent injunction forbidding the permanent presence of a cross on public property.

We will examine the language of the Circuit Court's opinion in depth and provide a full report for you at the next closed session of the Council. We do wish to inform you that the Federal Rules allow fourteen (14) days in which to request an en banc hearing from the Ninth Circuit Court of Appeals. We will be prepared to fully discuss all options and await your direction.

Respectfully submitted,  
JOHN W. WITT  
City Attorney  
MKJ:mb:263(043.1)  
Attachment:Opinion  
RC-93-12