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Office of the City Attorney

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### FACSIMILE COVER SHEET

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**FROM: Edward Jordan**  
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**DATE:** January 19, 2005

**NUMBER OF PAGES:**  
(including cover page)

**RE: *City of Anaheim v. Angels Baseball LP***  
**OCSC Case No. 05CC01902**

**MESSAGE:**

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OFFICE OF THE CITY ATTORNEY  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

January 19, 2005

**VIA FACSIMILE**

Mike Rubin  
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611 Anton Boulevard, 14th Floor  
Costa Mesa, California 92626

Todd C. Theodora  
Stephan, Oringher, Richman & Theodora  
535 Anton Boulevard, 9<sup>th</sup> Floor  
Costa Mesa, California 92626

Re: *Amicus Curiae* Brief by the City of Los Angeles  
*City of Anaheim v. Angels Baseball L.P.*, Docket No. 05CC01902

Dear Counsel:

We write to advise that the City of Los Angeles intends to apply to the Court ex parte for leave to file the enclosed *amicus curiae* brief in support of the City of Anaheim in the above-referenced matter. We intend to file the enclosed Ex Parte Application on January 19, 2005, in Department C26 of the Orange County Superior Court, Central Justice Center, 700 Civic Center Drive West, Santa Ana, California, 92701. We will appear in Department C26 on January 20, 2005, at 9:00 a.m. to present the Ex Parte Application.

If you do not consent to the City's request to file an *amicus curiae* brief, or would like to discuss this matter, please feel free to call me at (213) 978-8152 at your earliest convenience.

Very truly yours,

Edward M. Jordan  
Deputy City Attorney

Attachments



1 Rockard J. Delgadillo, City Attorney (SBN 125465)  
 Edward M. Jordan, Deputy City Attorney (SBN 180390)  
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 4 Facsimile: (213) 978-8312

5 Attorneys for *Amicus Curiae* City of Los Angeles

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 7  
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 COUNTY OF ORANGE  
 10 CENTRAL JUSTICE CENTER

11 CITY OF ANAHEIM, a charter city and  
 12 municipal corporation,

13 Plaintiff,

14 v.

15 ANGELS BASEBALL L.P., a California  
 16 limited partnership; and DOES 1 through 100,  
 inclusive,

17 Defendants.

Case No. 05CC01902

Judge: Hon. Peter J. Polos  
 Dept.: C26

**EX PARTE APPLICATION OF CITY OF  
 LOS ANGELES FOR LEAVE TO FILE  
 BRIEF AS *AMICUS CURIAE* IN  
 SUPPORT OF ORDER TO SHOW  
 CAUSE RE: PRELIMINARY  
 INJUNCTION**

Hearing on Preliminary Injunction:

Hearing Date: January 21, 2005  
 Hearing Time: 9:00 a.m.  
 Department: C26

1 **TO THE HONORABLE PETER J. POLOS, JUDGE OF THE ORANGE COUNTY**  
2 **SUPERIOR COURT:**

3 The City of Los Angeles respectfully requests leave to file a Memorandum of  
4 Points and Authorities as *amicus curiae*, in support of the City of Anaheim's request for a  
5 Preliminary Injunction. A copy of the City's proposed Memorandum is attached as Exhibit A  
6 hereto, and lodged concurrently herewith.

7 As more fully set forth in the proposed Memorandum, the City of Los Angeles is  
8 the most populous city in the State of California. Los Angeles and its residents share a close  
9 bond with the City's major professional sports franchises, including the Los Angeles Dodgers,  
10 Los Angeles Lakers, Los Angeles Kings, Los Angeles Clippers, Los Angeles Sparks, and Los  
11 Angeles Avengers. These teams play at home stadiums located within the Los Angeles City  
12 limits, and thereby generate substantial tax revenues for the City, along with other substantial  
13 positive economic and publicity impacts.

14 As a municipality that relies on professional sports franchises as a great source of  
15 civic pride and an important part of its tax base, the City of Los Angeles has a keen interest in  
16 the outcome of this litigation. The City of Los Angeles is familiar with the facts of this case, the  
17 questions involved, and the scope of the presentation to date. Moreover, the City of Los Angeles  
18 has a clear interest in disputes over the Angels' proposed use of "Los Angeles." As a fellow  
19 municipality that relies on relationships with professional sports franchises, the City of Los  
20 Angeles submits that its input will assist the Court by broadening its perspective on the issues  
21 raised by the parties.

22 For the foregoing reasons, the City of Los Angeles respectfully requests leave to  
23 file a brief as *amicus curiae* in the above-entitled cause.

24 **STATEMENT RE NOTICE OF EX PARTE APPLICATION**

25 As set forth in the Declaration of Edward M. Jordan on January 19, 2005,  
26 undersigned counsel provided notice of this Ex Parte Application by letter to counsel:

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**Counsel for City of Anaheim**

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**Counsel for Angels Baseball L.P. (the "Angels")**

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Telephone: (714) 549-6220

Counsel for the City of Anaheim has consented to the filing of the City of Los Angeles' *amicus curiae* brief; the Angels [have] [have not] consented to the filing of the City of Los Angeles' *amicus curiae* brief.

Dated: January 19, 2005

Respectfully submitted,

OFFICE OF THE LOS ANGELES  
CITY ATTORNEY  
Rockard J. Delgadillo, City Attorney  
Edward M. Jordan, Deputy City Attorney

By \_\_\_\_\_  
Edward M. Jordan  
Deputy City Attorney

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 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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11 CITY OF ANAHEIM, a charter city and  
 12 municipal corporation,

13 Plaintiff,

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15 ANGELS BASEBALL L.P., a California  
 16 limited partnership; and DOES 1 through 100,  
 inclusive,

17 Defendants.

Case No. 05CC01902

Judge: Hon. Peter J. Polos  
 Dept.: C26

**[PROPOSED] MEMORANDUM OF  
 POINTS AND AUTHORITIES IN  
 SUPPORT OF ORDER TO SHOW CAUSE  
 RE: PRELIMINARY INJUNCTION BY  
 AMICUS CURIAE CITY OF LOS ANGELES**

Hearing on Preliminary Injunction:

Hearing Date: January 21, 2005  
 Hearing Time: 9:00 a.m.  
 Department: C26

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2 I.3 **STATEMENT OF INTEREST OF AMICUS**

4 *Amicus Curiae* City of Los Angeles (“*Amicus*”) submits this Memorandum of  
5 Points and Authorities in support of the City of Anaheim’s request for a preliminary injunction,  
6 barring Angels Baseball L.P. (the “Angels”) from changing their name from “Anaheim Angels,”  
7 to the geographically confusing name of the “Los Angeles Angels of Anaheim.”

8 *Amicus* is the most populous city in the State of California (and second-most  
9 populous city in the United States). Los Angeles and its residents share a close bond with the  
10 City’s major professional sports franchises: The Los Angeles Dodgers, Los Angeles Lakers, Los  
11 Angeles Kings, Los Angeles Clippers, Los Angeles Sparks, and Los Angeles Avengers. Those  
12 teams play at home stadiums located within the Los Angeles city limits, and thereby generate  
13 substantial tax revenues for the City along with other substantial positive economic and publicity  
14 impacts. In addition, Los Angeles County is home to the Major League Soccer team, the Los  
15 Angeles Galaxy.

## 16 II.

17 **STATEMENT OF CONSENT**

18 Plaintiff City of Anaheim has consented to the submission of this *amicus curiae*  
19 brief. Defendant Angels Baseball L.P. [has] [has not] consented to the submission of this *amicus*  
20 *curiae* brief.

## 21 III.

22 **ARGUMENT**23 **A. Los Angeles-Based Professional Sports Teams Are Very Important To The**  
24 **City Of Los Angeles**

25 Although *Amicus* is honored that the Angels like the Los Angeles name so much  
26 that they seek to adopt it for their team name, it is improper for the Angels to use the Los  
27 Angeles name. The Angels do not play their games in Los Angeles; they do not contribute to the  
28 financial success or tax revenues of Los Angeles; and they simply are not part of either the City  
or County of Los Angeles. Accordingly, while it may be characterized as a compliment to the

1 City of Los Angeles that the Angels desire to adopt the Los Angeles name, the Angels are not a  
2 Los Angeles team and should not be identified as such.

3 Amicus expends considerable effort to maintain working relationships with its  
4 resident professional sports teams. Amicus relies on professional sports franchises as a great  
5 source of civic pride and an important part of its tax base. The fans of these teams are fiercely  
6 loyal and possessive, viewing "their" teams as City assets.

7 In the case of the major league baseball, Amicus' relationship with the Dodgers  
8 extends back to that team's arrival in Los Angeles in 1958, when city leaders were instrumental  
9 in the franchise's trailblazing relocation from Brooklyn to become the Los Angeles Dodgers. In  
10 contrast, the Angels left Los Angeles for Anaheim in 1966, after briefly playing in Los Angeles  
11 at Wrigley Field and then Dodger Stadium. Consistent with this move out of Los Angeles, the  
12 Angels appropriately abandoned the Los Angeles designation, and took on the "California"  
13 geographic identifier. For the nearly four decades after they left Los Angeles, until January 3,  
14 2005, the Angels never used the Los Angeles designation. The Angels' only other name change  
15 occurred in 1996, when the team accepted Anaheim's lucrative offer of stadium improvements  
16 and lease concessions, in exchange for the Angels' adoption of the "Anaheim Angels" name.  
17 Following their move to Anaheim, the Angels developed a close association with their fan base  
18 in Orange County and Anaheim; they have maintained no links to the City of Los Angeles. As a  
19 result, the Court should reject the Angels' attempt to profit from the Los Angeles name they  
20 abandoned long ago.

21 B. The Name "Los Angeles Angels Of Anaheim" Is Misleading And  
22 Geographically Confusing To The Public.

23 The Angels do not play their home games within the City or County of Los  
24 Angeles. As a result, the "Los Angeles Angels of Anaheim" name is misleading and confusing  
25 to members of the public, particularly given the fact that the Angels left Los Angeles nearly forty  
26 years ago and, by virtue of their lease agreement, are committed to remaining in Anaheim for  
27 years to come. The misleading nature of the proposed name change already has been recognized  
28 by the Los Angeles City Council, the Mayor of Los Angeles, and two Congressional

1 Representatives from Los Angeles and Orange Counties, respectively (attached hereto as  
2 Exhibit A).

3 Anaheim is not located in the City of Los Angeles, and the Angels should not be  
4 permitted to adopt a name that begins with the geographical identifier "Los Angeles." This  
5 position is further bolstered by the widespread and long-standing custom and practice among  
6 major league sports teams: *Amicus* cannot find a single example of a major sports team bearing  
7 two different city designations in its name.

8 IV.

9 CONCLUSION

10 For the foregoing reasons, *Amicus* respectfully urges this Court to grant the  
11 preliminary injunction as requested by the City of Anaheim.

12 Dated: January 19, 2005

Respectfully submitted,

13  
14 OFFICE OF THE LOS ANGELES  
15 CITY ATTORNEY  
16 Rockard J. Delgadillo, City Attorney  
17 Edward M. Jordan, Deputy City Attorney

18 By \_\_\_\_\_  
19 Edward M. Jordan  
20 Deputy City Attorney

21 Attorneys for *Amicus Curiae* City of Los  
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