

(http://www.utsandiego.com/)

NEWS

BUSINESS

U-T TV

MILITARY

U-T OFFERS

REAL ESTATE

95 NEW ARTICLES

SPORTS

ENTERTAINMENT

VIDEO

OPINION

CLASSIFIEDS

CARS

FREE eWASTE DROP-OFF
Over 40+ **Locations**

* Opening by 2015



99¢ A WEEK
SD'S BEST PREP SPORTS COVERAGE



NEWS (/NEWS/)

SHIPYARDS SUE OVER BARRIO PLAN

Motion filed to halt group that targets referendum

By [Roger Showley \(/staff/roger-showley/\)](#) 12:01 A.M. DEC. 7, 2013 [PRINT](#)

([HTTP://WWW.UTSANDIEGO.COM/NEWS/2013/DEC/07/TP-SHIPYARDS-SUE-OVER-BARRIO-PLAN/ALL/?PRINT](http://www.utsandiego.com/news/2013/dec/07/tp-shipyards-sue-over-barrio-plan/all/?print))

[SAVE](#) [COMMENTS](#) 0

San Diego's shipyards have struck back against the Environmental Health Coalition in the ongoing battle over the Barrio Logan community plan.

<https://twitter.com/share?url=http://www.utsandiego.com/news/2013/dec/07/tp-shipyards-sue-over-barrio-plan/all>

The Port of San Diego Ship Repair Association filed a motion in court Thursday to stop the coalition from halting a referendum drive against the plan.

[COMMENTS](#) 0

The case is not set for hearing until May 24, less than two weeks before the referendum could be held.

The City Council is due Tuesday to accept the more than 33,000 signatures necessary for a referendum on the plan, which the shipyards and repair suppliers object to because of its tighter zoning controls in the 1,000-acre neighborhood southeast of downtown.

Put another way: The environmental group wants the plan, the shipyards don't, and each is now taking legal steps to stop the other from gaining victory.

Both sides agreed that this latest motion stops all legal discovery proceedings by the health coalition aimed at stopping the referendum.

Coalition attorney Livia Borak said she had not yet received the legal papers but would quickly file counter motions to allow discovery to continue. Long before court appearances, attorneys spend months and sometimes years searching for documents and interviewing witnesses to prepare their cases. This process is called discovery.

Shipyards spokesman Chris Wahl said his side could have filed a summary judgment to kill the coalition's challenge to the referendum. But instead, this approach will allow it to seek repayment of its attorneys' fees if it wins.

RECOMMENDED

TRENDING

Preparing for the mud bath (<http://www.utsandiego.com/news/2013/dec/07/tp-chiefs-punt-returner-mcclaster-has-ankle-injury>)

Chiefs punt returner McCluster has ankle injury (<http://www.utsandiego.com/news/2013/dec/07/tp-chiefs-punt-returner-mccluster-has-ankle-injury>)

Letters to the Editor (<http://www.utsandiego.com/news/2013/dec/07/tp-letters-to-the-editor>)

Voodoo, sex, murder and fleeting fame (<http://www.utsandiego.com/news/2013/dec/07/tp-voodoo-sex-murder-and-fleeting-fame>)

375 detenidos en redada contra las drogas (<http://www.utsandiego.com/news/2013/dec/07/tp-375-detenido-en-redada-contra-las-drogas>)

Recommended by

CONNECT WITH THE U-T

[Facebook](#) [Twitter](#) [LinkedIn](#) [Google+](#) [Pinterest](#) [Email](#) [Print](#)

Sign Up for Email Alerts

(<http://www.utsandiego.com/newsletter/signup/>)

NEW T-SHIRT DESIGNS DAILY \$6.00



ALL NEW!

U-T REWARDS

SIGN UP FOR FREE

([HTTPS://UTSANDIEGO.PREMIUMREWARDS.COM](https://utsandiego.premiumrewards.com))

Earn **10% rewards** at all participating merchants!

This procedure is authorized under the state's "Anti-SLAPP" statute — an acronym that stands for "strategic lawsuit against public participation" — and Wahl said in this case the environmental group, in effect, is trying to stop the public process involved in a referendum from going forward.

The health coalition had sought a temporary restraining order against the shipyards, arguing their referendum petition and signature gatherers misstated the facts in the Barrio Logan plan.

A judge earlier this week did not approve the order, saying the written petition was not wrong and that the signature gatherers' comments, captured in recordings presented in court, were more akin to political opinion and hyperbole than intentional misstatements.

That decision, released Tuesday, permitted the coalition to proceed to argue the merits of its case.

"Their litigation had a material effect" in the shipyards' petition drive, Wahl said.

Borak, who said her clients have used the Anti-SLAPP law in other cases, called the shipyards' action a "dirty move" because they are going after a nonprofit organization "in a way calculated to obtain attorneys' fees."

roger.showley@utsandiego.com (619) 293-1286 • @rogershowley



You Might Also Like



Tour Brad Pitt's Malibu Home for Sale
FrontDoor



Mother Of Twisted Killer Scott Peterson Dies... WITHOUT...



These 15 Women are the Most Beautiful In Sports

(<http://www.frontdoor.com/photos/tour-brad-pitts-malibu-home-for-sale>)

(<http://radaronline.com/exclusives/2013/10/scott-peterson-dies/>)

We Recommend

■ **No. 8 Oklahoma St beats Arkansas-Pine Bluff 97-63**

(<http://www.utsandiego.com/news/2013/Nov/15/no-8-oklahoma-st-beats-arkansas-pine-bluff-97-63/>)

■ **Physician healed herself, then healed others**
(<http://www.utsandiego.com/news/2012/aug/16/physician-healed-herself-then-healed-others/>)

■ **UN says 90 of its peacekeepers killed this year**
(<http://www.utsandiego.com/news/2013/dec/13/un-says-90-of-its-peacekeepers-killed-this-year/>)

■ **'American Graduate Day' addresses dropout issue**
(<http://www.utsandiego.com/news/2013/sep/27/american-graduate-day-addresses-dropout-issue/>)

■ **Feds seize sports streaming sites: some reappear**
(<http://www.utsandiego.com/news/2011/Feb/02/sports-streaming-websites-seized/>)

■ **Lights festival ending its run**
(<http://www.utsandiego.com/news/2008/Dec/26/lights-festival/>)

From Around the Web

■ **25 Celebrities Who Have Spent Time in Prison Will Shock You**

(<http://www.rantlifestyle.com/2013/10/27/25-celebrities-spent-time-prison/>) Rant Lifestyle

■ **How Dangerous Is a Broken Fluorescent Bulb?** (<http://www.aarp.org/politics-society/environment/info-08-2011/broken-fluorescent-bulb-ask-the-experts.html>) AARP

■ **Man Mistakenly Jumps Into Shallow Water**
(<http://www.ulive.com/video/man-takes-dangerous-cliff-jump>) uLive

■ **10 Dogs Who Attack the Most**
(<http://puppytoob.com/dog-breeds/the-10-most-dangerous-dog-breeds-based-on-biting-statistics/>) Puppy Toob

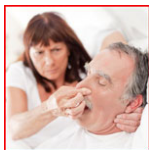
■ **Playing With the Coolest Toy Car Set Ever**
(<http://www.mensjournal.com/gear/electronics/remote-control-car-racing-from-your-iphone-20131023>) Men's Journal

■ **The World's Hottest Taxidermist**
(<http://www.vice.com/Fringes/fringes-the-worlds-hottest-taxidermist>) VICE

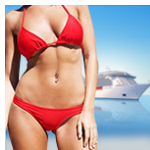
SPONSORED FROM AROUND THE WEB



Testosterone
Booster Takes
GNC By Storm
(http://www.forcefactor.com/ig/9552/pid=180&aff_id=6eggs_tbtgncbs)



FDS approves
device for snoring,
sleep apnea that's
not a CPAP
(http://howlifeworks.com/health_beauty/How_to_Get_a_FDAApproved_Cu stom_Fitted_Sleep_Apnea_Mouthpiece_73?ag_id=1518&wid=70D826E1-43EB-4E80-B546-6B50D8ED3283&id=7480&cid=1005&si_id=3248&pubs_source=mpt&pubs_campaign=20131213-1518)



How Cruise Ships
Fill Their Unsold
Cabins
(http://howlifeworks.com/travel/VTG_joy_of_cruising?ag_id=166&wid=70D826E1-43EB-4E80-B546-6B50D8ED3283&id=7480&cid=1005&si_id=3191)



How Penny
Stocks Create
Millionaires Every
Day
(http://howlifeworks.com/finance/How_Small_Investors_are_Making_Huge_Returns_Trading_Penny_Stocks_105?ag_id=1154&wid=70D826E1-43EB-4E80-B546-6B50D8ED3283&id=7480&cid=1005&si_id=410&pubs_source=mpt&pubs_campaign=20131213-1154)



These 5 Signs
Warn You That
Cancer Is Starting
Inside Your Body
(http://howlifeworks.com/health_beauty/These_5_Signs_Warn_You_That_Cancer_Is_Starting_Inside_Your_Body_154?ag_id=1447&wid=70D826E1-43EB-4E80-B546-6B50D8ED3283&id=7480&cid=1005&si_id=2733)

? (<https://www.content.ad/AboutUs.aspx>)

0

COMMENTS

BE RELEVANT, RESPECTFUL, HONEST, DISCREET AND RESPONSIBLE. [COMMENTING RULES](http://www.utsandiego.com/commenting-rules/)
([HTTP://WWW.UTSANDIEGO.COM/COMMENTING-RULES/](http://www.utsandiego.com/commenting-rules/))



Add a comment...

Comment

Facebook social plugin



NEWS ([HTTP://WWW.UTSANDIEGO.COM/NEWS/](http://www.utsandiego.com/news/)) SPORTS ([HTTP://WWW.UTSANDIEGO.COM/NEWS/SPORTS/](http://www.utsandiego.com/news/sports/))
BUSINESS ([HTTP://WWW.UTSANDIEGO.COM/NEWS/BUSINESS/](http://www.utsandiego.com/news/business/)) ENTERTAINMENT ([HTTP://WWW.UTSANDIEGO.COM/NEWS/ENTERTAINMENT/](http://www.utsandiego.com/news/entertainment/))
U-T TV ([HTTP://WWW.UTSANDIEGO.COM/TV/](http://www.utsandiego.com/tv/)) U-T VIDEO ([HTTP://WWW.UTSANDIEGO.COM/VIDEO/](http://www.utsandiego.com/video/))
MILITARY ([HTTP://WWW.UTSANDIEGO.COM/NEWS/MILITARY/](http://www.utsandiego.com/news/military/)) OPINION ([HTTP://WWW.UTSANDIEGO.COM/NEWS/OPINION/](http://www.utsandiego.com/news/opinion/))
U-T OFFERS ([HTTP://WWW.UTSANDIEGO.COM/OFFERS/](http://www.utsandiego.com/offers/)) CLASSIFIEDS ([HTTP://LOCAL.UTSANDIEGO.COM/SECTIONS/CLASSIFIEDS/](http://local.utsandiego.com/sections/classifieds/))
REAL ESTATE ([HTTP://LOCAL.UTSANDIEGO.COM/SECTIONS/REAL-ESTATE/](http://local.utsandiego.com/sections/real-estate/)) CARS ([HTTP://WWW.UTSANDIEGO.COM/NEWS/CARS/](http://www.utsandiego.com/news/cars/))

U-T SAN DIEGO

Contact Us
(<http://www.utsandiego.com/contact->

HELP

Customer Service
(<http://www.utsandiego.com/customer->

QUICK LINKS

Apps (<http://apps.utsandiego.com/>)

[us/](#)
[Advertise with Us](#)
(<http://www.utsandiego.com/>)
[Frequently Asked Questions](#)
(<http://www.utsandiego.com/faq/>)
[Privacy Policy](#)
(<http://www.utsandiego.com/privacy/>)
[Terms Of Use](#)
(<http://www.utsandiego.com/termsfuse/>)
[Subscription Information & Policies](#)
(<http://www.utsandiego.com/subscription-information-and-policies/>)
[Newspaper in Education](#)
(<http://nie.uniontribune.com>)

[service/](#)
[Manage Subscription](#)
(https://service.uniontrib.com/cgi-bin/cmo_cmo.sh/custservice/web/login.html)
[Vacation Stop](#)
(https://service.uniontrib.com/cgi-bin/cmo_cmo.sh/custservice/web/login.html)

[Mobile](#) (<http://m.utsandiego.com/>)
[E-edition](#)
(<http://www.utsandiego.com/todays-paper/>)
[Guides](#)
(<http://www.utsandiego.com/news/entertainment/entertainmentguides/>)
[Archives](#)
(<http://www.newslibrary.com/sites/sdub/>)
[Buy U-T Photo](#)
(<http://signonimages.mycapture.com/mycapture/index.jsp>)
[Business Listings](#)
(<http://www.utsandiego.com/places/>)
[Special Ad Sections](#)
(http://sandiegouniontribune.ca.newsmemory.com/ee/sandiegouniontribune/specials_pages.php/)

[Forums](#)
(<http://forums.utsandiego.com/>)
[Crossword](#)
(<http://crossword.uniontrib.com/news/features/crossword/index.html>)
[Sudoku](#)
(<http://www.utsandiego.com/sudoku/>)
[Horoscope](#)
(<http://www.utsandiego.com/horoscope/>)
[Gas Prices](#)
(<http://www.utsandiego.com/gas-prices/>)
[Lottery](#)
(<http://www.utsandiego.com/lottery/>)
[WSRadio](#)
(<http://www.wsradio.com/utsandiego>)

Upgrade your browsing experience with a paid subscription to the U-T.

SUBSCRIBE

([HTTP://WWW.UTSANDIEGO.COM/S](http://www.utsandiego.com/s))

CONNECT WITH THE U-T



SIGN UP FOR EMAIL ALERTS

([HTTP://WWW.UTSANDIEGO.COM/NEWSLETTER/SIGNUP/](http://www.utsandiego.com/newsletter/signup/))

Headlines most recent/
(<http://www.utsandiego.com>)