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LAW OFFICES
LUCE, FORWARD, HAMILTON & SCRIPPS
2100 CHARTER OIL BUILDING
110 WEST "C" STREET
SAN DIEGO, CALIFORNIA 92101
TELEPHONE 239-2381

FILED
MAY 24 1971
R. B. JAMES, Clerk
BY ..... DEPUTY

Attorneys for Applicant

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

In the Matter of the Application of JOHN J. MALKIND, Applicant, For an Order Allowing Late Presentment and Payment of Claims.	NO. 325480 APPLICATION FOR ORDER UNDER SECTION 11625 CALIFORNIA ELECTION CODE

Applicant, JOHN J. MALKIND, respectfully represents:

I

Applicant is now, and at all times pertinent to this application, has been an individual resident of the City of San Diego, and during 1970, acted as Treasurer of the Committee to Elect Ed Miller (the Committee) to the public office of District Attorney of San Diego County.

II

Applicant is familiar with the financial affairs of the Committee and with the campaign statements filed by the Committee. A true copy of the campaign statement filed by the Committee for the primary election held on June 2, 1970, is attached to this application, marked Exhibit A and incorporated herein by reference. A true copy of the campaign statement for the general election

held November 3, 1970, is attached to this affidavit, marked Exhibit B and incorporated herein by reference.

III

As is shown by these campaign statements, campaign expenses exceeded receipts of the Committee and the Committee has been unable to pay all of the claims shown on the campaign statements within the time specified by law.

IV

In accordance with the representations made in Exhibit B, the Committee has conducted fund raising activities, plans to conduct further fund raising activities, and is now accepting contributions, the net proceeds of which will be used for the reduction of the campaign deficit. A campaign statement dated May 18, 1971 showing the expenses incurred subsequent to the filing of the campaign statement dated December 8, 1970 is attached to this application, marked Exhibit C and incorporated herein by reference.

V

The reason for the Committee's inability to pay these claims is that they were presented to the Committee at a time when the Committee had no funds available with which to pay the claims. The Committee now has sufficient funds with which to pay a portion of these claims and anticipates that it will have further funds available to pay the balance of the claims at a future date.

WHEREFORE, applicant prays for an Order allowing:

1. The Committee to pay such expenses as may have been incurred by it in the 1970 campaign for District Attorney remaining unpaid as of the date of this application, together with accrued interest thereon until the date

LAW OFFICES
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2100 CHARTER OIL BUILDING
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SAN DIEGO, CALIFORNIA 92101
TELEPHONE 239-2361

paid, if any.

2. The Committee to pay such additional expenditures as it may incur in conjunction with its fund raising activities subsequent to the general election of 1970, specifically including the expenditures reported on the Committee's campaign statement dated May 18, 1970.

3. The campaign statement filed May 18, 1970 to be filed with the office where the original campaign statements of the Committee were filed.

4. For a final amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statements to be filed in the same office as the original campaign statement of the Committee at such time as it completes its fund raising activities.

DATED: MAY 18, 1971.

John J. Malkind

JOHN J. MALKIND, Applicant

LAW OFFICES
LUCE, FORWARD, HAMILTON & SCRIPPS
2100 CHARTER OIL BUILDING
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SAN DIEGO, CALIFORNIA 92101
TELEPHONE 239-2381