

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center Drive
Santa Ana, CA 92702

SHORT TITLE: The People of the State of California vs. City of Huntington Beach

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2024-01393606-CU-WM-CJC

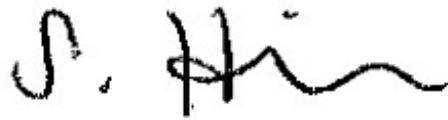
I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order generated dated 11/15/24 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 11/15/24. Following standard court practice the mailing will occur at Sacramento, California on 11/18/24.

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, Deputy

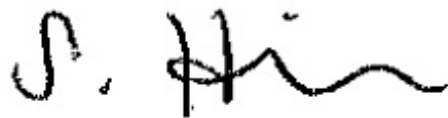
I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order generated dated 11/15/24, was transmitted electronically by an Orange County Superior Court email server on November 15, 2024, at 10:55:17 AM PST. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 11/15/2024

TIME: 10:14:13 AM

DEPT: C25

JUDICIAL OFFICER PRESIDING: Nico Dourbetas

CLERK: S. Hill

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: F. Camandang

CASE NO: **30-2024-01393606-CU-WM-CJC** CASE INIT.DATE: 04/15/2024

CASE TITLE: **The People of the State of California vs. City of Huntington Beach**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 74428562

EVENT TYPE: Under Submission Ruling

APPEARANCES

There are no appearances by any party.

The Court, having taken the above-entitled matter under submission on 11/14/2024 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Respondents City of Huntington Beach and Robin Estanislau's demurrer to the Petition for Writ of Mandate and Complaint is **SUSTAINED**, with leave to amend, on grounds of failure to state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10, subd. (e).) The Court finds that this matter is not ripe for adjudication, as § 705, subd. (a)(2) of the City's Charter is permissive and discretionary in character, and thus currently presents no conflict with state elections law. (City of Huntington Beach v. Becerra (2020) 44 Cal.App.5th 243, 270.)

Moving Parties' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (c); Vargas v. City of Salinas (2009) 46 Cal.4th 1, 22, fn. 10 [judicial notice of ballot language / arguments].)

Responding Parties' request for judicial notice is **DENIED** as to Ex. E, which addresses the validity of proposed changes to § 702 of the City's Charter, while the Petition challenges § 705, subd. (a)(2); thus, Ex. E is irrelevant. (Soukup v. Law Offices of Herbert Hafif (2006) 39 Cal.4th 260, 295 [court is not required to take judicial notice of irrelevant documents].) The remainder of Responding Parties' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subds. (c), (d) [official acts, court records]; Vargas v. City of Salinas (2009) 46 Cal.4th 1, 22, fn. 10 [judicial notice of ballot language / arguments].)

Based on the ruling on the demurrer, Respondents' motion to strike is **MOOT**.

Petitioners shall have 20 days to file an Amended Petition.

***Status Conference is set for December 16, 2024 at 10 AM.

Court orders Clerk to give notice.

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