	APP-002	
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 339846		
NAME: Michael S. Cohen	FOR COURT USE ONLY	
FIRM NAME: Attorney General's Office, California Department of Justice		
STREET ADDRESS: 1300 St. CITY: Sacramento STATE: CA ZIP CODE: 94244-2550		
TELEPHONE NO.: (916) 210-6090 FAX NO.: (916) 324-8835		
EMAIL ADDRESS: Michael.Cohen@doj.ca.gov		
ATTORNEY FOR (name): Plaintiffs/Petitioners		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE	-	
STREET ADDRESS: 700 Civic Center Dr. West		
MAILING ADDRESS:		
CITY AND ZIP CODE: Santa Ana, CA 92701		
BRANCH NAME: Central Justice Center		
PLAINTIFF/PETITIONER: The People of the State of California, et al.	1	
DEFENDANT/RESPONDENT: City of Huntington Beach, et al.		
	CACE NUMBER	
× NOTICE OF APPEAL CROSS-APPEAL	CASE NUMBER: 30-2024-01393606-CU-WM-CJC	
(UNLIMITED CIVIL CASE)	30-2024-01393000-00-000-000-000	
applicable Judicial Council form (such as APP-009 or APP-009E) for the phas been completed and a copy served, the original may then be filed with		
NOTICE IS HEREBY GIVEN that:		
a. (Name): Plaintiffs/Petitioners appeals from a judgment or orde	r in this case.	
 The judgment or order was entered on (list the date or dates the judgment and each November 15, 2024; December 16, 2024 	ch order being appealed were entered):	
c. The appeal is from the following order or judgment (check all that apply):		
Judgment after jury trial		
Judgment after court trial		
Default judgment		
Judgment after an order granting a summary judgment motion		
Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430		
Judgment of dismissal after an order sustaining a demurrer		
An order after judgment under Code of Civil Procedure, § 904.1(a)(2)		
An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)		
Other (describe and specify the code section or other authority that authorized The Court sustained Respondents' demurrer and entered an order dismissing "incorporat[ing] a judgment of dismissal." (Hamilton v. Green (2023) 98 Cal.A.	g this case in its entirety, effectively	
 d. The judgment or order being appealed directs payment of sanctions by an at (name): appeals. 	torney for a party. The attorney	
2. For cross-appeals only:		
a. Date notice of appeal was filed in original appeal:		
b. Date superior court clerk mailed notice of original appeal:		
c. Court of Appeal case number (if known):		
3. x The judgment or order being appealed is attached <i>(optional)</i> .		
Date: January 14, 2025	M . 1 C	
Michael S. Cohen	Microel & Cohon	
(TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)	

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 dated 12/16/24 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 12/17/24. Following standard court practice the mailing will occur at Sacramento, California on 12/18/24.

R. MATTHEW WISE P.O. BOX 944255 SACRAMENTO, CA 94244 R. MATTHEW WISE 1300 I STREET STE 125 SACRAMENTO, CA 94244

ROB BONTA 1300 I STREET STE 125 SACRAMENTO, CA 94244

Clerk of the Court, by:

, Deputy

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 12/16/24, was transmitted electronically by an Orange County Superior Court email server on December 17, 2024, at 8:53:58 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:

MICHAEL E GATES MICHAEL.GATES@SURFCITY-HB.ORG MICHAEL E GATES PEGGY.HUANG@SURFCITY-HB.ORG

MICHAEL S COHEN MICHAEL.COHEN@DOJ.CA.GOV

Clerk of the Court, by:

, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 12/16/2024 TIME: 10:00:00 AM DEPT: C25

JUDICIAL OFFICER PRESIDING: Nico Dourbetas

CLERK: S. Hill

REPORTER/ERM: Donna E. Boulger CSR# 6162 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

EVENT ID/DOCUMENT ID: 74428566
EVENT TYPE: Status Conference

APPEARANCES

Michael S Cohen, counsel, present for Petitioner(s) remotely. Michael E Gates, counsel, present for Respondent(s).

Hearing held, participants appearing remotely and in person.

Discussions held, on the record, regarding Petitioner's request to enter judgment.

The Court hears from all parties and is not inclined to enter judgment in this matter.

Petitioner informs the Court of the intent to appeal the Court's prior ruling regarding the Demurrer to the Petition of Writ.

Discussions held, regarding the Amended Petition having not been filed.

Due to the Amended Petition having not been filed, the Court orders the entire action dismissed without prejudice.

Court orders Clerk to give notice.

DATE: 12/16/2024 MINUTE ORDER Page 1
DEPT: C25 Calendar No.

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.

R. MATTHEW WISE P.O. BOX 944255 SACRAMENTO, CA 94244 R. MATTHEW WISE 1300 I STREET STE 125 SACRAMENTO, CA 94244

ROB BONTA 1300 I STREET STE 125 SACRAMENTO, CA 94244

Clerk of the Court, by:

, 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 marking 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:

MICHAEL E GATES MICHAEL.GATES@SURFCITY-HB.ORG MICHAEL E GATES PEGGY.HUANG@SURFCITY-HB.ORG

MICHAEL S COHEN MICHAEL.COHEN@DOJ.CA.GOV

Clerk of the Court, by:

, Deputy

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.

DATE: 11/15/2024 Page 1 MINUTE ORDER DEPT: C25

Calendar No.

NO:

Court orders Clerk to give notice.

REF. RAIEVED FROM DEINGCRACTDOCKET, COM.

DATE: 11/15/2024 MINUTE ORDER Page 2
DEPT: C25 Calendar No.

DECLARATION OF SERVICE BY E-MAIL

Case Name:	The People of the State of	of California, et al. v. City of Huntington Beach, et al
Case No.:	30-2024-01393606-CU-W	/M-NJC
I declare:		
California Sta		ney General, which is the office of a member of the direction this service is made. I am 18 years of age or
ORDER DIS	SMISSING CASE DATED	ned APP-002-NOTICE OF APPEAL; MINUTE of 12/16/2024; MINUTE ORDER SUSTAINING ending a true copy via electronic service addressed as
Michael E. G	tates, City Attorney	org
	g, Sr. Deputy City Attorney	
	City Attorney	Cr
	treet, P.O. Box 190	100
	Beach, CA 92648	20
_	hael.Gates@surfcity-hb.org	E Pr
	gy.Huang@surfcity-hb.org	,00
	hele.Hoffman@surfcity-hb.	org
	is@surfcity-hb.org	
	Respondents,	2)%
City of Hunt	ington Beach and Robin Es	stanislau
I declare und	er penalty of perjury under t	he laws of the State of California and the United States
		ect, and that this declaration was executed on
January 14,	2025, at Los Angeles, Califo	ornia.
		2 2.
	Linda Zamora	
	Declarant	Signature

SA2024300906 67348367