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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 339846 NAME: Michael S. Cohen FIRM NAME: Attorney General's Office, California Department of Justice STREET ADDRESS: 1300 I 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 | <i>FOR COURT USE ONLY</i> |
| 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. DEFENDANT/RESPONDENT: City of Huntington Beach, et al. | |
| <input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE) | CASE NUMBER: 30-2024-01393606-CU-WM-CJC |

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): Plaintiffs/Petitioners appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):
November 15, 2024; December 16, 2024
- 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 authorizes this appeal):
The Court sustained Respondents' demurrer and entered an order dismissing this case in its entirety, effectively "incorporat[ing] a judgment of dismissal." (Hamilton v. Green (2023) 98 Cal.App.5th 417, 423.)
- d. The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): appeals.

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. The judgment or order being appealed is attached (optional).

Date: January 14, 2025

Michael S. Cohen

(TYPE OR PRINT NAME)



Michael S. Cohen

(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

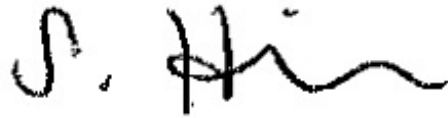
I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 12/16/24 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. 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

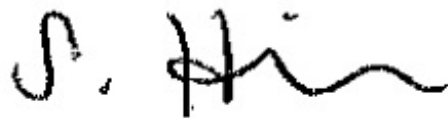
I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 12/16/24, was transmitted electronically by an Orange County Superior Court email server on December 17, 2024, at 8:53:58 AM PST. The business mailing address is Orange County Superior Court,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

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**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**

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

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.

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

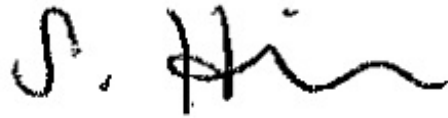
I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order generated dated 11/15/24 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated 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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Clerk of the Court, by:



, Deputy

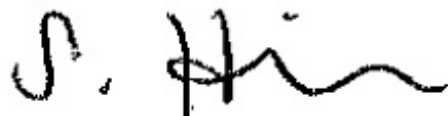
I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order generated dated 11/15/24, was transmitted electronically by an Orange County Superior Court email server on November 15, 2024, at 10:55:17 AM PST. The business mailing address is Orange County Superior 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

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.

DECLARATION OF SERVICE BY E-MAIL

Case Name: **The People of the State of California, et al. v. City of Huntington Beach, et al.**

Case No.: **30-2024-01393606-CU-WM-NJC**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On **January 14, 2025**, I served the attached **APP-002-NOTICE OF APPEAL; MINUTE ORDER DISMISSING CASE DATED 12/16/2024; MINUTE ORDER SUSTAINING DEMURRER DATED 11/15/2024** by sending a true copy via electronic service addressed as follows:

Michael E. Gates, City Attorney
Peggy Huang, Sr. Deputy City Attorney
Office of the City Attorney
2000 Main Street, P.O. Box 190
Huntington Beach, CA 92648
E-Mail: Michael.Gates@surfcity-hb.org
E-Mail: Peggy.Huang@surfcity-hb.org
E-Mail: Michele.Hoffman@surfcity-hb.org
E-Mail: Chris@surfcity-hb.org
***Attorneys for Respondents,
City of Huntington Beach and Robin Estanislau***

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on **January 14, 2025**, at Los Angeles, California.

Linda Zamora
Declarant


Signature