

1 ROB BONTA
Attorney General of California
2 R. MATTHEW WISE
Supervising Deputy Attorney General
3 MICHAEL S. COHEN
Deputy Attorney General
4 State Bar No. 339846
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6090
Fax: (916) 324-8835
7 E-mail: Michael.Cohen@doj.ca.gov
Attorneys for the People of the State of California;
8 *California Secretary of State and Dr. Shirley N.*
Weber, in her official capacity as California
9 *Secretary of State*

***Exempt from Filing Fee
Pursuant to Gov. Code § 6103***

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

12
13 **THE PEOPLE OF THE STATE OF**
CALIFORNIA, ex rel. ROB BONTA,
14 **ATTORNEY GENERAL OF THE STATE**
OF CALIFORNIA; DR. SHIRLEY N.
15 **WEBER, in her official capacity as California**
Secretary of State,

Petitioners,

17 v.

18
19 **CITY OF HUNTINGTON BEACH; ROBIN**
ESTANISLAU, in her official capacity as the
20 **City of Huntington Beach City Clerk;**
21 **DOES 1 through 50, INCLUSIVE**

22 Respondents.
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Case No. 30-2024-01393606-CU-WM-NJC

**PETITIONERS' REQUEST FOR ENTRY
OF JUDGMENT**

RELATED TO ROA #60

Date: December 16, 2024
Time: 10:00 a.m.
Dept: C25
Judge: Hon. Nico Dourbetas

Action Filed: April 15, 2024

1 **INTRODUCTION**

2 On November 15, 2024, the Court sustained Respondents’ Demurrer on ripeness grounds,
3 with leave to amend. Petitioners the People of the State of California and California Secretary of
4 State respectfully disagree with the Court’s order and seek an appealable judgment as soon as
5 possible. Petitioners’ therefore respectfully request that the Court timely enter judgment in this
6 matter.

7 **PROCEDURAL BACKGROUND**

8 Petitioners filed their Petition and Complaint (“Complaint”) on April 15, 2024, alleging that
9 the City’s recently adopted City Charter provision, which appeared as Measure A on the March
10 2024 Primary Election ballot, is preempted by state election law. (ROA #2.)

11 Respondents filed a Demurrer, Motion to Strike, and Request for Judicial Notice (“RJN”)
12 on May 9, 2024. (ROA #20, 21, 25.) Petitioners filed oppositions to the Demurrer and Motion to
13 Strike, an RJN, and a Statement of Non-Opposition to Respondents’ RJN on September 23, 2024.
14 (ROA #29, 31, 37, 38.) Respondents filed replies in support of their Demurrer and Motion to
15 Strike on September 30, 2024. (ROA #33, 35.) In accordance with the Court’s order on October
16 3, 2024, the parties filed supplemental briefs related to Senate Bill 1174 on October 29, 2024.
17 (ROA #46, 49, 51.)

18 The motions were heard on November 12 and 14, 2024. On November 15, 2024, the Court
19 sustained Respondents’ Demurrer with leave to amend “on grounds of failure to state facts
20 sufficient to constitute a cause of action.” (ROA #60.) Specifically, the Court concluded that
21 “this matter is not ripe for adjudication, as § 705, subd. (a)(2) of the City’s Charter is permissive
22 and discretionary in character, and thus currently presents no conflict with state elections
23 law.” (*Ibid.*) The Court granted Petitioners 20 days—or until December 5, 2024—to amend their
24 Complaint. (*Ibid.*)

25 **ARGUMENT**

26 The Court should enter judgment in this matter because the Court sustained Respondents’
27 Demurrer with leave to amend, and Petitioners have elected not to file an amended Complaint by
28 the time allotted. (See Code Civ. Proc. § 581, subd. (f)(2) [either party may move for dismissal

1 after a demurrer is sustained with leave to amend and the plaintiff fails to amend].) Petitioners
2 respectfully disagree with the Court’s November 15, 2024 order and seek an appealable judgment
3 as soon as possible, to give the parties the necessary time to resolve the issues presented by this
4 matter before the planning for the 2026 elections begins. (See generally *Chavez v. Alco*
5 *Harvesting, LLC* (2024) 102 Cal.App.5th 866, 870 [judgment of dismissal generally required for
6 appeal]; Cal. Rules of Court, rule 8.104, subd. (a)(1) [deadline for appeal runs from entry of
7 judgment].) Entry of judgment is also consistent with Respondents’ request at the November
8 hearings to sustain their Demurrer without leave to amend.¹

9 If the Court grants Petitioners’ request, Petitioners respectfully ask that the Court vacate the
10 upcoming December 16, 2024 status conference.

11 **CONCLUSION**

12 Petitioners respectfully request that the Court enter judgment forthwith.

13
14 Dated: December 5, 2024

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 R. MATTHEW WISE
18 Supervising Deputy Attorney General

19 

20 MICHAEL S. COHEN
21 Deputy Attorney General
22 *Attorneys for the People of the State of*
23 *California; California Secretary of State*

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27 _____
28 ¹ Nevertheless, Respondents have informed Petitioners that they may oppose this request. (Cohen
Decl. at ¶ 2.)

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 **December 5, 2024**, I served the attached **PETITIONERS' REQUEST FOR ENTRY OF JUDGMENT**, 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 **December 5, 2024**, at Los Angeles, California.

L. Zamora
Declarant

L. Zamora
Signature