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8 *California Department of Social Services*

**Exempt from fees –
Gov. Code, § 6103**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF PLACER

11
12 **CITY OF LINCOLN, a California**
13 **municipal corporation, CITY OF**
14 **LINCOLN, by and for the People of the**
State of California,

15 Plaintiff and Petitioner,

16 v.

17 **THE GATHERING INN, a California**
18 **public benefit non-profit corporation;**
19 **CALIFORNIA DEPARTMENT OF**
20 **SOCIAL SERVICES, a California state**
21 **agency, HORNE LLP, a Delaware limited**
22 **liability partnership, and DOES 1 through**
23 **15 inclusive,**

24 Defendants and
25 Respondents.

Case No. S-CV-0053711

**[1] NOTICE OF DEFENDANT AND
RESPONDENT CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES'
DEMURRER TO PLAINTIFF AND
PETITIONER CITY OF LINCOLN'S
AMENDED COMPLAINT/PETITION;**

**[2] DEFENDANT AND RESPONDENT
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES' DEMURRER TO
PLAINTIFF CITY OF LINCOLN'S
AMENDED COMPLAINT;**

**[3] DECLARATION OF JOSHUA
SONDHEIMER RE MEET AND
CONFER**

Date: February 11, 2025
Time: 8:25 a.m.
Dept: 42
Judge: The Honorable Trisha J. Hirashima

Trial Date: Not set
Action Filed: September 30, 2024

1 **NOTICE OF DEMURRER**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on February 11, 2025, at 8:25 a.m.,¹ or as soon thereafter as
4 counsel may be heard, in Department 42 of the Placer County Superior Court, 10820 Justice
5 Center Drive, Roseville, CA 95678, defendant and respondent California Department of Social
6 Services (CDSS), through its counsel of record, will, and hereby does, demur to the third and
7 fourth causes of action of Plaintiff City of Lincoln's Amended Complaint/Petition for Preliminary
8 and Permanent Injunction (Public Nuisance); Preliminary and Permanent Injunction and Penalties
9 for Unfair Business Practices in the Name of and for the People of the State of California; Writ of
10 Mandate; Declaratory Relief; Deceit (Concealment); and Deceit (Fraud and Concealment)
11 (Amended Complaint).

12 The demurrer will be based on grounds that the third and fourth causes of action of the
13 Amended Complaint—the only causes of action asserted against CDSS—do not state facts
14 sufficient to constitute a cause of action against CDSS.

15 This demurrer is based on this notice, the accompanying demurrer and declaration, the
16 memorandum of points and authorities and request for judicial notice submitted herewith, all
17 documents on file in this case and any matters of which the Court may take judicial notice, and
18 the argument of counsel.

19 Pursuant to Local Rule 20.2.3, the court will issue a tentative ruling for this matter on the
20 court day before the hearing. The tentative ruling will be available after 12:00 noon as an audio
21 recording accessible at (916) 408-6480; the tentative ruling will also be available at the court's
22 website, www.placer.courts.ca.gov. The tentative ruling shall become the final ruling on the
23 matter and no hearing will be held unless oral argument is timely requested or the tentative ruling
24 indicates otherwise. Requests for oral argument must be made by calling (916) 408-6481 no later
25 than 4:00 p.m. on the court day prior to the hearing.

26 _____
27 ¹ Although the parties' stipulation regarding the schedule proposed 8:30 a.m. as the
28 hearing time based on counsel's understanding that law and motion hearings in this Department
were set for that time, the Court's register of actions shows the hearing reserved by CDSS for its
demurrer set for 8:25 a.m.

1 **DEMURRER**

2 Defendant California Department of Social Services (CDSS), demurs to plaintiff and
3 petitioner City of Lincoln's Amended Complaint/Petition for Preliminary and Permanent
4 Injunction (Public Nuisance); Preliminary and Permanent Injunction and Penalties for Unfair
5 Business Practices in the Name of and for the People of the State of California; Writ of Mandate;
6 Declaratory Relief; Deceit (Concealment); and Deceit (Fraud and Concealment) (Amended
7 Complaint) on the grounds set forth below:

8 **DEMURRER TO THIRD CAUSE OF ACTION**

9 **Writ of Mandate (Code Civ. Proc., § 1085)**

10 The third cause of action does not state facts sufficient to constitute a cause of action
11 against CDSS. (Code Civ. Proc., § 430.10, subd. (e).)

12 **DEMURRER TO FOURTH CAUSE OF ACTION**

13 **Declaratory Relief (Code Civ. Proc., § 1060)**

14 The fourth cause of action does not state facts sufficient to constitute a cause of action
15 against CDSS. (Code Civ. Proc., § 430.10, subd. (e).)

16
17 Dated: December 20, 2024

Respectfully submitted,

18
19 ROB BONTA
Attorney General of California
20 BENJAMIN G. DIEHL
Supervising Deputy Attorney General

21
22
23 /s/ Joshua Sondheimer
JOSHUA N. SONDHEIMER
24 JOSE J. RAMOS
ANTHONY C. PINGGERA
25 Deputy Attorneys General
Attorneys for Defendant and Respondent
26 California Department of Social Services
27
28

DECLARATION OF JOSHUA SONDHEIMER

I, Joshua N. Sondheimer, declare as follows:

1. I am a Deputy Attorney General with the Office of the California Attorney General and a member in good standing of the California State Bar. I am the lead counsel of record for defendant and respondent California Department of Social Services (CDSS) in this action. I provide this declaration in support of CDSS's demurrer to plaintiff and petitioner City of Lincoln's (City) Amended Complaint/Petition for Preliminary and Permanent Injunction (Public Nuisance); Preliminary and Permanent Injunction and Penalties for Unfair Business Practices in the Name of and for the People of the State of California; Writ of Mandate; Declaratory Relief; Deceit (Concealment); and Deceit (Fraud and Concealment) (Amended Complaint). I have personal knowledge of the matters stated herein, and could, if called upon, testify competently as to these matters.

2. Pursuant to Code of Civil Procedure section 430.41 and Local Rule 20.2.1, I met and conferred by email and videoconference with counsel for Plaintiff City of Lincoln, Christopher Pisano, regarding CDSS's intention to demur the City of Lincoln's Amended Complaint more than five days before the deadline for CDSS's responsive pleading, but the parties were unable to resolve any of the issues set forth in the demurrer, as set forth below.

3. On December 10, 2024, I emailed Mr. Pisano, advising that CDSS intended to demur to the City of Lincoln's Amended Complaint and requesting that we arrange a time to meet and confer regarding the intended demurrer on December 12 or 13, 2024, and proposing a briefing and hearing schedule for CDSS's intended demurrer. I proposed a hearing date of February 11, 2024, for CDSS's demurrer, which our office had confirmed was available for the Court, and which counsel for defendants and respondents (defendants) The Gathering Inn and Horne LLP (Horne) had advised was acceptable to them for scheduling a hearing on their own intended demurrers, if necessary. Mr. Pisano advised by email that the proposed schedule was acceptable, and he and I subsequently arranged by email to meet and confer by videoconference on December 13, 2024.

4. I followed up with an email on December 12, 2024, in which I identified all causes of action that CDSS believed are subject to demurrer and legal support regarding the deficiencies as to each of the causes of action. I requested a response from Mr. Pisano consistent with the requirements of Code of Civil Procedure section 430.41, subdivision (a)(1).

5. Mr. Pisano and I, along with other counsel for CDSS and the City and counsel for defendant Horne, met and conferred by videoconference as scheduled on December 13, 2024, regarding CDSS's intended demurrer and the City's legal support for its position that the causes of action asserted against CDSS in the Amended Complaint are legally sufficient. However, CDSS and the City were unable to resolve any of the issues set forth in CDSS's demurrer.

6. On December 13, 2024, counsel for CDSS and the City executed, and CDSS filed, a stipulation to a briefing and hearing schedule for CDSS's demurrer, and accompanying proposed order, as follows:

- December 20, 2024: CDSS to serve and file its demurrer;
- January 13, 2025: The City to serve and filed its opposition;
- January 24, 2025: CDSS to serve and file its reply;
- February 11, 2025: Hearing

7. As of the date of this declaration, the Court's register of actions online did not reflect that the Court had entered the proposed order regarding the schedule on CDSS's demurrer pursuant to CDSS's and the City's stipulation, or any alternate order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of December 2024, in San Francisco, California.

/s/ Joshua Sondheimer
Joshua Sondheimer

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DECLARATION OF SERVICE BY ELECTRONIC MAIL

Case Name: **City of Lincoln v The Gathering Inn, et al.**

Case No.: **S-CV-0053711**

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 20, 2024, I served the attached:

- **NOTICE OF DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' DEMURRER TO PLAINTIFF AND PETITIONER CITY OF LINCOLN'S AMENDED COMPLAINT/PETITION; DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' DEMURRER TO PLAINTIFF CITY OF LINCOLN'S AMENDED COMPLAINT; DECLARATION OF JOSHUA SONDEIMER RE MEET AND CONFER**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' DEMURRER TO PLAINTIFF AND RESPONDENT CITY OF LINCOLN'S COMPLAINT/PETITION**
- **DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO PLAINTIFF AND PETITIONER CITY OF LINCOLN'S AMENDED COMPLAINT/PETITION**

by transmitting a true copy via electronic mail, addressed as follows:

<p>CITY OF LINCOLN Kristine Lea Mollenkopf Kristine.Mollenkopf@lincolnca.gov 600 Sixth Street Lincoln, California 95648</p> <p>BEST BEST & KRIEGER, LLP - LOS ANGELES Christopher M. Pisano christopher.pisano@bbklaw.com Patricia Ursea patricia.ursea@bbklaw.com Cindy Z. Shi cindy.shi@bbklaw.com 300 South Grand Avenue, 25th Floor Los Angeles, California 90071</p> <p><i>Attorneys for Plaintiff and Petitioner City of Lincoln</i></p> <p>ORRICK, HERRINGTON & SUTCLIFFE LLP Aaron Rubin amrubin@orrick.com 2050 Main Street Suite 1100 Irvine, CA 92614-8255</p> <p>Ana Méndez-Villamil amendez-villamil@orrick.com The Orrick Building 405 Howard St San Francisco, CA 94105-2669</p> <p><i>Attorneys for Defendant and Respondent</i> HORNE LLP</p>	<p>FARELLA BRAUN & MARTEL LLP Thomas B. Mayhew tmayhew@fbm.com Alex Reese areese@fbm.com Jennifer Bentley jbentley@fbm.com Douglas Lewis dlewis@fbm.com One Bush Street, Suite 900 San Francisco, California 94104</p> <p>SINCLAIR, WILSON, BALDO & CHAMBERLAIN Robert F. Sinclair rsinclair@swbclaw.com Scott Christensen schristensen@swbclaw.com 2390 Professional Drive Roseville, California 95661</p> <p><i>Attorneys for Defendant and Respondent</i> The Gathering Inn</p>
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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 20, 2024, at San Francisco, California.

H. Truong

Declarant



Signature