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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

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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  
SECOND AMENDED  
COMPLAINT/PETITION;**

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

**[3] DECLARATION OF JOSHUA  
SONDHEIMER**

Date: October 7, 2025  
Time: 8:30 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 October 7, 2025, at 8:30 a.m., 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 Second Amended Complaint/Petition for  
8 Preliminary and Permanent Injunction (Public Nuisance); Preliminary and Permanent Injunction  
9 and Penalties for Unfair Business Practices in the Name of and for the People of the State of  
10 California; Writ of Mandate; Declaratory Relief; Deceit (Concealment); and Deceit (Fraud and  
11 Concealment) (Second Amended Petition).

12 This demurrer will be based on grounds that the third and fourth causes of action of the  
13 Second Amended Petition—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, any matters of which the Court may take judicial notice, and the  
18 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 on the  
21 court's website, [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov). The tentative ruling shall become the final ruling on  
22 the matter and no hearing will be held unless oral argument is timely requested or the tentative  
23 ruling indicates otherwise. Requests for oral argument must be made by calling (916) 408-6481  
24 no later than 4:00 p.m. on the court day prior to the hearing.

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**DEMURRER**

Defendant and respondent California Department of Social Services (CDSS), demurs to plaintiff and petitioner City of Lincoln’s Second 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) (Second Amended Petition) on the grounds set forth below:

**DEMURRER TO THIRD CAUSE OF ACTION**  
**Petition for Writ of Mandate (Code Civ. Proc., § 1085)**

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

**DEMURRER TO FOURTH CAUSE OF ACTION**  
**Declaratory Relief (Code Civ. Proc., § 1060)**

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

Dated: August 26, 2025

Respectfully submitted,  
  
ROB BONTA  
Attorney General of California  
BENJAMIN G. DIEHL  
Supervising Deputy Attorney General

*/s/ Joshua Sondheimer*  
JOSHUA N. SONDHEIMER  
JOSE J. RAMOS  
ANTHONY C. PINGGERA  
Deputy Attorneys General  
*Attorneys for Defendant and Respondent  
California Department of Social Services*

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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) Second 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) (Second Amended Petition). I have personal knowledge of the matters stated herein, and could, if called upon, testify competently as to these matters.

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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 August 26, 2025, I served the attached:

- **NOTICE OF DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' DEMURRER TO PLAINTIFF AND PETITIONER CITY OF LINCOLN'S SECOND AMENDED COMPLAINT/PETITION; DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' DEMURRER TO PLAINTIFF AND PETITIONER CITY OF LINCOLN'S SECOND AMENDED COMPLAINT/PETITION; DECLARATION OF JOSHUA SONDHEIMER**
- **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 SECOND AMENDED COMPLAINT/PETITION**
- **DEFENDANT AND RESPONDENT CALIFORNIA DEPARTMENT OF SOCIAL SERVICES' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO SECOND AMENDED COMPLAINT/PETITION**

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

<p>CITY OF LINCOLN  Kristine Lea Mollenkopf  <a href="mailto:Kristine.Mollenkopf@lincolnca.gov">Kristine.Mollenkopf@lincolnca.gov</a>  600 Sixth Street  Lincoln, California 95648</p> <p>BEST BEST &amp; KRIEGER, LLP - LOS ANGELES  Christopher M. Pisano  <a href="mailto:christopher.pisano@bbklaw.com">christopher.pisano@bbklaw.com</a>  Patricia Ursea  <a href="mailto:patricia.ursea@bbklaw.com">patricia.ursea@bbklaw.com</a>  Cindy Z. Shi  <a href="mailto:cindy.shi@bbklaw.com">cindy.shi@bbklaw.com</a>  Veronica Gamba, Assistant  <a href="mailto:Veronica.Gamba@bbklaw.com">Veronica.Gamba@bbklaw.com</a>  300 South Grand Avenue, 25th Floor  Los Angeles, California 90071</p> <p><i>Attorneys for Plaintiff and Petitioner City of Lincoln</i></p>	<p>FARELLA BRAUN &amp; MARTEL LLP  Thomas B. Mayhew  <a href="mailto:tmayhew@fbm.com">tmayhew@fbm.com</a>  Alex Reese  <a href="mailto:areese@fbm.com">areese@fbm.com</a>  Jennifer Bentley  <a href="mailto:jbentley@fbm.com">jbentley@fbm.com</a>  Douglas Lewis  <a href="mailto:dlewis@fbm.com">dlewis@fbm.com</a>  Tim Horgan-Kobelski  <a href="mailto:tkobelski@fbm.com">tkobelski@fbm.com</a>  One Bush Street, Suite 900  San Francisco, California 94104</p> <p>SINCLAIR, WILSON, BALDO &amp; CHAMBERLAIN  Robert F. Sinclair  <a href="mailto:rsinclair@swbclaw.com">rsinclair@swbclaw.com</a>  Scott Christensen  <a href="mailto:schristensen@swbclaw.com">schristensen@swbclaw.com</a>  2390 Professional Drive  Roseville, California 95661</p> <p><i>Attorneys for Defendant The Gathering Inn</i></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 August 26, 2025, at San Francisco, California.

\_\_\_\_\_  
H. Truong  
Declarant

  
\_\_\_\_\_  
Signature