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SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
RIVERSIDE HISTORIC COURTHOUSE

KELLY LORENZ, ALYKHAN POPAT,
Plaintiffs,

v.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO;
COUNTY OF SAN BERNARDINO; and
DOES 1 through 51,

Defendants.

Case No. CIVSB2211434

**NOTICE OF RULING ON
DEFENDANTS' DEMURRERS TO
SECOND AMENDED PETITION**

*Assigned to the Honorable Daniel A. Ottolia
Department 4*

**EXEMPT FROM FILING FEES
(Gov't Code § 6103)**

PLEASE TAKE NOTICE that on April 4, 2023, Department 4 of the Superior Court of California, County of Riverside, the Honorable Daniel A. Ottolia presiding, issued its tentative ruling sustaining without leave to amend the demurrers of defendant Superior Court of California, County of San Bernardino ("SBSC") and defendant San Bernardino County (erroneously named as County of San Bernardino) ("County") to Plaintiffs Kelly Lorenz's and Alykhan Popat's ("Plaintiffs") Second Amended Petition. A copy of the Court's tentative ruling is attached to this Notice as Exhibit "A."

1 On April 5, 2023, and at the request of Plaintiffs, the Court heard oral argument regarding
2 SBSC's and the County's demurrers. At the conclusion of the hearing, the Court adopted its
3 tentative ruling as its final ruling in this matter.
4

5 Dated: April 12, 2023.

Respectfully submitted,

JONES DAY

By: 

Robert A. Naeve

Attorneys for Defendant
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO

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EXHIBIT “A”

Tentative Rulings for April 5, 2023 Department 4

**To request oral argument, you must notify Judicial Secretary
Vanessa Siojo at (760) 904-5722
and inform all other counsel no later than 4:30 p.m.**

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at <https://www.riverside.courts.ca.gov/OnlineServices/TentativeRulings/tentative-rulings.php>. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 4 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear telephonically, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

IN LIGHT OF THE CORONAVIRUS PANDEMIC; AND UNTIL FURTHER NOTICE, COUNSEL AND SELF-REPRESENTED PARTIES ARE ENCOURAGED TO APPEAR AT ANY LAW AND MOTION DEPARTMENT TELEPHONICALLY WHEN REQUESTING ORAL ARGUMENTS.

TELEPHONIC APPEARANCES: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252,
1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: **160 533 0910**

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

For additional information and instructions on telephonic appearances, visit the court's website at <https://www.riverside.courts.ca.gov/PublicNotices/remote-appearances.php>

Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.

1.

CIVSB2211434	LORENZ VS SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO	DEMURRER ON 2ND AMENDED COMPLAINT FOR OTHER JUDICIAL REVIEW (OVER \$25,000) OF KELLY LORENZ BY SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
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Tentative Ruling:

GRANT the San Bernardino Superior Court's Request for Judicial Notice of Exhibit A, otherwise deny. SUSTAIN Demurrer and joinder without leave to amend.

In sustaining the demurrer to the First Amended Petition, this court has already determined that the General Order is facially neutral and a valid exercise of the authority of the presiding judge. Plaintiffs have presented no new arguments or support for their continued challenges to the authority of the Presiding Judge or support for the proposition that the General Order is a content-based regulation. Moreover, the federal court's ruling on summary judgment bars Plaintiff's selective enforcement claim. Plaintiff is collaterally estopped from asserting selective enforcement in the state action. Demurrer is Sustained without leave to amend. (See *Ferrick v. Santa Clara University* (2014) 231 Cal.App.4th 1337)

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CIVSB2211434	LORENZ VS SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO	JOINDER TO SUPERIOR COURT'S DEMURRER TO SECOND AMENDED PETITION
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Tentative Ruling:

SUSTAIN without leave.

PROOF OF SERVICE

I, Frances Pham, declare:

I am a citizen of the United States and employed in Orange County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 3161 Michelson Drive, Suite 800, Irvine, California 92612. On April 12, 2023, I served a copy of the within document(s):

NOTICE OF RULING ON DEFENDANTS' DEMURRERS TO SECOND AMENDED PETITION

☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Attorneys for Defendant
COUNTY OF SAN BERNARDINO

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 12, 2023, at Irvine, California.



Frances Pham