SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

HRG DATE / TIME **JUDGE**	**July 9, 2021 / 9:30 A.M.** **James P. Arguelles**	**DEPT. NO.** **CLERK**	**17** **O'Donnell**
GAVIN NEWSOM, **Petitioner,** **v.** **DR. SHIRLEY N. WEBER, in her official capacity as Secretary of State of the State of California,** **Respondent.**		**Case No.: 34-2021-80003666**	
Nature of Proceedings:	**Petition for Writ of Mandate and Complaint for Equitable Relief; Applications to Intervene – Combined Order**		

Gavin Newsom's (Governor Newsom) petition for writ of mandate is DENIED.

Governor Newsom's complaint for declaratory and injunctive relief is DISMISSED as duplicative.

Governor Newsom's request for judicial notice of the text of Senate Bill (SB) 151 (2019) and portions of the bill's legislative history is GRANTED.

The application of Orrin E. Heatlie, Mike Netter and The California Patriot Coalition -- Recall Governor Gavin Newsom (collectively "Heatlie Intervenors") to intervene is unopposed and GRANTED.

The application of Caitlyn Jenner and Caitlyn Jenner for Governor 2021, Inc. (collectively "Jenner Intervenors") to intervene is unopposed and GRANTED.

The objection of the Jenner Intervenors to the declaration submitted by Governor Newsom's counsel is OVERRULED.

Overview

The Heatlie Intervenors circulated petitions to recall Governor Newsom from office. The recall qualified for the ballot. (Pet., ¶ 5.) Governor Newsom failed timely to designate his party preference for inclusion on the recall ballot. (See Elec. Code § 11320(c).)[1] Pursuant to Section 11314 and Code of Civil Procedure Section 1085, Governor Newsom petitions for a writ compelling Respondent Secretary of State Dr. Shirley N. Weber (Secretary Weber) to accept his belated party designation. He also prays for declaratory and injunctive relief. Several intervenors oppose. Secretary Weber disavows any right to accept the late-filed designation but otherwise for the most part concurs with Governor Newsom.

By way of background, California law historically has not authorized an elected officer subject to a recall election to include his or her political party on the recall ballot. Statements about the party preferences of candidates hoping to replace such an officer, however, have appeared on recall ballots since 2009. (See § 8002.5.) In 2019 the Legislature passed, and Governor Newsom signed into law, SB 151 to authorize elected officers to designate their party information for inclusion on recall ballots. As of January 1, 2020, Section 11320 provides:

> The following shall appear on the ballots at every recall election, except in the case of a landowner voting district, with respect to each officer sought to be recalled:
>
> [¶¶]
>
> (c) **If the officer sought to be recalled holds a voter-nominated office, the officer may elect to have the officer's party preference identified on the ballot. The officer shall inform the Secretary of State whether the officer elects to have a party preference identified on the ballot by the deadline for the officer to file an answer with the Secretary of State pursuant to Section 11023.** The Secretary of State shall disseminate this information to all appropriate county elections officials. The statement of party preference shall appear immediately to the right of and on the same line as the officer's name, or immediately below the officer's name if there is not sufficient space to the right of the officer's name... .
>
> [¶¶]
> (3) If the officer elects not to have the officer's political party preference identified on the ballot, or **if the officer fails to inform the Secretary of State whether the officer elects to have a party preference identified on the ballot by the deadline for the officer to file an answer with the Secretary of State, the statement of party preference shall not appear on the ballot.** (Emphasis added.)

By its terms, Section 11320(c) requires the officer to identify his or her party preference by the time the answer is filed pursuant to Section 11023. Section 11023 requires the officer to file

[1] Undesignated statutory references shall be to the Elections Code.

the answer "[w]ithin seven days after the filing of the notice of intention" to circulate a recall petition. Governor Newsom answered the Heatlie Intervenors' notice of intention on February 28, 2020, but failed to designate his party preference. (See Willis Decl., ¶¶ 1-4.) When Governor Newsom's counsel realized the error in June 2021, Governor Newsom filed a request with Secretary Weber to accept the designation belatedly. (*Id.*, ¶¶ 5-6.) Secretary Weber refused, and this action followed. On Governor Newsom's request, the court set the matter for expedited hearing.

Legal Authority for Writ Relief

> "Code of Civil Procedure section 1085 declares that a writ may be issued 'by any court ... to any inferior tribunal, corporation, board or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station ... .' The availability of writ relief to compel a public agency to perform an act prescribed by law has long been recognized. [Citation.]
>
> "What is required to obtain writ relief is a showing by a petitioner of '(1) A clear, present and usually ministerial duty on the part of the respondent ... ; and (2) a clear, present and beneficial right in the petitioner to the performance of that duty ... .' [Citation.] Mandamus is available to compel a public agency's performance or correct an agency's abuse of discretion whether the action being compelled or corrected can itself be characterized as 'ministerial' or 'legislative[.]'" [Citation.]

(*Mission Hosp. Reg'l Med. Ctr. v. Shewry* (2008) 168 Cal.App.4th 460, 478-479, underlining omitted.)

In addition, Section 13314(a) provides:

> (1) An elector[2] may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur.
>
> (2) A peremptory writ of mandate shall issue only upon proof of both of the following:
>
> (A) That the error, omission, or neglect is in violation of this code or the Constitution.
>
> (B) That issuance of the writ will not substantially interfere with the conduct of the election.
>
> (3) The action or appeal shall have priority over all other civil matters. [¶]

[2] For the statutory definition of "elector" see Section 321.

Discussion

No Ministerial Duty to Accept the Untimely Party Designation

As noted above, Section 11320(c)(3) provides that the elected officer's party preference "shall not appear" on the recall ballot unless the officer makes the designation at the time the answer is filed. Under the Elections Code, the term "shall" is mandatory whereas "may" is permissive. (§ 354.) Section 11320(c) unambiguously obligated Secretary Weber to deny Governor Newsom's request to designate his party preference after he filed his answer. (See *Sonoma County Nuclear Free Zone v. Superior Court* (1987) 189 Cal.App.3d 167, 178 [statutory provision that "no arguments for or against an initiative may be filed" after a given deadline was "mandatory and allow[ed] for no discretion"].) In other words, Secretary Weber had no ministerial duty to accept the untimely designation, and writ relief appears at the outset to be unavailable. (See *Mission Hosp. Reg'l Med. Ctr., supra*, pp. 478-479.)

The Doctrine of Substantial Compliance Does Not Apply

Notwithstanding the mandatory deadline in Section 11320(c), Governor Newsom asks the court to grant his petition by applying the doctrine of substantial compliance. Where applicable, the doctrine permits compliance with the substantial or essential requirements of something, such as a statute or contract, that satisfies its purpose or objective even though formal requirements are not met. (See *Manderson-Saleh v. Regents of Univ. of Calif.* (2021) 60 Cal.App.5th 674, 701.) Citing a series of cases involving initiative measures or referenda, Governor Newsom argues that enforcing the deadline in Section 11320(c) would frustrate the purpose of that section rather than give it effect.

California Teachers Association v. Collins (1934) 1 Cal.2d 202 involved a registrar of voters' refusal to accept an initiative petition on grounds that the short title of the measure did not appear in the correct font and exceeded the maximum word count. The high court granted a writ of mandate and explained:

> The requirements of both the Constitution and the statute are intended to and do give information to the electors who are asked to sign the initiative petitions. If that be accomplished in any given case, little more can be asked than that a substantial compliance with the law and the Constitution be had, and that such compliance does no violence to a reasonable construction of the technical requirement of the law.

(*California Teachers Assn.*, p. 204.) The court cautioned however:

> At this point, let us say that, in applying to this proceeding "the rule of substantial compliance," we do so with the reservation that such interpretation as we have given must not be relied upon to determine every proceeding of similar nature. The procedure set up by the Constitution and the statute is simple, clearly expressed and may be exactly followed with little difficulty. "Substantial compliance" may be carried

> too far, in which case its application may not be relied upon to save carelessly or negligently prepared petitions.

(*Id.*, p. 205.)

The dispute in *Assembly v. Deukmejian* (1982) 30 Cal.3d 638 reached the high court after certain state legislators challenged referenda petitions aimed at statutes reapportioning voting districts. The legislators argued that the petitions were invalid because they instructed signers to provide an address where they had registered to vote, not a "residence address" as required by statute. (*Assembly*, pp. 646-647.) Because signers might have moved after registering to vote, and because such moves could have rendered the signers no longer qualified to vote, use of an address at the time of registration was improper. Although the court determined that the failure to obtain residence addresses was a substantive violation, as opposed to a technical defect, it excused the violation as consistent with prevailing, state-sanctioned practice that had never been successfully challenged. (See *id.*, pp. 651-652.) The court rejected other, technical challenges to the petitions and noted, "'it has long been our judicial policy to apply a liberal construction to [the] power [of initiative and referendum] wherever it is challenged in order that the right be not improperly annulled.'" (*Id.*, p. 652, brackets in original.)

Costa v. Superior Court (2006) 37 Cal.4th 986 was another initiative case. The petitioners there sought an order withholding the measure from the ballot because of differences between the version submitted to the Attorney General and the version subsequently circulated for signatures. In concluding that discrepancies between the two versions did not justify withholding the measure, the court observed:

> [I]n determining whether a departure from statutory requirements imposed on initiative or referendum petitions by election-law provisions should be viewed as invalidating a circulated petition, past California decisions have been most concerned with departures that affect the integrity of the process by misleading (or withholding vital information from) those persons whose signatures are solicited.

(*Costa*, p. 1016, footnote omitted.) The court went on to determine that the different versions of the measure had not frustrated the purposes of relevant constitutional and statutory provisions and likewise had not misled voters. (*Id.*, p. 1022.) It thus concluded that the measure should not have been withheld. (See *id.*, pp. 1027-1028 ["[W]hen it is apparent that the technical defect in question, as a realistic matter, did not adversely affect the integrity of the electoral process or frustrate the purposes underlying the relevant constitutional or statutory requirements [...] precluding an otherwise qualified initiative or referendum measure from being placed on the ballot is not an appropriate remedy"].)

In each of the cases above, the question was whether nonconformity with constitutional and/or statutory requirements compelled the rejection of an initiative or referendum altogether. That is not the question here. Aside from the fact that this case does not involve an initiative or referendum, there is no question that the voters will decide whether to recall Governor

Newsom from office. Hence, to the extent the constitutional right of recall is akin to the "precious" rights of initiative and referendum, the exercise of that right *vel non* is not at issue. (See *Ruiz v. Sylva* (2002) 102 Cal.App.4th 199, 212 ["Even though the doctrine of substantial compliance is narrowly applied in the election context, our Supreme Court 'has stressed that technical deficiencies in referendum and initiative petitions *will not invalidate the petitions* if they are in "substantial compliance" with statutory and constitutional requirements' [citation] [and t]he same rules have been applied to recall petitions"].)

The comparatively narrow issue here is whether the doctrine of substantial compliance entitles Governor Newsom belatedly to designate his party preference for inclusion on the ballot. Governor Newsom argues that the aim of SB 151 was to provide voters with party information signaling the elected officer's policy positions and social concerns. He reasons that strict compliance with the deadline in Section 11320(c) would undermine this aim.

In support of his argument, Governor Newsom points to those portions of SB 151's legislative history reflecting a view that including an elected officer's party preference on a recall ballot facilitates informed voter decision making. (See RJN, Exh. B.) Courts typically do not consult legislative history where the statutory text is clear. (See *Ruiz*, p. 209 ["The statute's plain meaning controls the court's interpretation unless its words are ambiguous [...] If the plain language of a statute is unambiguous, no court need, or should, go beyond that pure expression of legislative intent"].) As noted above, Section 11320(c) unambiguously precludes party information from appearing on a recall ballot where the elected officer fails timely to make the designation. But regardless, it is clear from both the text and the legislative history that SB 151 does not consider information about an elected officer's party affiliation so vital to voters that it *must* be included on the ballot. To the contrary, unlike a replacement candidate who must appear on the ballot either by party preference or as "Party Preference: None," (see § 8002.5), an elected officer retains absolute discretion to appear on a recall ballot without any reference to party whatsoever.[3] (See § 11320(c)(3).) Hence, the objective of SB 151 is better described as one to provide elected officers with discretion to inform recall voters about their party preferences, as opposed to imposing a requirement that voters be so informed.

Moreover, none of the cases on which Governor Newsom relies involved the failure to meet a statutory deadline. As Governor Newsom acknowledges, there are several election cases declining to apply the substantial compliance doctrine in this context. (See *Barnes v. Wong* (1995) 33 Cal.App.4th 390, 396 [citing cases and stating that "[t]he doctrine of substantial compliance does not apply [...c]ases specifically dealing with statutory deadlines for election

[3] At oral argument, Secretary Weber's counsel suggested that replacement candidates may amend party preferences after the deadline in Section 11381(a). He cited Section 2152 to support this argument. That section describes procedures by which *voters* (as opposed to recall election candidates) may change the party listed on their affidavits of registration, and may disclose their party if not previously disclosed, until the time at which election polls close. Secretary Weber's counsel ultimately admitted, however, that these last-minute changes do not translate into changes to party information listed on a recall ballot. (See § 11381(a) [Secretary of State must certify recall ballot 55 days before the election].)

filings that are couched in language requiring documents to be filed 'not less than' or 'not later' than a given number of days before a designated time have insisted on strict compliance"]; *Sonoma County Nuclear Free Zone, supra*, 189 Cal.App.3d at 177-178 [rejecting argument that, because late-filed ballot argument would not infringe on ballot printing process, and "because the electorate had a significant interest in access to both sides of a ballot issue," late filing should have been permitted]; see also *Imagistics Internat., Inc. v. Department of General Svcs.* (2007) 150 Cal.App.4th 581, 588-589 [citing *Barnes* and *Sonoma County Nuclear Free Zone* to conclude in public contract case that, where failure to protest award of contract by deadline resulted in waiver of protest, doctrine of substantial compliance did not apply, and court had no "power to issue a writ of mandate to accept a late filing"].)[4]

Barnes in particular compels the denial of the petition. (See *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455 ["Under the doctrine of stare decisis, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction"].) The question in *Barnes* was whether substantial compliance required the local registrar of voters to accept a ballot argument five hours after the deadline. By ordinance, the registrar had discretion to accept late filings upon finding a good faith mistake. (*Barnes*, pp. 395-396.) Nonetheless, local policy was to reject all late filings in order to treat everyone involved equally and fairly. (*Id.*, pp. 393-394; see *id.*, p. 394 ["In virtually every election [the registrar] was asked to make exceptions to the deadline and in each instance the person presented what he or she considered a good faith reason why the exception should be allowed"].) Notwithstanding arguments that the late filing in question was the result of a good faith mistake, that the filing reached the registrar mere hours after the deadline, and that there was an overriding public interest in the voters' receipt of a "balanced and informative statement" about the measure in question, the Court of Appeal held that substantial compliance had no application. (See *Barnes*, pp. 394, 396.)

The *Barnes* court noted that "hard and fast enforcement of filing deadlines avoids uneven and inconsistent administration of preelection procedures and is the most reliable way to ensure that everyone is treated fairly and equally." (*Id.*, p. 396.) Directly on point here, the Court of Appeal characterized the lower court's contrary judgment as "no more than a substitution of the court's view of the most important public policy -- ensuring that the public receive information on the conflicting positions concerning the ... [measure] -- for that of the local legislative body's -- promoting evenhanded administration of election laws by establishing firm filing deadlines."

Governor Newsom advances some of the very arguments that the *Barnes* court rejected, i.e., that his noncompliance was a good faith error, and that the voters possess an overriding interest in receiving information about his party preference. But the rationale for rejecting the substantial compliance doctrine is at least as strong here as it was in *Barnes*. The municipal

[4] Other cases sometimes grouped with these "deadlines" cases include *Daniels v. Tergeson* (1989) 211 Cal.App.3d 1204, *Steele v. Bartlett* (1941) 18 Cal.2d 573, *Sinclair v. Jordan* (1920) 183 Cal. 486 and *Griffin v. Dingley* (1896) 114 Cal. 481.

code in *Barnes* empowered the registrar to accept late filings if she found a good faith mistake. Secretary Weber has never had such discretion. Section 11320(c) commands her to exclude an elected officer's party preference from the ballot absent compliance with the statutory deadline. Following *Barnes*, the court will not apply the substantial compliance doctrine or otherwise substitute its judgment for the Legislature's. (See also *Ruiz*, p. 210 ["While one canon of statutory construction calls for liberal construction of recall statutes in favor of the right to recall elected officials [citation], a court cannot enlarge the scope of a procedural statute where the statutory provisions are clear"], additional citation and quotation marks omitted.)

Governor Newsom argues that *Barnes* and the other election cases involving deadlines vindicate interests in efficiency and equal treatment, which he asserts were not concerns of the Legislature when it created Section 11320. Secretary Weber disclaims any administrative reason to require elected officers to designate party preference earlier than replacement candidates. Nonetheless, the court discerns a certain efficiency in the Legislature's assignments of deadlines during recall campaigns. The only point at which elected officers are otherwise required to participate in recalls is when they file answers pursuant to Section 11023. Section 11320(c) requires the elected officers to make any party designations at that time as well. In this way, the Secretary of State collects everything from the officers at the same time. Perhaps there would be no great burden in collecting answers and party designations at different times, but at least some efficiency inheres in collecting everything at once. Accordingly, Governor Newsom's assertion that the mandatory deadline in Section 11320(c) has "no legitimate policy rationale," (Opening Brf. at 12:16), is without merit.

The same may be said of equal treatment. In Governor Newsom's view, the deadline in Section 11320(c) actually creates inequity because it requires elected officers to designate party preferences on one date and permits replacement candidates to make any designations later. But again, the statutory scheme treats elected officers and replacement candidates alike by setting the deadlines according to when the officer or candidate otherwise appears in the process. The elected officer subject to recall faces a deadline concurrent with his or her answer to the notice of intention. Similarly, replacement candidates face a deadline once the recall election has been ordered and they seek nomination to succeed the elected officer. (See §§ 8002.5, 11381(a); see also footnote 3, *supra*.)

Moreover, *Barnes* did not espouse the application of a single deadline to one and all. The point was that strict enforcement of deadlines eliminates the preferential treatment of holding some to deadlines and excusing others. Governor Newsom does not assert that Secretary Weber excuses some replacement candidates from deadlines they face while enforcing deadlines applied to elected officers. Holding all elected officers to the deadline in Section 11320(c) will result in the equal treatment of those persons.

In any event, the court does not read *Barnes* as narrowly as Governor Newsom does. The *Barnes* court flatly refused to apply substantial compliance to a statutory deadline. Indeed, counsel do not cite, nor is this court aware of, any precedent extending the substantial

compliance doctrine to an unambiguous election deadline. Moreover, it is worth repeating that Section 11320(c) not only imposes a deadline but commands that a statement of party preference "shall not appear on the ballot" if the officer fails to submit the statement by the time the answer is due. Insofar as Governor Newsom asks the court to ignore this unambiguous language and review his designation for substantial compliance, the request is denied. (See *Ruiz*, *supra*, p. 212 [the doctrine of substantial compliance is narrowly applied in the election context to save substantially compliant petitions]; cf. *Ibarra v. City of Carson* (1989) 214 Cal.App.3d 90, 98 ["The 'reasonable time' rule proposed by appellant gives no objective or certain standard by which the clerk could make this determination.[..] appellant's interpretation would delegate nonministerial discretion to the clerk"].)

Circumstances Do Not Otherwise Excuse the Noncompliance

In the alternative, Governor Newsom argues that unique circumstances attending his untimely party designation support an order excusing the noncompliance. The circumstances tendered as unique are (1) Section 11320(c) sets a deadline much earlier than the one governing replacement candidates and (2) Section 11320(c) took effect just weeks before Governor Newsom's answer and party designation were due.

The court is not persuaded. Governor Newsom does not cite any case recognizing a unique-circumstances excuse aside from *Assembly v. Deukmejian*, *supra*, 30 Cal.3d 638. Integral to the holding in that case was the fact that the Secretary of State had issued a handbook incorrectly advising initiative petitioners to obtain signers' addresses "as registered to vote," as opposed to residence addresses. Noting reliance on this erroneous, historically unchallenged advice, the high court found unique circumstances excusing violations of election procedure. (See *Assembly*, pp. 651-652.)

Governor Newsom does not assert that Secretary Weber or another public officer or entity advised him to disregard the deadline in Section 11320(c). Nor could he assert reasonable reliance on such advice: he signed SB 151 into law just weeks before the deadline on his party preference designation passed. The court credits assertions that Governor Newsom and his counsel inadvertently neglected the deadline, but inadvertence is not the same as reliance on official advice. Circumstances do not justify excuse from the deadline. (Cf. *Imagistics Internat., Inc.*, *supra*, p. 595, Robie, J., concurring ["[E]very lawyer in California should have a sign posted in his or her office which says '*Never do anything on the last day or at the last moment*'"], italics in original.)

Constitutional Arguments without Underlying Constitutional Claims

Governor Newsom does not advance any constitutional claims in his petition and complaint. He nonetheless argues that an order withholding his party preference from the ballot would raise serious constitutional concerns. Governor Newsom cites three federal cases in this respect, namely *Anderson v. Celebrezze* (1982) 460 U.S. 780, *Soltysik v. Padilla* (9th Cir. 2018)

910 F.3d 438, and *Rosen v. Brown* (6th Cir. 1992) 970 F.2d 169. Regardless of their relevance to the claims and defenses in this action, the cases are distinguishable.

Anderson involved state laws that required independent presidential candidates to file statements of candidacy earlier than candidates from political parties. The Court held that the early deadlines, which made it difficult for Independents to find a place on the national ballot, unduly burdened voters' freedom of association. (*Anderson*, p. 806.) Because the instant case involves the discretionary placement of a party designation on a ballot, rather than the exclusion of a candidate or other person, *Anderson* sheds little light.

Soltysik involved a California assembly candidate who was a Socialist. Because state law did not treat the Socialist Party and other minor political parties as "parties" under the Elections Code, a state ballot identified the candidate as "Party Preference: None." (*Soltysik*, pp. 441-442.) The candidate raised a First Amendment challenge to the statutory provision requiring this designation. The district court dismissed the challenge at the pleading stage, but the Ninth Circuit reversed. In the Ninth Circuit's view, the burden on First Amendments rights was severe enough to warrant an evidentiary determination whether the State's asserted interests justified the burden. (*Id.*, pp. 447-448.)

Solstyik is distinguishable in two important respects. First, Governor Newsom's failure to designate a party preference will not result in a ballot identifying him as "Party Preference: None." Rather, there will be no reference to party preference next to his name one way or the other. Instead, the recall ballot will simply ask whether he should be recalled. (See § 11320(a), (c)(3).) Consequently, the risk of misleading voters that an official or candidate claims no party preference, present in *Solstyik*, is absent.

Second, unlike the statutory provisions in *Solstyik*, Section 11320(c) empowers elected officials to determine whether or not a party preference will appear by their names on a recall ballot. *Solstyik* does not indicate that a deadline on that determination triggers First Amendment scrutiny.

Finally, *Rosen* involved a candidate's challenge to a statute precluding his use of the label "Independent" on a ballot. Candidates could identify themselves as affiliated with other political parties, but not with the Independent Party. (*Rosen*, p. 174.) Based on evidence that the absence of any party designation deprived voters of an important "voting cue" associated with candidates designated by party, and given the State's questionable justifications for the statute, the statute in question violated the First and Fourteenth Amendments to the United States Constitution. Again, because Section 11320(c) does not preclude elected officers from designating their political parties, but rather sets a deadline on the designations, *Rosen* is inapposite.

Disposition

For all the foregoing reasons, the petition is denied.

The complaint for declaratory and injunctive relief is dismissed as duplicative.

As Governor Newsom has requested an expedited ruling in this case, his counsel shall lodge for the court's signature a proposed judgment that incorporates this ruling as an exhibit.

Dated: July 12, 2021

Hon. James P. Arguelles
California Superior Court Judge,
County of Sacramento

CERTIFICATE OF SERVICE BY MAILING
(C.C.P. Sec. 1013a(4))

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the above entitled **Petition for Writ of Mandate and Complaint for Equitable Relief; Applications to Intervene – Combined Order** in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at Sacramento, California.

BENBROOK LAW GROUP, PC
BRADLEY A. BENBROOK
STEPHEN M. DUVERNAY
400 Capitol Mall, Suite 2530
Sacramento, CA 95814

Thomas A. Willis
Margaret R. Prinzing
OLSON REMCHO, LLP
1901 Harrison Street, Suite 1550
Oakland, CA 94612

Kevin Calia
BOERSCH & ILLOVSKY LLP
1611 Telegraph Ave., Ste. 806
Oakland, CA 94612

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP
6420 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90048

Dated: July 12, 2021

Superior Court of California,
County of Sacramento

By: S. Slort,
Deputy Clerk