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Attorneys for Respondents and Real Parties of Interest
DENNIS J. HERRERA, in his official capacity as City Attorney
for the City and County of San Francisco;
JOHN ARNTZ, in his official capacity as Director of the
Department of Elections for the
City and County of San Francisco;
BOARD OF SUPERVISORS and
CITY AND COUNTY OF SAN FRANCISCO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

MICHAEL DENNY,

Petitioner,

vs.

DENNIS HERRERA, City Attorney,
JOHN ARNTZ, Director of Elections,

Respondents.

BOARD OF SUPERVISORS, CITY AND
COUNTY OF SAN FRANCISCO

Real Parties in Interest.

Case No. CPF-19-516823

**NOTICE OF HEARING OF DEMURRER OF
RESPONDENTS AND REAL PARTIES TO
PETITION FOR WRIT OF MANDATE**

Hearing Date: October 11, 2019
Time: 9:30 a.m.
Place: Dept. 302

Date Action Filed: August 27, 2019
Trial Date: Not set

Attached Documents:
--Demurrer
--Memorandum of Points and Authorities
--Declaration of Jenica Maldonado
--Request for Judicial Notice
--[Proposed] Order
--Notice of Exempt. of Court Reporter Fees
--Proof of Service

1 TO PETITIONER IN PRO PER:

2 PLEASE TAKE NOTICE that on October 11, 2019, at 9:30 a.m.,¹ or as soon thereafter as
3 counsel may be heard, in Department 302 of the San Francisco Superior Court, located at 400
4 McAllister Street, San Francisco, California 94102, Respondents DENNIS J. HERRERA, in his
5 official capacity as City Attorney for the City and County of San Francisco and JOHN ARNTZ, in his
6 official capacity as Director of the Department of Elections for the City and County of San Francisco
7 and Real Parties in Interest BOARD OF SUPERVISORS and CITY AND COUNTY OF SAN
8 FRANCISCO (collectively, with Respondents Herrera and Arntz, “Respondents”), will and hereby do
9 demurrer to the Verified Petition for Writ of Mandate of Petitioner MICHAEL DENNY (“Petition”),
10 pursuant to California Code of Civil Procedure § 430.10.

11 Respondents seek demurrer on the following grounds: the second through fifth causes of action
12 in the Petition are time-barred under California Elections Code section 9295; the first cause of the
13 action in the Petition fails to allege (and cannot so allege) that the requested relief would not
14 substantially interference with the upcoming November 5, 2019 election, and alternatively the claim is
15 neither ripe nor meritorious; the sixth cause of action fails to state a claim upon which relief can be
16 granted because the City’s inclusion of paid arguments in the voter information pamphlet and rules
17 related thereto are authorized pursuant to its inherent powers as a Charter City and County and costs
18 associated with printing paid arguments in the VIP do not qualify as campaign contributions under the
19 Government Code.

20 Respondents’ demurrer will be and is based on this Notice, the accompanying Demurrer, the
21 accompanying Memorandum of Points and Authorities, the Request for Judicial Notice, the
22 Declaration of Jenica Maldonado, the records and pleadings in the Court’s file in this case, and upon
23 such other and further matters as may be considered by the Court at the hearing on the demurrer.
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27 ¹ This hearing date was set pursuant to Judge Ethan P. Schulman’s Order Vacating Hearing on
28 Petitioner’s Writ of Mandate, executed September 24, 2019.

1 Dated: September 27, 2019

2 DENNIS J. HERRERA
3 City Attorney
4 JENICA MALDONADO
5 Deputy City Attorney

6 By: /s/Jenica Maldonado
7 JENICA MALDONADO

8 Attorneys for Respondents
9 DENNIS HERRERA, City Attorney and
10 JOHN ARNTZ, Director of Elections

11 Attorneys for Real Parties in Interest
12 BOARD OF SUPERVISORS
13 CITY AND COUNTY OF SAN FRANCISCO
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