FILED

OCT 21 2022

BY: Cornell Lee

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

YES IN MY BACKYARD, Plaintiff, v. CITY AND COUNTY OF SAN FRANCISCO, et al., Defendant.	Case No. CPF-21-517651 **ORDER RE: RESPONDENT'S DEMURRER TO FIRST AMENDED PETITION AND COMPLAINT** Date: September 21, 2022 Time: 9:30 a.m. Dept: 501

The above-listed motion(s) came on for hearing on September 21, 2022. Appearances as stated on the record; the Honorable Ronald E. Quidachay, judge presiding.

Having considered the written and oral submissions by the Court took the motion under submission. The Court now rules as follows:

Respondent's Demurrer to Amended Petition for Writ of Mandate is SUSTAINED in part and overruled in part. Demurrer is overruled as to the first cause of action, which is sufficiently alleged. Demurrer is sustained with leave to amend as to the cause of action for declaratory relief to allege facts showing "pattern and practice" or "policy." Conclusory

allegations "on information and belief" without facts giving rise to such "belief" are insufficient. Demurrer is sustained with leave to amend to allege facts supporting exhaustion of administrative remedies as to the exact issues subject to this cause of action.

Respondent's Request for Judicial Notice is GRANTED.

Petitioner shall have 30 days from notice of entry of this order to file an amended Petition/Complaint.

IT IS SO ORDERED.

DATED: October 20, 2022

Ronald E. Quidachay
Judge of the Superior Court (Ret.)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

YES IN MY BACKYARD, Plaintiff CITY AND COUNTY OF SAN FRANCISCO, et al., Defendants	Case Number CGC-21-517651 **CERTIFICATE OF MAILING** [CCP 1013a (4)]

I, Kenneth Hunt, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 21, 2022, I served the foregoing ORDER RE: RESPONDENT'S DEMURRER TO FIRST AMENDED PETITION AND COMPLAINT by placing a copy thereof in a sealed envelope, addressed as follows:

Ryan Patterson Zacks, Freedman & Patterson, PC 601 Montgomery St., Suite 400 San Francisco, CA 94111	Kathy Shin Deputy City Attorneys City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682

and I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: October 21, 2022

MARK CULKINS, Interim Court Executive Officer

By: _____
Kenneth Hunt, Deputy Clerk