

2002 WL 32819994 (Cal.Super.) (Trial Pleading)
Superior Court of California.

CAPITOL PEOPLE FIRST et al.;, Petitioners/Plaintiffs,
v.
DEPARTMENT OF DEVELOPMENTAL SERVICES (Dos) et al.;, Respondents/Defendants.

No. 02-038715.
May 7, 2002.

The Honorable Ronald M. Sabraw

Demurrer by State Defendants to Petition for Writ of Mandate; Verified Complaint for Declaratory and Injunctive Relief (c.C.P. § 430.10)

Bill Lockyer, Attorney General of the State of California, James M. Humes, Supervising Deputy Attorney General, Susan M. Carson, Deputy Attorney General, State Bar No. 135875, Jocelyn A. Flaherty, Deputy Attorney General, State Bar No. 164382, 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, Telephone: (415) 703-5603, Fax:(415)703-1107, Attorneys for State Defendants DDS, Cliff Allenby, CHHSA, Grantland Johnson, DHS, Diana Bonta, DOF, B. Timothy Gage

Defendants the Department of Developmental Services (DDS) and its Director, Clifford Allenby; the California Health and Human Services Agency (CHHSA) and its Director, Grantland Johnson; the Department of Health Services(DHS) and its Director, Diana Bonta; the Department of Finance (DOF) and its Director B. Timothy Gage, and the State of California jointly and severally demur to the complaint on each of the following grounds:

Demurrer to State of California as a Defendant in the First. Second. Fourth Fifth. Sixth. Seventh and Ninth Causes of Action

1. The State of California is not a proper party from which relief may be granted. (Code of Civ. Proc. § 430.10(d))

Demurrer to Fifth Cause of Action (State Constitutional Rights)

2. The fifth cause of action fails to state facts sufficient to constitute a cause of action. (Code of Civ. Proc. § 430.10(e))

Demurrer to Sixth Cause of Action (Federal Constitutional Rights)

3. The sixth cause of action fails to state facts sufficient to constitute a cause of action. (Code of Civ. Proc. § 430.10(e))

End of Document