|  |
| --- |
| {{case.attorney\_caption\_block}} |

{{court\_info(court.short\_name)[‘court.pleading\_caption’]}}

|  |  |
| --- | --- |
| {{case.small\_caps\_lead\_filing\_party\_name}}{{case.non\_small\_caps\_rest\_of\_lead\_filing\_party\_block}},  {{case.lead\_filing\_party\_role\_block}},  v.  {{case.small\_caps\_lead\_responding\_party\_name}}{{case.non\_small\_caps\_rest\_of\_lead\_responding\_party\_block}},  {{case.lead\_responding\_party\_role\_block}}. | Case No.: {{case.number}}  {%p if case.there\_are\_related\_cases %}  Case {{case.specific\_relation}} with Case No. {{case.related\_case\_numbers}}  {%p endif %}  **{{doc.title\_full}}**  {%p if showifdef(‘doc.include\_stat\_callout’) %}  [{{doc.stat\_callout}}]  {%p endif %}  {%p if doc.type in [‘Notice of Motion and Motion’, ‘Memorandum of Points & Authorities’, ‘Generic Pleading’] and doc.has\_hrg and hrg.appearance == ‘remote’ %}  *REMOTE APPEARANCE*  {%p endif %}  {%p if showifdef(‘doc.include\_concurrently\_filed\_docs\_notice’) and doc.type in [‘Notice of Motion and Motion’, ‘Memorandum of Points & Authorities’, ‘Generic Pleading’] %}  *Concurrently filed with {{doc.concurrently\_filed\_docs}}*  {%p endif %}  {%p if doc.has\_hrg and doc.type != ‘Proposed Order’ %}  Hearing Info  Date: {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.date}}{% endif %}  Time: {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.time}}{% endif %}  Dept.: {% if hrg.dept\_is\_tbd %}TBD{% else %}{{hrg.dept}}{% endif %}  Judge: {% if hrg.judge\_is\_tbd %}TBD{% else %}Hon. {{hrg.judge}}{% endif %}{% if showifdef(‘hrg.reservation\_number’)%}  Reserv. No.: {{hrg.reservation\_number}}{% endif %}  Case Filed: {{case.filing\_date}}  Trial Date: {% if case.trial\_date\_set\_yes %}{{case.trial\_date}}{% else %}Not Set{% endif %}  {%p endif %} |
| {%tr if case.counteraction\_filed %} |  |
| And Related Cross-Actions |  |
| {%tr endif %} |  |

{%p if doc.type == “Generic Pleading” %}

{{case.client\_string}} hereby {{clients.does\_verb('submit')}} {{clients.pronoun\_possessive(‘’)}} {{doc.title\_full}}.

Xxxxxxxxxxxxxxxx

xxxxxxx

{%p endif %}

{%p if generate\_separate\_statement %}

Pursuant to California Rules of Court, rule 3.1345, {{case.client\_string}} hereby {{clients.does\_verb('submit')}} {{clients.pronoun\_possessive(‘’)}}{{doc.title\_full}}.

{%p for method in methods %}

{{method.full\_method}}, Set No. {{method.set\_no}}

{%p for ncr in method.ncr %}

**{{ method.short\_unit\_singular | capitalize }} No. {{ ncr }}:**

*{{ncr.question}}*

**Response:**

*{{ncr.answer}}*

**Reasons to Compel Further Response:**

The response fails to comply with the Discovery Act and is deficient for the following reasons:

{%p for deficiency in ncr.deficiencies.true\_values() %}

{%p if dataloader.load\_row(to\_int(deficiency))["Summary"] %}

{{r dataloader.load\_row(to\_int(deficiency))["Summary"] | inline\_markdown }}

{%p endif %}

{{r dataloader.load\_row(to\_int(deficiency))["Blurb"] | inline\_markdown }}

{%p endfor %}

{%p if ncr.add\_custom\_critique %}

{{ ncr.custom\_critique }}

{%p endif %}

{%p endfor %}

{%p endfor %}

{%p endif %}

{%p if doc.type == “Ex Parte Application” %}

Application

{{case.client\_plus\_short\_name\_string}} hereby {{clients.does\_verb(‘apply’)}} under {% if case.type == “HS\_receivership” %}California Rules of Court, rules 3.1180 and 3.1200 et seq.; Health & Safety Code, section 17980.7[[1]](#footnote-2); Code of Civil Procedure, sections 187 and 568; and the Court’s order appointing Receiver[[2]](#footnote-3) (the Appointing Order) entered May 5, 2022, for an order:

1. approving Receiver’s proposed receivership plan to demolish the Property;
2. finding that two of the Property’s occupants are refusing to cooperate in vacating their units and have rejected Receiver’s efforts to negotiate their relocation and that their failure to cooperate substantially interferes with the administration of this receivership;
3. issuing writs of possession as to all tenants and as to all other occupants of the Property, with Receiver’s enforcement stayed until August 1, 2023;
4. finding that occupants Steve Starnes and Maureen Rabe are not “lawful tenants” under § 17980.7(d)(3)(A) and are thus not entitled to any “relocation benefits” provided by statute;
5. finding that occupants Charles DePorto and James McTernen are “lawful tenants” under § 17980.7(d)(3)(A) and approving minimum statutory relocation benefit amounts as to them;
6. ordering the Sacramento County Sheriff’s Office, on or after August 1, 2023, to enforce the issued writs of possession promptly upon Receiver’s request and without further court order.

{% else %}xxxxx for an order xxxxx against/with respect to xxxxx on the grounds that xxxxx.{% endif %}

This application is based on the following documents filed concurrently herewith: {{doc.concurrently\_filed\_docs}}; as well as on all papers and records docketed in this action, and on any evidence and argument offered at or before the hearing.

Compliance With Ex Parte Rules

Per rule 3.1202(a), the parties’ contact information is set forth in the table below:

{% set num\_columns = 3 %}

|  |  |  |
| --- | --- | --- |
| {%tr for row in (case.service\_blocks | batch(num\_columns, '&nbsp;')) %} |  |  |
| {%tc for item in row %} | {{r item | inline\_markdown }} | {%tc endfor %} |
| {%tr endfor %} |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Susana Alcala Wood, Esq., City Attorney  Michael J. Benner, Esq., Senior Deputy City Attorney  City of Sacramento  915 I Street, Room 4010 Sacramento, CA 95814-2608  Phone: (916) 808-5346 | Fax: (916) 808-7455  Email: [mbenner@cityofsacramento.org](mailto:mbenner@cityofsacramento.org); [tcheung@cityofsacramento.org](mailto:tcheung@cityofsacramento.org)  *Counsel for Plaintiffs People of the State of California and City of Sacramento, a Municipal Corporation* | | Donald W. Ullrich, Jr., Esq.  Ullrich Law Firm  3100 Zinfandel Drive, Suite 265  Rancho Cordova, CA 95670  Phone: (916) 942-9385 | Fax: (916) 942-9537  Cell: (916) 425-1061  Email: [ullrichlawfirm@att.net](mailto:ullrichlawfirm@att.net); [donaldullrich@att.net](mailto:donaldullrich@att.net)  *Counsel for Defendants Francisco C. Ramirez, as*  *Trustee of the Ramirez Revocable Living Trust,*  *and Karen D. Ramirez, As Trustee of the*  *Ramirez Revocable Living Trust* | |
| Stephen Starnes  1912 5th Street, Unit 2  Sacramento, CA 95811  Phone: (209) 271-1869  *Occupant/Tenant* | Maureen Rabe  1912 5th Street, Unit 2  Sacramento, CA 95811  Phone: (530) 282-7334  *Occupant/Tenant* | Charles DePorto  1912 5th Street, Unit 3  Sacramento, CA 95811  Phone: (916) 620-6172  *Occupant/Tenant* | James McTernan  1912 5th Street, Unit 3  Sacramento, CA 95811  Phone: (253) 209-1615  *Occupant/Tenant* |

Per rule 3.1202(b), there has not been any prior application of the same character or for the same relief as requested herein.

Per rule 3.1202(c), the Application is brought ex parte pursuant to the express authorization for Receiver to make use of ex parte requests set forth in the Appointing Order, which authorizes Receiver to apply ex parte for “approval of the Receivership Plan[,] … orders to enable the Receiver to properly perform his duties or address unforeseen circumstances that arise[,] and for further instructions.” (**R16**, lines 9-15.) Caselaw also approves of ex parte proceedings by court-appointed receivers to obtain timely authority to act in the best interests of the receivership estate. (*In re Executive Life Ins. Co.* (1995) 32 Cal.App.4th 344; *Free Gold Min. Co. v. Spiers* (1901) 135 Cal. 130.)

Facts establishing proper notice of this Application are detailed in the Declaration of Anthony I. Danielson re: Notice of Ex Parte Application.

{%p endif %}

{%p if doc.type == “Notice of Motion and Motion” %}

To Each Party And To The Counsel Of Record For Each Party:

Please Take Notice That on {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.date}}{% endif %}, at {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.time}}{% endif %}, or as soon thereafter as the matter may be heard in Department {% if hrg.dept\_is\_tbd %}TBD{% else %}{{hrg.dept}}{% endif %} of the above-captioned court, located at the {{court\_info(court.short\_name)[‘court.branch\_name’]}}, {{court\_info(court.short\_name)[‘court.street\_address’]}}, {{court\_info(court.short\_name)[‘court.city’]}}, {{court\_info(court.short\_name)[‘court.state’]}} {{court\_info(court.short\_name)[‘court.zip’]}}, {{case.client\_plus\_short\_name\_string}} will, and hereby {{clients.does\_verb(‘do’)}} bring a {{ doc.lm\_proceeding\_title }} under xxxxx for an order xxxxx against/with respect to xxxxx on the grounds that xxxxx.

This xxxxx is based on the following documents filed concurrently herewith: {{ doc.concurrently\_filed\_docs}}; as well as on all papers and records docketed in this action, and on any evidence and argument offered at or before the hearing.

{%p if ‘Sacramento’ in court\_info(court.short\_name) %}

\*\*Notice of Mandatory Tentative Ruling Procedure\*\*

Pursuant to Local Rule 1.06(A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court’s website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held. (Sacramento County Superior Court Local Rule 1.06(D), adopted 1/1/2013; revised 1/1/2016.)

{%p endif %}

{%p endif %}

{%p if doc.type == “Declaration” %}

I, {{doc.declarant}}, declare as follows:

1. I am an adult over the age of eighteen and {{get\_declaration\_foundation\_string()}} I have personal, direct, and first-hand knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify under oath to the matters stated herein.
2. I submit this declaration {{doc.support\_oppose\_string\_for\_body}}{% if doc.cite\_declaration\_authority %} and pursuant to {{doc.declaration\_authority}}{% endif %}.

{%p endif %}

{%p if doc.attach\_exhibits %}

Exhibits

{%p for item in exhibits %}

1. Attached {% if attached\_or\_separate\_index == ‘attached’ %}hereto[[3]](#footnote-4) {% else %}to the Index[[4]](#footnote-5) {% endif %}as **Exhibit {{ alpha(item.documentation\_reference) }}** is a true and correct copy of {{item.full\_desc}}

{%p endfor %}

{%p endif %}

{%p if doc.type == “Memorandum of Points & Authorities” %}

Introduction

{% if doc.memo\_include\_gist %}{{case.gist\_string}}

{% endif %}xxxxx.

The evidence, the law, and the salutary public policy in favor of xxxxx furnish good and ample cause for the Court to grant the xxxxx and xxxxx.

Statement of Facts & Procedural History

1. xxxxx.
2. xxxxx. (xxxxx.)
3. xxxxx. (xxxxx.)
4. xxxxx. (Ex. xxxxx.[[5]](#footnote-6))
5. xxxxx. (Decl. of xxxxx, ¶ xxxxx; Ex. xxxxx.)
6. xxxxx. (Decl. of xxxxx, ¶ xxxxx; Ex. xxxxx.)
7. xxxxx. (RJN xxxxx.)
8. xxxxx. (RJN xxxxx.)
9. xxxxx.

Argument

xxxxx.

xxxxx. (§ xxxxx; see also Weil & Brown et al., Cal. Prac. Guide: Civ. Pro. Before Trial (The Rutter Group 2023) ¶ X:XXXX.)

xxxxx.

{%p for heading in doc.memo\_headings\_lvl\_1 %}

## {{heading}}

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

### xxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

The table below xxxxx:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

#### xxxxxxxxxxxxxxxxxx

Fusce est. Vivamus a tellus. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Proin pharetra nonummy pede.

##### xxxxxxxxxxxxxxxxxxx

Lorem ipsum dolor sit amet, consectetuer adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna.

{%p endfor %}

Conclusion

For the reasons articulated above, the great weight of the evidence, controlling legal authorities, and core principles of fairness / equity / justice furnish abundant / plentiful / considerable / good / ample / cause / militate overwhelmingly in favor of / for the Court to grant the xxxxx.

The equities at bar inveigh forcefully against / imperative that / cry out for a resounding denial / align convincingly/conclusively/the Court would be well-grounded / decisively / overwhelmingly / unmistakably / acutely in favor of / it is critical that / commandingly / furnish a compelling case / incumbent upon the Court / the Court should sensibly / would be fully justified / imperative to / should decisively reject / has a duty to / should send a clear message that / should not tolerate / against the relief sought in the xxxxx should be denied with prejudice.

{%p endif %}

{%p if doc.type == “Request for Judicial Notice” %}

{{case.client\_plus\_short\_name\_string}} hereby requests judicial notice under xxxx {{ doc.support\_oppose\_string\_for\_body }}. Vivamus a tellus. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Proin pharetra nonummy pede. Mauris et orci. Aenean nec lorem.

Lorem ipsum dolor sit amet, consectetuer adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna eros quis urna. Nunc viverra imperdiet enim. Fusce est.

In porttitor. Donec laoreet nonummy augue. Suspendisse dui purus, scelerisque at, vulputate vitae, pretium mattis, nunc. Mauris eget neque at sem venenatis eleifend. Ut nonummy.

{%p endif %}

{%p if doc.type == “Index of Exhibits” %}

xxxxx

{%p endif %}

{%p if doc.type == “Proposed Order” %}

The {{ doc.lm\_proceeding\_title }} ({{ doc.lm\_proceeding\_title\_short }}) brought by {{doc.lm\_proceeding\_movant.party\_plus\_whole\_name\_plus\_short}}) came before the Court on {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.date}}{% endif %}, at {% if doc.hrg\_is\_tbd %}TBD{% else %}{{hrg.time}}{% endif %} in Department {% if hrg.dept\_is\_tbd %}TBD{% else %}{{hrg.dept}}{% endif %}, Honorable {% if hrg.judge\_is\_tbd %}TBD{% else %}{{hrg.judge}}{% endif %} presiding.

{{ g.author[0].name.full() }} of {{ g.author[0].law\_firm }} appeared remotely for {{ doc.lm\_proceeding\_movant.short\_name }};

*-- AND --*

⬜  there were no other appearances.

*-- OR –*

{%p for party in parties %}

⬜  {% if party.lawyers.there\_are\_any %}{{party.lawyers}} appeared in court / remotely for {% endif %}{{party.party\_role}} {{party.party\_plus\_whole\_name\_plus\_short}}{% if not party.lawyers.there\_are\_any %}appeared in pro per{% endif %};

{%p endfor %}

⬜  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ also appeared remotely.

The Court, having reviewed and considered the moving and opposing papers, evidence submitted by the parties, and any oral argument of counsel, and for good cause appearing,

THE COURT HEREBY ORDERS as follows:

1. The {{ doc.lm\_proceeding\_title\_short }} is GRANTED in its entirety.
2. xxxxx
3. This order is effective immediately.

SO ORDERED.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hon. {{hrg.judge}}

Superior Court Judge

[*Submitted by {{ g.author[0].law\_firm }},*

*Counsel for {{ doc.lm\_proceeding\_movant.short\_name }}*]

{%p endif %}

{%p if doc.type == “Proof of Service” %}

{{r build\_POS(doc.all\_servees, doc.documents\_served, doc.server\_address) | inline\_markdown }}

Xxxxx

{{ build\_service\_address\_block(parties\_plus\_nonparties\_sorted\_list) }}

{%p endif %}

{%p if sig\_block\_type == ‘author’ %}

Respectfully submitted,

Dated: {% if sig\_block\_date\_field == ‘Today’ %}January 4, 2024{% elif sig\_block\_date\_field == ‘Different Date’ %}{{sig\_block\_alternate\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}

{%p if doc.sign and not showifdef(‘special\_rules’) %}

{%p if not set\_AID\_as\_author %}

{{user\_signature}}

{%p else %}

A blue line drawing on a black background

Description automatically generated

{%p endif %}

{%p endif %}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{{ g.author[0].name.full() }}

{%p if doc.atty\_info\_in\_caption %}

{{g.author[0].law\_firm}}

Attorneys for {{case.client\_string}}

{%p endif %}

{%p if not doc.atty\_info\_in\_caption %}

xxxxx, in pro per

{%p endif %}

{%p endif %}

{%p if sig\_block\_type == ‘declarant’ %}

1. xxxxx.

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

Dated: {% if sig\_block\_date\_field == ‘Today’ %}January 4, 2024{% elif sig\_block\_date\_field == ‘Different Date’ %}{{sig\_block\_alternate\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}

{%p if doc.sign %}

{%p if not set\_AID\_as\_author %}

{{user\_signature}}

{%p else %}

A blue line drawing on a black background

Description automatically generated

{%p endif %}

{%p endif %}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
|  |

{{ doc.declarant }}

{%p endif %}

{%p if doc.include\_notary\_acknowledgment\_form %}

A close-up of a document

Description automatically generated with medium confidence

{%p endif %}

1. . Author’s Note: The foundational statute for the receivership at bar is Health & Safety Code section 17980.7. For readability, this memorandum will occasionally refer to receivers and receiverships proceeding under the Health & Safety Code statute as “HS receivers” and “HS receiverships” generally, with references to the statute itself short-handed to “§ 17980.7.” Any unspecified reference to a “rule” refers to the California Rules of Court. [↑](#footnote-ref-2)
2. . The “Order Appointing a Receiver Pursuant to Judgment by Default” entered on May 5, 2022. (See **R9**-**R19**.) [↑](#footnote-ref-3)
3. . Any bolded “**R**” number (e.g., **R1**, **R60-R71**) cited in this document correlates to a page or range in the Bates-numbered exhibits attached hereto. [↑](#footnote-ref-4)
4. . Any bolded “**R**” number (e.g., **R1**, **R60-R71**) cited in this document correlates to a page or range in the Bates-numbered Index of Exhibits filed concurrently herewith. [↑](#footnote-ref-5)
5. . All citations or references to exhibits correlate to the Index of Exhibits (Index) filed concurrently herewith. [↑](#footnote-ref-6)