1	Robert A. Naeve, Bar No. 106095	
2	rnaeve@jonesday.com JONES DAY	FLESTBONIONLY
3	3161 Michelson Drive, Suite 800 Irvine, California 92612	ELECTRONICALLY FILED
4	Telephone: +1.949.851.3939 Facsimile: +1.949.553.7539	Superior Court of California, County of San Francisco
5	Nathaniel P. Garrett, Bar No. 248211	03/17/2022 Clerk of the Court
6	ngarrett@jonesday.com Rachel A. Beyda, Bar No. 335165	BY: EDNALEEN ALEGRE Deputy Clerk
7	rbeyda@jonesday.com 555 California Street, 26th Floor	
8	San Francisco, California 94104 Telephone: +1.415.626.3939	
9	Facsimile: +1.415.875.5700	
10	Attorneys for Defendants JUDICIAL COUNCIL OF CALIFORNIA and C.	HIEF
11	JUSTICE TANI G. CANTIL-SAKAUYE	
12	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA
13	COUNTY OF SAN FRANCISCO	
14		
15	GLENN MAHLER, JAMES H. POOLE,	Case No. CGC-19-575842
16	JULIE CONGER, EDWARD M. LACY JR., WILLIAM S. LEBOV, JOHN C. MINNEY,	NOTICE OF HEARING ON
17	and JOHN SAPUNOR,	DEFENDANTS' DEMURRER; STATEMENT OF DEMURRER TO
18	Plaintiffs,	THIRD AMENDED COMPLAINT
19	V.	[Memorandum of Points and Authorities, Request for Judicial Notice, and Declaration
20	JUDICIAL COUNCIL OF CALIFORNIA,	of Nathaniel P. Garrett Filed Concurrently Herewith]
21	CHIEF JUSTICE TANI G. CANTIL-SAKAUYE, and DOES ONE through TEN,	Date: April 12, 2022
22	Defendants.	Time: 9:30 a.m. Dept: 302
23		Judge: Hon. Richard B. Ulmer Jr.
24		Complaint Filed: May 9, 2019 First Amd. Compl. Filed: May 28, 2019
25		Second Amd. Compl. Filed: Oct. 19, 2021 Third Amd. Compl. Filed: Feb. 15, 2022
26		EXEMPT FROM FILING FEES
27		(Gov't Code § 6103)
28		
·		

NOTICE OF DEMURRER

JONES DAY

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD: 2 PLEASE TAKE NOTICE that on April 12, 2022, at 9:30 a.m., or as soon thereafter as 3 counsel may be heard, in Department 302 of the above-entitled Court, located at 400 McAllister 4 St., San Francisco, CA 94102, Defendants Judicial Council of California and Chief Justice Tani 5 G. Cantil-Sakauye will bring for hearing, under California Code of Civil Procedure § 430.10(a), 6 (e), a general demurrer to the cause of action in the Third Amended Complaint filed by Plaintiffs 7 Glenn Mahler, James H. Poole, Julie Conger, Edward M. Lacy Jr., William S. Lebov, John C. 8 Minney, and John Sapunor in the above-captioned matter. 9 The demurrer will be based upon this Notice, the Statement of Demurrer, Request for 10 Judicial Notice, and Memorandum of Points and Authorities attached hereto, the papers and 11 pleadings on file in this action, and on such further evidence and argument as may be presented at 12 the hearing. 13 14 Dated: March 17, 2022. JONES DAY 15 Rebert A. Naeve 16 Attorneys for Defendants 17 JUDICIAL COUNCIL OF CALIFORNIA and CHIEF JUSTICE TANI G. CANTIL-18 **SAKAUYE** 19 20 21 22 23 24 25 26 27 28

JONES DAY

STATEMENT OF GENERAL DEMURRER 2 Pursuant to Code of Civil Procedure section 430.10 and in compliance with section 3 430.60, defendants Judicial Council of California and Chief Justice Tani G. Cantil-Sakauye 4 demur to the Third Amended Complaint ("TAC") filed by plaintiffs Glenn Mahler, James H. 5 Poole, Julie Conger, Edward M. Lacy Jr., William S. Lebov, John C. Minney, and John Sapunor 6 ("Plaintiffs") as follows: 7 GROUNDS FOR DEMURRER TO THE FIRST CAUSE OF ACTION 1. 8 The first cause of action for disparate impact age discrimination in violation of the 9 Fair Employment and Housing Act ("FEHA"), Government Code section 12940(a), fails to state 10 facts sufficient to constitute a cause of action because the TAC does not allege facts establishing an actionable employment practice, does not allege facts establishing an impact of statistical 11 12 significance, or any impact caused by enforcement of the 1,320-day service limit. CAL. CODE 13 CIV. PROC. § 430.10(e). 14 WHEREFORE, Defendants pray that their demurrer be sustained in its entirety and 15 without leave to amend, such that Plaintiffs take nothing by their Third Amended Complaint. 16 Dated: March 17, 2022. JONES DA 17 By: Robert A. Naeve 18 Attorneys for Defendants 19 JUDICIAL COUNCIL OF CALIFORNIA and CHIEF JUSTICE TANI G. CANTIL-20 **SAKAUYE** 21 22 23 24 25

28

JONES DAY

26

27

1

1	PROOF OF SERVICE		
2	I, Frances Pham, declare:		
3	I am a citizen of the United States and employed in Orange County, California. I am over		
4	the age of eighteen years and not a party to the within-entitled action. My business address is		
5	3161 Michelson Drive, Suite 800, Irvine, California 92612. On March 17, 2022, I served a copy		
6	of the within document(s):		
7 8	NOTICE OF HEARING ON DEFENDANTS' DEMURRER; STATEMENT OF DEMURRER TO THIRD AMENDED COMPLAINT		
9	×	the Transaction Receipt located on	s and transmitting to the recipients designated on the File & Serve Xpress website the rson(s) at the address(es) set forth below.
11	×	by transmitting via e-mail or electr to the person(s) at the e-mail addre	ronic transmission the document(s) listed above ess(es) set forth below.
12 13	Quei	ntin L. Kopp, Esq.	Thomas W. Jackson, Esq.
14	Daniel S. Mason, Esa (413) /22-2190 Furth Salam Mason, & Li Li D		•
15			
16	`) 407-7796 h Salem Mason & Li LLP	Second Floor Santa Rosa, California 95404
17	75 Broadway Street Suite 202 - #1907 San Francisco, California 94111		,
18			
19	GLENN MAHLER, JAMES H. POOLE, JULIE CONGER, EDWARD M. LACY JR., WILLIAM S. LEBOV, JOHN C. MINNEY, JOHN SAPUNOR, and F. CLARK SUEYRES		
20			JR.,
21			
22 23	I dool	one von den menelter ef meniver von den th	as lower of the State of Colifornia that the above
24	I declare under penalty of perjury under the laws of the State of California that the above		
25	is true and correct.		
26	Executed on March 17, 2022, at Irvine, California.		
27			Onne Dhan
28			Frances Pham

- 4 - NOTICE OF HEARING; STATEMENT OF DEMURRER

JONES DAY