1 2 3 4 5 6 7 8 9	Robert A. Naeve (State Bar No. 106095) rnaeve@jonesday.com JONES DAY 3161 Michelson Drive Suite 800 Irvine, CA 92612 Telephone: +1.949.851.3939 Facsimile: +1.949.553.7539 Nathaniel P. Garrett (State Bar No. 248211) ngarrett@jonesday.com Rachel A. Beyda (State Bar No. 335165) rbeyda@jonesday.com JONES DAY 555 California Street 26th Floor San Francisco, CA 94104 Telephone: +1.415.626.3939 Facsimile: +1.415.875.5700 Attorneys for Defendants JUDICIAL COUNCIL OF CALIFORNIA and	ELECTRONICALLY FILED Superior Court of California, County of San Francisco 11/22/2021 Clerk of the Court BY: ERNALYN BURA Deputy Clerk
12 13 14 15		E IE STATE OF CALIFORNIA AN FRANCISCO
16 17 18 19 20 21 22 23 24 25 26	GLENN MAHLER, JAMES H. POOLE, JULIE CONGER, EDWARD M. LACY JR., WILLIAM S. LEBOV, JOHN C. MINNEY, and JOHN SAPUNOR, Plaintiffs, v. JUDICIAL COUNCIL OF CALIFORNIA, CHIEF JUSTICE TANI G. CANTIL- SAKAUYE, and DOES ONE through TEN, Defendants.	CASE NO. CGC-19-575842 NOTICE OF HEARING ON DEFENDANTS' DEMURRERS; STATEMENT OF DEMURRERS TO SECOND AMENDED COMPLAINT [Memorandum of Points and Authorities and Declaration of Nathaniel P. Garrett Filed Concurrently Herewith] DATE: December 27, 2021 TIME: 9:30 a.m. DEPT: 302 JUDGE: Hon. Ethan P. Schulman Complaint Filed: May 9, 2019 First Amd. Compl. Filed: May 28, 2019 Second Amd. Compl. Filed: Oct. 19, 2021

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD: 2 PLEASE TAKE NOTICE that on December 27, 2021, at 9:30 a.m., or as soon thereafter 3 as counsel may be heard, in Department 302 of the above-entitled Court, located at 400 4 McAllister St., San Francisco, CA 94102, Defendants Judicial Council of California and Chief 5 Justice Tani G. Cantil-Sakauye will bring for hearing, under California Code of Civil Procedure § 6 430.10(a), (e), general demurrers to each and every cause of action in the Second Amended 7 Complaint filed by Plaintiffs Glenn Mahler, James H. Poole, Julie Conger, Edward M. Lacy Jr., 8 William S. Lebov, John C. Minney, and John Sapunor in the above-captioned matter. 9 The demurrers will be based upon this Notice, the Statement of Demurrers and 10 Memorandum of Points and Authorities attached hereto, the papers and pleadings on file in this 11 action, and on such further evidence and argument as may be presented at the hearing. 12 Dated: November 22, 2021 JONES DAY 13 14 By: /s/ Robert A. Naeve 15 Robert A. Naeve 16 Attorneys for Defendants JUDICÍAL COUNCIL OF CALIFORNIA, 17 CHIEF JUSTICE TANI G. CANTIL-**SAKAUYE** 18 19 20 21 22 23 24 25 26 27

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1	STATEMENT OF GENERAL DEMURRERS	
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 Second Amended Complaint ("SAC") 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	
8	1. 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 SAC does not allege facts establishing	
11	an actionable employment practice, does not allege facts establishing an adverse employment	
12	action, and does not allege facts establishing an impact of statistical significance. CAL. CODE	
13	Civ. Proc. § 430.10(e).	
14	GROUNDS FOR DEMURRER TO THE SECOND CAUSE OF ACTION	
15	2. The court has no jurisdiction over the second cause of action for violation of the	
16	California Constitution because the Court of Appeal's remand was limited to Plaintiffs' FEHA	
17	claim. CAL. CODE CIV. PROC. § 430.10(a).	
18	3. The second cause of action also fails to allege facts sufficient to establish any	
19	violation of article VI, section 6 of the California Constitution. CAL. CODE CIV. PROC. §	
20	430.10(e).	
21	WHEREFORE, Defendants pray that their demurrers be sustained in their entirety and	
22	without leave to amend, such that Plaintiffs take nothing by their Second Amended Complaint.	
23	Dated: November 22, 2021. JONES DAY	
24	By: /s/ Robert A. Naeve	
25	Robert A. Naeve	
2627	Attorneys for Defendants JUDICIAL COUNCIL OF CALIFORNIA, CHIEF JUSTICE TANI G. CANTIL- SAKAUYE	

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