1 2 3 4 5 6 7 8	Robert A. Naeve (State Bar No. 106095) rnaeve@jonesday.com Cary D. Sullivan (State Bar No. 228527) carysullivan@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 JONES DAY 555 California Street, Floor 26 San Francisco, CA 94101 Telephone: +1.415.875.5731 Facsimile: +1.415.875.5700	ELECTRONICALLY FILED Superior Court of California, County of San Francisco 07/15/2019 Clerk of the Court BY: ERNALYN BURA Deputy Clerk
101112	Attorneys for Defendants Judicial Council of California and Chief Justice Tani G. Cantil Sakauye	
13		IE STATE OF CALIFORNIA
1415	COUNTY OF S.	AN FRANCISCO
16 17 18	GLENN MAHLER, JAMES H. POOLE, JULIE CONGER, EDWARD M. LACY JR., WILLIAM S. LEBOV, JOHN C. MINNEY,	CASE NO. CGC-19-575842 NOTICE OF HEARING ON
19 20 21 22 23 24 25	JOHN APUNOR, and F. CLARK SUEYRES, Plaintiffs, v. JUDICIAL COUNCIL OF CALIFORNIA, CHIEF JUSTICE TANI G. CANTIL- SAKAUYE, and DOES ONE through TEN, Defendants.	DEFENDANTS' DEMURRER; STATEMENT OF DEMURRERS [Memorandum of Points and Authorities, and Declaration of Nathaniel P. Garrett Filed Concurrently Herewith] DATE: August 8, 2019 TIME: 9:30 a.m. DEPT: 302 JUDGE: Hon. Ethan P. Schulman Complaint Filed: May 9, 2019 Reservation No. 07030808-14
19 20 21 22 23 24	Plaintiffs, v. JUDICIAL COUNCIL OF CALIFORNIA, CHIEF JUSTICE TANI G. CANTIL- SAKAUYE, and DOES ONE through TEN,	DEFENDANTS' DEMURRER; STATEMENT OF DEMURRERS [Memorandum of Points and Authorities, and Declaration of Nathaniel P. Garrett Filed Concurrently Herewith] DATE: August 8, 2019 TIME: 9:30 a.m. DEPT: 302 JUDGE: Hon. Ethan P. Schulman Complaint Filed: May 9, 2019

NOTICE OF DEMURRER

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that on August 8, 2019, at 9:30 a.m., or as soon thereafter as counsel may be heard, in Department 302 of the above-entitled Court, located at 400 McAllister St., San Francisco, CA 94102, Defendants Judicial Council of California and Chief Justice Tani G. Cantil-Sakauye will bring for hearing, under California Code of Civil Procedure § 430.10(a), (e), general demurrers to each and every cause of action in the First Amended Complaint filed by Plaintiffs Glenn Mahler, James H. Poole, Julie Conger, Edward M. Lacy Jr., William S. Lebov, John C. Minney, John Apunor, and F. Clark Sueyres in the above-captioned matter. The demurrers will be based upon this Notice, the Statement of Demurrers and Memorandum of Points and Authorities attached hereto, the papers and pleadings on file in this action, and on such further evidence and argument as may be presented at the hearing. Dated: July 15, 2019. Robert A. Naeve Attorneys for Defendants JUDICIAL COUNCIL OF CALIFORNIA, CHIEF JUSTICE TANI G. CANTIL-**SAKAUYE**

STATEMENT OF GENERAL DEMURRERS

Pursuant to Code of Civil Procedure section 430.10 and in compliance with section 430.60, defendants Judicial Council of California and Chief Justice Tani G. Cantil-Sakauye demur to the First Amended Complaint ("FAC") filed by plaintiffs Glenn Mahler, James H. Poole, Julie Conger, Edward M. Lacy Jr., William S. Lebov, John C. Minney, John Apunor, and F. Clark Sueyres as follows:

GROUNDS FOR DEMURRER TO THE FIRST CAUSE OF ACTION

1. The first cause of action for disparate impact age discrimination in violation of the Fair Employment and Housing Act ("FEHA"), Government Code section 12940(a), fails to state facts sufficient to constitute a cause of action because Defendants are immune from suit, the claim fails to allege facts establishing causation, and the claim is based on an impermissible theory of subgrouping. CAL. CODE CIV. PROC. § 430.10(e).

GROUNDS FOR DEMURRER TO THE SECOND CAUSE OF ACTION

2. The second cause of action for violation of the California Constitution fails to allege facts sufficient to constitute a cause of action because Defendants are immune from suit, the claim is derivative of Plaintiffs' claim under FEHA, there is no private right of action under article VI, section 6 of the California Constitution, and the FAC does not allege any violation of article VI, section 6 of the California Constitution.

WHEREFORE, Defendants pray that this demurrer be sustained in its entirety and without leave to amend, such that Plaintiffs take nothing by their Second Amended Complaint.

Dated: July 15, 2019.

JONES DAY

By: Robert A. Naeve

Attorneys for Defendants
JUDICIAL COUNCIL OF CALIFORNIA,
CHIEF JUSTICE TANI G. CANTILSAKAUYE