

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CUD-15-651037

Filing Date: Feb-10-2015 10:32

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NOTICE

THOMAS NICHOLSON VS. PAUL DICKERSON ET AL

001C04788060

Instructions:

Please place this sheet on top of the document to be scanned.

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10 Attorney for Defendant,
11 PAUL DICKERSON

12 F I L E D
13 Superior Court of California
14 County of San Francisco

15 FEB 10 2015

16 CLERK OF THE COURT
17 BY: DENNIS TOYAMA *W*
18 Deputy Clerk

19 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

20 LIMITED JURISDICTION

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28 THOMAS NICHOLSON, etc., et al.,) No. CUD-15-651037
28)
29 Plaintiff,) NOTICE OF HEARING ON
30 vs.) DEMURRER
31)
32 PAUL DICKERSON, et al.,) Date: March 3, 2015
33) Time: 9:00 a.m.
34 Defendants.) Dept: 501
35)
36 _____

37 To the Plaintiffs herein and to their attorneys of record:

38 YOU AND EACH OF YOU will please take notice that
39 the hearing on the within demurrer will take place on March 3, 2015 at the hour of 9:00 a.m.,
40 or as soon thereafter as counsel may be heard, in Department 501 of the above-entitled Court,
41 400 McAllister Street, San Francisco, CA.

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43 Dated: February 6, 2015.

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ALBERT L. BOASBERG
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Attorney for Defendant,
PAUL DICKERSON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

LIMITED JURISDICTION

To the Plaintiffs herein and to their attorneys of record:

YOU AND EACH OF YOU will please take notice that PAUL DICKERSON, one of the Defendants herein, hereby demurs to the first amended complaint filed herein on the ground that this is a different cause of action than the complaint filed by Plaintiffs in Case No. CUD-14-65103 in that the amended complaint is filed in the unlimited jurisdiction side of the court, without ever being reclassified.

Said demurrer will be based upon this Notice, the Points and Authorities submitted hereunder, the Memorandum of Points and Authorities, attached hereto,

1
2 and the pleadings, records and files herein and in Action No. CUD-14-65103.
3
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5 Dated: January 29, 2015.
6
7


ALBERT L. BOASBERG,
Attorney for Defendant

8 **POINTS AND AUTHORITIES**
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CCP Sec. 430.10(a).

ALBERT L. BOASBERG
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San Francisco, CA 94104
Telephone (415) 989-6960
State Bar No. 31205

Attorney for Defendant,
PAUL DICKERSON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

LIMITED JURISDICTION

PAUL DICKERSON, one of the Defendants herein, hereby respectfully submits his Memorandum of Points and Authorities in Support of his Demurrer to Plaintiffs' First Amended Complaint (FAC), as follows:

**I. ACTION HAS NOT BEEN RECLASSIFIED
FROM LIMITED TO UNLIMITED
JURISDICTION**

Plaintiffs' original complaint, Action No. CUD-14-65103 was filed in the limited jurisdiction side of the Court, although it sought \$30,500 in unpaid rent.

Defendant demurred on the ground that the limited jurisdiction side of the above-entitled Court lacked subject matter jurisdiction to entertain the action, citing CCP Sec. 86(a)(1).

The hearing on that demurrer is set for February 24, 2015.

Now, Plaintiffs have filed what they term a "First Amended Complaint", filed in the unlimited jurisdiction side of the Court.

However, the original limited action has never been reclassified as an unlimited action, as required by CCP Sec. 483.040(a).

II. CONCLUSION

Plaintiffs' unlimited jurisdiction filing is premature.

Plaintiffs must first move to reclassify their action from limited to unlimited jurisdiction.

Unless and until Plaintiffs do, the Court has no jurisdiction to entertain the FAC.

Respectfully submitted,

Dated: February 6, 2015.

ALBERT L. BOASBERG,
Attorney for Defendant

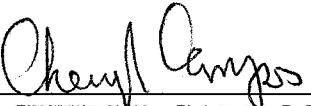
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2 PROOF OF SERVICE BY MAIL -- C.C.P. 1013 (a), 2015.5
3
4

5 I declare that I am employed in the County of San Francisco, California. I
6 am over the age of eighteen years and not a party to the within entitled action; my
7 business address is: 155 Montgomery Street, Suite 1010, San Francisco,
8 California 94104.

9 On February 6, 2015, I served the attached Demurrer, etc., on the Plaintiffs
10 herein, by placing a true copy thereof enclosed in a sealed envelope with postage
11 thereon fully prepaid, in the United States mail at San Francisco, California,
12 addressed as follows

13 Robert P. Gates, Esq.
14 Erskine & Tolley
15 220 Montgomery Street, Suite 315
16 San Francisco, CA 94104
17
18

19 I declare under penalty of perjury that the foregoing is true and correct, and
20 that this declaration was executed at San Francisco, California, this 6th day of
21 February, 2015.

22
23
24 
25 CHERYL CAMPOS
26
27
28