

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

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Case Number: CUD-15-651037

Filing Date: Feb-10-2015 10:32

Filed by: DENNIS TOYAMA

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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.

1 ALBERT L. BOASBERG  
2 Attorney at Law  
3 Alexander Building, Suite 1010  
4 155 Montgomery Street  
5 San Francisco, CA 94104  
6 Telephone (415) 989-6960  
7 State Bar No. 31205

8 Attorney for Defendant,  
9 PAUL DICKERSON

**FILED**  
Superior Court of California  
County of San Francisco

FEB 10 2015

CLERK OF THE COURT

BY: DENNIS TOYAMA ✓  
Deputy Clerk

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

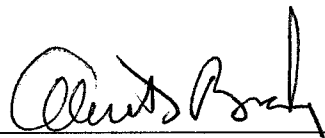
11 LIMITED JURISDICTION

13 THOMAS NICHOLSON, etc., et al., ) No. CUD-15-651037  
14 )  
15 Plaintiff, ) NOTICE OF HEARING ON  
16 vs. ) DEMURRER  
17 )  
18 PAUL DICKERSON, et al., ) Date: March 3, 2015  
19 ) Time: 9:00 a.m.  
20 Defendants. ) Dept: 501  
21 )  
22 )  
23 )  
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28 )

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

30 YOU AND EACH OF YOU will please take notice that  
31 the hearing on the within demurrer will take place on March 3, 2015 at the hour of 9:00 a.m.,  
32 or as soon thereafter as counsel may be heard, in Department 501 of the above-entitled Court,  
33 400 McAllister Street, San Francisco, CA.

34 Dated: February 6, 2015.

  
ALBERT L. BOASBERG,  
Attorney for Defendant

1 ALBERT L. BOASBERG  
2 Attorney at Law  
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8  
9 Attorney for Defendant,  
10 PAUL DICKERSON  
11

12  
13 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

14 LIMITED JURISDICTION  
15

16 THOMAS NICHOLSON, etc., et al.,	)	No. CUD-15-651037
	)	
17 Plaintiff,	)	DEMURRER TO COMPLAINT,
18 vs.	)	<u>POINTS AND AUTHORITIES</u>
	)	
19 PAUL DICKERSON, et al.,	)	Date: March 3, 2015
	)	Time: 9:00 a.m.
20 Defendants.	)	Dept: 501
	)	


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

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

27 Said demurrer will be based upon this Notice, the Points and  
28 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  
4 Dated: January 29, 2015.

5   
6 ALBERT L. BOASBERG,  
7 Attorney for Defendant

8 **POINTS AND AUTHORITIES**

9 CCP Sec. 430.10(a).  
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Attorney for Defendant,  
PAUL DICKERSON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

LIMITED JURISDICTION

THOMAS NICHOLSON, etc., et al.,	)	No. CUD-15-651037
	)	
Plaintiff,	)	MEMORANDUM OF POINTS AND
vs.	)	AUTHORITIES IN SUPPORT OF
	)	<u>DEMURRER TO COMPLAINT</u>
PAUL DICKERSON, et al.,	)	Date: March 3, 2015
	)	Time: 9:00 a.m.
Defendants.	)	Dept: 501
	)	

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.

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

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

6  
7 Now, Plaintiffs have filed what they term a "First Amended  
8 Complaint", filed in the unlimited jurisdiction side of the Court.

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

11 **II. CONCLUSION**

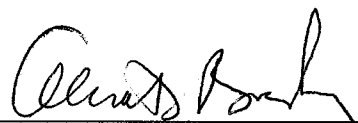
12 Plaintiffs' unlimited jurisdiction filing is premature.

13 Plaintiffs must first move to reclassify their action from limited  
14 to unlimited jurisdiction.  
15

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

18 Respectfully submitted,

19  
20  
21 Dated: February 6, 2015.

22   
23 ALBERT L. BOASBERG,  
24 Attorney for Defendant  
25  
26  
27  
28

1  
2 PROOF OF SERVICE BY MAIL -- C.C.P. 1013 (a), 2015.5

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

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

11  
12 Robert P. Gates, Esq.  
13 Erskine & Tulley  
14 220 Montgomery Street, Suite 315  
15 San Francisco, CA 94104  
16  
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.  
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25   
26 CHERYL CAMPOS  
27  
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