

1 **LAW OFFICES OF QUINTANILLA & ASSOCIATES**

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9 Attorneys for Respondent

10 CITY OF RANCHO MIRAGE

Exempt from Filing Fee Pursuant to
Government Code Section 6103

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF RIVERSIDE**

13 KERSTEN HOLDINGS, LLC,

14 Petitioner,

15 vs.

16 CITY OF RANCHO MIRAGE, and DOE 1
17 through DOE 10 inclusive,

18 Respondents.

CASE NO. CVPS2301675

**NOTICE OF INTENT TO FILE
RESPONSIVE PLEADING PURSUANT
TO CODE OF CIVIL PROCEDURE
SECTION 1089.5**

DATE: June 6, 2023

TIME: 8:30 AM

JUDGE: Hon. Kira L. Klatchko

DEPT: PS1

19 **TO PETITIONER AND TO PETITIONER'S ATTORNEY OF RECORD:**

20 **PLEASE TAKE NOTICE** that pursuant to Code of Civil Procedure § 1089.5, CITY OF
21 RANCHO MIRAGE ("City") will file an answer or other response to Petitioner's Petition for Writ of
22 Mandate ("Petition") not more than thirty (30) days after the City has certified the Record of Proceedings
23 ("Record") in this matter. Code of Civil Procedure § 1089.5 reads as follows:

24 Where a Petition for Writ of Mandate is filed in the trial court pursuant to Section
25 1088.5, and where a record of proceedings to be reviewed has been filed with the
26 Petition or where no record of a proceeding is required, the Respondent shall answer or
27 otherwise respond within 30 days after service of the Petition. However, where a record
28 of the proceeding to be reviewed has been requested pursuant to Section 11523 of the
Government Code, or *otherwise*, and has not been filed with the Petition, the party upon
whom the Petition was served, including any real party in interest, shall answer or
otherwise respond within 30 days following receipt of a copy of the record.

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1 Petitioner has yet to file a Request for Preparation of Administrative Record pursuant to Code of
2 Civil Procedure § 1094.6(c) or pay for the costs thereof. Accordingly, pursuant to Code of Civil
3 Procedure § 1089.5, no responsive pleading is due until Petitioner has filed a Request for Preparation of
4 Administrative Record and 30 days after the Record is completed and certified. In filing this Notice, the
5 City intends to make the effect of that statute clear to the parties, and to ensure that Petitioners are aware
6 that the City contests the instant lawsuit.

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8 Dated: May 12, 2023

LAW OFFICES OF QUINTANILLA & ASSOCIATES
Steven B. Quintanilla, Interim City Attorney
Attorney for Defendants/Respondents

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12 By: 

13 MICHAEL R. COBDEN
14 Deputy City Attorney
15 Attorneys for Respondent
16 CITY OF RANCHO MIRAGE
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