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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

CITY OF ONTARIO,

Petitioner,

v.

THE SUPERIOR COURT OF SAN
BERNARDINO COUNTY,

Respondent,

GENA HASSON et al.,

Real Parties in Interest.

E085986

(Super.Ct.Nos. CIVSB2431730)

OPINION

ORIGINAL PROCEEDINGS; petition for extraordinary writ. Carlos M. Cabrera,
Judge. Petition dismissed.

La Follette, Johnson, De Haas, Fesler & Ames, Christopher P. Wend, Gillian N.
Pluma, Scott M. Hendler, and Jeffrey A. Rector for Petitioner.

No appearance for Respondent.

Cummins & White and Eric M. Khodadian for Real Parties in Interest.

Plaintiffs and real parties in interest Gena Hasson and Dana Hasson (plaintiffs) filed a civil complaint alleging that on March 18, 2023, they incurred personal injuries when Gena Hasson tripped and fell on property owned by petitioner City of Ontario (the City).

Plaintiffs filed a petition in the trial court pursuant to Government Code¹ section 946.6 for leave to present a late claim.² In their petition, plaintiffs acknowledged that (1) they filed a formal claim with the City on February 9, 2024; (2) the City responded by informing plaintiffs that their claim was untimely, but they might be able to seek relief under various statutory provisions; (3) plaintiffs did not submit an application to present a late claim to the City until March 26, 2024; and (4) the City denied plaintiffs' claim as untimely. Despite these undisputed facts, the trial court granted the petition to present a late claim.

The City filed a petition for a writ of mandate challenging the trial court's order granting plaintiffs' section 946.6 petition. We issued an order to show cause and stayed the proceedings pending resolution of the petition. However, plaintiffs filed a "notice of non-opposition" in the place of a return, representing that they had agreed to and already

¹ Undesignated statutory references are to the Government Code.

² Generally, a claim relating to a cause of action for personal injury against a government entity must be presented within six months after accrual of the cause of action. (§ 911.2, subd. (a).) A plaintiff may file an application to present a late claim with the government entity within one year of accrual of a cause of action (§ 911.4) and may seek relief from any purported wrongful denial of an application to present a late claim by filing a petition with the superior court (§ 946.6).

dismissed the City from their complaint as of September 2, 2025. The City did not file a traverse disputing this representation.

“ ‘It is well settled that an appellate court will decide only actual controversies We will not render opinions on moot questions or abstract propositions, or declare principles of law which cannot affect the matter at issue’ ” (*Building a Better Redondo, Inc. v. City of Redondo Beach* (2012) 203 Cal.App.4th 852, 866.) And a writ proceeding seeking relief from an interlocutory order of the trial court generally becomes moot when the underlying case has been dismissed against the party seeking relief. (*Mendoza v. Superior Court* (2025) 114 Cal.App.5th 456, 466; *Watkins v. Wachovia Corp.* (2009) 172 Cal.App.4th 1576, 1588 [Dismissal is an appropriate remedy where a settlement moots the issues raised on appeal.])

In this case, plaintiffs’ dismissal of the City from the underlying complaint renders this present petition for writ of mandate moot. There is no further relief we can grant the City because the City has already obtained the relief it would be entitled to if it were to prevail on the merits in this writ proceeding. As such, we dismiss the petition.

DISPOSITION

The petition is dismissed, and the stay previously imposed by this court is lifted.

The parties shall bear their own costs incurred in this writ proceeding.

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FIELDS
J.

We concur:

RAMIREZ
P. J.

CODRINGTON
J.