

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF CALAVERAS
Minute Order**

Case No. 18CV43460

March 7, 2019

Hon. Timothy Healy

ANDREW GREER AND GOLDEN STATE HERB INC. ET. AL., Plaintiff Vs. CALAVERAS COUNTY, ET. AL., Defendant	
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**RULING ON DEFENDANT'S DEMURRER, MOTION TO STRIKE AND REQUEST FOR JUDICIAL
NOTICE**

SEE ATTACHED.

DATED: 3-7-19



Judicial Review

Ruling on Defendant's Demurrer, Motion to Strike and for Judicial Notice

Plaintiffs filed the present lawsuit seeking declaratory relief and money damages alleging defendants' "past and continuing imposition and collection of registration fees and taxes" (Complaint, p.13. ln.25-6) pursuant to Calaveras County Urgency Ordinance Chapter 17.95, beginning on May 10, 2016 and expiring on February 14, 2018, and its companion tax measure, Measure C, was and is illegal, invalid and unlawful. Plaintiffs are also seeking an order prohibiting defendants from further imposition of these fees and taxes.

Defendants demur to the complaint arguing plaintiffs have no standing as they are time barred, have not exhausted their administrative remedies and/or otherwise had adequate remedies at law which were not pursued, and, the complaint fails to state causes. Defendants have also moved the Court to take Judicial Notice of multiple documents pursuant to California Evidence Code §§451-452; and, finally defendants have made a Motion to Strike all references to the plaintiffs' request for Class Action Status pursuant to California Code of Civil Procedure §436.

The Court SUSTAINS defendants' objection to plaintiffs' unsolicited supplemental filings and has therefore based its findings regarding the following objection and motions without consideration of any arguments contained therein.

Defendants' request for Judicial Notice is GRANTED as to Exhibits A, B, F and I; as the Court finds these exhibits fall within the requirements and allowances of both EC §§ 451 and 452. Defendant's request for Judicial Notice as to Exhibits C, D, E, G and H are DENIED as the Court exercises its discretion and finds these exhibits fall outside the requirements of EC §451 and outside the allowances for EC §452.

Defendants' demurrer is OVERRULED as to all causes of action. The Court finds plaintiffs have pled all essential facts as to each cause of action under California's liberal pleading requirements.

Finally, defendants' Motion to Strike is DENIED.

The Clerk shall give notice of this ruling to the parties forthwith. Defendants to prepare a formal order pursuant to Rule of Court 3.1312 in conformity with this ruling.

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action. This **Ruling on Defendant's Demurrer, Motion to Strike and Request for Judicial Notice**, was placed in a sealed envelope to the address shown below. The mailing and this certification occurred at San Andreas, California on 3/8/19.

HENRY GEORGE WYKOWSKI, ESQ.
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CALAVERAS COUNTY COUNSEL
(Via pick up box in Court Clerk's Office)

KAREN CAMPER, Clerk of the Superior Court

By  _____, Deputy