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6 Plaintiff, *In Pro Per*

**ENDORSED
FILED
ALAMEDA COUNTY**

FEB 15 2024

CLERK OF THE SUPERIOR COURT
By YOLANDA COPES
Deputy

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

10 GENE HAZZARD, an individual, and
11 STATE OF CALIFORNIA, *ex rel.*,

12 Plaintiffs,

13 v.

14 CITY OF OAKLAND, et al.,

16 Defendants.

CASE NO.: 23CV039291

Assigned for all purposes to
Hon. Jo-Lynne Lee (Dept. 15)

**PLAINTIFF'S NOTICE OF HEARING ON
DEMURRER (OF DEFENDANTS CITY OF
OAKLAND; BARBARA PARKER; SHENG
THAO; DAN KALB; NIKKI FORTUNATO
BAS; REBECCA KAPLAN; KEVIN JENKINS;
TREVA REID; CARROLL FIFE; AND
LOREN TAYLOR) TO PLAINTIFF'S
COMPLAINT; OPPOSITION TO
DEMURRER; AND MEMORANDUM OF
POINTS AND AUTHORITIES**

Reservation No.: 411676409639

Date: March 14, 2024

Time: 3:00 p.m.

Dept.: 15

Complaint Filed: July 28, 2023

Trial Date: TBD

Attached Document: Request for Judicial Notice
of Adjudicative Facts (Judicial Note of
Adjudicative Facts; California Evidence Code §
452; Rule 8.933)

1 **PLAINTIFF'S OPPOSITION TO DEMURRER TO PLAINTIFF'S COMPLAINT**

2 The provisions in both Article II, Section 8(d) and Article IV, Section 9 of the California
3 Constitution are contemporaneous with respect to the single-subject rule. The two constitutional
4 statutes, however, have different requirements for implementation under the law for ballot
5 measures. Plaintiff's opposition to the demurrer of defendants City of Oakland, Barbara Parker,
6 Sheng Thao, Dan Kalb, Nikki Fortunato Bas, Rebecca Kaplan, Kevin Jenkins, Treva Reid, Carroll
7 Fife, and Loren Taylor (collectively, "Defendants") constitutes what establishes the basis for
8 bringing forth a legal challenge to a ballot measure **regardless of the nature of the measure's**
9 **source of introduction or origin**—i.e., regardless of whether the measure was introduced by the
10 electorate (referred to as an "initiative") or by the legislative branch of the local government, the
11 violation of the constitutional provisions is the same. And in the instant matter, plaintiff makes a
12 strong prima facie showing that the challenged Measure X embraces more than one subject
13 matter.


14 A ballot measure must not have disparate component elements; they must be harmonized;
15 they must be reasonably germane or related; and they must clearly show the nexus of each subject
16 to the measure's purpose.

17 If we crisscross the provisions of Measure X, it is readily apparent that there is no
18 reasonable relationship to one another which would support the idea that this measure does not
19 violate the single-subject rule.

20 Plaintiff's opposition is based upon this notice and opposition, the pleadings on file, the
21 following Memorandum of Points and Authorities, the attached Request for Judicial Notice, and
22 upon such argument and other evidence as may be received by the Court at the time of the
23 hearing.

24
25 Dated: February 15, 2024

Respectfully submitted,

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27 _____
Gene Hazzard
28 Plaintiff, *In Pro Per*

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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<i>Putting the "Single" Back in the Single-Subject Rule: A Proposal for Initiative Reform in California</i> , by Marilyn E. Minger, U.C. Davis L.R., 1990-1991 (see https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf)	7
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I. PROCEDURAL HISTORY

On July 28, 2023, Plaintiff Gene Hazzard (“Plaintiff”) filed the complaint in the instant matter, a claim under Article II, Section 8(d) of the California Constitution with respect to a City of Oakland ballot measure known as Measure X (originating as Oakland City Council Resolution 89317) (Exhibits B and C to the Complaint of July 28, 2023 (“Complaint”)), approved by the voters in the November 8, 2022 general election, as noted by Resolution No. 89543 (Exhibit D to Complaint.) The Complaint was served on Defendants on January 4, 2024.

On February 4, 2024 Plaintiff met and conferred by telephone with Oakland City Attorney Allison Ehlert (representing Defendants) concerning Defendants’ Demurrer, as required by section 430.41 of the Code of Civil Procedure. Attorney Ehlert stated her view that the single-subject rule embodied in Article II Section 8(d) of the California Constitution does not apply to Measure X for two reasons: First, the plain language of the provision addresses initiatives and Measure X was not an initiative; and second, the case of *Hernandez v. County of Los Angeles* held that the single-subject rule did not apply to a measure placed on the ballot by the Los Angeles City Council.

II. FACTS

On July 5, 2022, Oakland City Councilmember Dan Kalb (“Kalb”) introduced to members of the Oakland City Council, Resolution 89317 C.M.S. (Exhibits B and C to Complaint):

To the voters for the November 8, 2022 General Municipal Election, a Measure that would amend the City Charter Amendments to Promote Democracy, Accountability, Transparency, and Equity, including but not limited to:

- 1) Term limits for councilmembers;
- 2) requiring a minimum of two council hearings before certain council proposed ballot measures are approved for placement on the ballot;
- 3) counting councilmember “abstentions” and “absences” as a “no” vote on the council motions, resolutions and ordinances for purposes of determining whether mayor has authority to cast the tie-breaking vote;
- 4) changing the formula for the public ethics commission to set councilmembers’ salaries and authorizing the public ethics commission to set the salaries of the city auditor and city attorney;

1 5) granting council super-majority authority to terminate the city
2 administrator for cause;

3 6) adding clarifying duties of and providing minimum staffing for city
4 auditor; and

5 7) directing the city clerk to fix the date for submission of arguments and
6 provide for notice and publication and take any and all actions necessary
7 under law to prepare for and conduct the November 8, 2022 general
8 municipal election.

9 **A legislative sponsored ballot measure of provisions addressing each of these**
10 **separate subjects, and seeking to accomplish each of these diverse objectives, clearly violates**
11 **the language and purpose of the single-subject limitation.**

12 Under section 3.08.200 of the Oakland Municipal Code, when a city ballot measure
13 qualifies for the ballot, the city attorney “shall prepare an impartial legal analysis of the measure
14 showing the effect on the existing law and the operation of the measure.”

15 Similarly, when the city ballot measure qualifies for the ballot, the city auditor is required,
16 under section 3.08.200 of Oakland Municipal Code, to “prepare an impartial analysis of the
17 measure showing the impact of the measure on the city fiscal budget.” The analysis of Measure
18 X, prepared by defendants San Francisco City Attorney David Chiu and Berkeley City Auditor
19 Jenny Wong, stated, “This measure will cost the City an estimated additional \$858,199 annually
20 in staffing costs.... the staffing of 14 [fourteen] (full time equivalent employees) effective (in)
21 July (2023).” (Exhibit EEE to Complaint.)

22 Section 3.16 of the Oakland Municipal Code, which governs the conflict-of-interest
23 provision of all municipal employees of the City of Oakland, states:

24 The Political Reform Act Code Section 81000, et. seq., requires state and
25 local government agencies to adopt and promulgate conflict interest codes.
26 The Fair Political Practices Commission has adopted a regulation, 2
27 California Code of Regulations Section 18730, which contains the terms
28 of a standard of a conflict-of-interest code....

This conflict-of-interest code of the city so adopted replaces any conflict-
of-interest code the city previously had in effect.

1 As mentioned above, defendants Chiu and Wong prepared the independent analysis of
2 Measure X. Although this action may appear to be a “professional courtesy,” it gives the
3 appearance of more nefarious implications as to the City of Oakland’s conflict-of-interest code as
4 it applies to both Oakland’s City Attorney and City Auditor and the possibility of “unjust
5 enrichment.”

6 If the passing of Measure X is not overturned, both the Oakland City Attorney and
7 Oakland City Auditor would be entitled to salary increases (Exhibits B and C to Complaint; also
8 see item 4 of Measure X)—although Measure X does not specifically identify the dollar amount,
9 but rather merely provides the mechanism by which the increases would occur (which is through
10 the Public Ethics Commission). Despite the lack of specificity in the ballot measure, the Oakland
11 City Council determined that the city attorney is entitled to a \$60,000.00 salary increase and the
12 city auditor is entitled to a \$24,000.00 salary increase. In light of the ballot measure being
13 invalid, such increases constitute unjust enrichment.

14 III. GROUNDS FOR OPPOSITION TO DEMURRER

15 As a standard operational procedure, Oakland’s Office of the City Attorney approves all
16 resolutions and ordinances with a stamped indicia that states, “approved as to format and
17 legality,” indicating that there are no legal impediments that would prevent the proposed ballot
18 measure from appearing on a ballot.

19 In their Demurrer, Defendants argue that Article II, Section 8(d) of the California
20 Constitution applies only to initiatives and not to legislative sponsored measures. However,
21 Article IV, Section 9 of the California Constitution is applicable to **legislative** sponsored
22 measures, and the same single-subject rule applies under that section. According to Article IV,
23 Section 9, a ballot measure is not valid when it is multifaceted and there is no reasonable nexus
24 between the component elements of the measure. In addition, there must be a reasonable
25 relationship of each item contained in the measure to the **title** of the measure. If either one of
26 these elements is not present, the measure is in violation of the single-subject rule of the
27 California Constitution—as is the case with Measure X.

28 ///

1 Plaintiff's Complaint has the basis of law in the California Constitution, thus Measure X
2 must be nullified. Additionally, all Oakland City Council votes as a result of Measure X must be
3 void because of the provisions contained in Measure X related to Robert's Rules of Order, where
4 abstentions and absences on a roll call vote are now considered to be "no" votes.

5 IV. LEGAL ARGUMENT

6 A. The Legal Standard for Opposition to Demurrer.

7 The trial court is "obligated to look past the form of the pleading to its substance."
8 *Sanders v. Carris* (1990) 224 Cal.App.3d. 905, 908.

9 In the instant matter, the single-subject rule is a statutory provision of the California
10 Constitution and as such requires mandatory compliance from those who would introduce a ballot
11 measure, regardless of whether the measure is an initiative or a measure sponsored by the
12 legislative branch. Non-compliance and enforcement with the regulations of the single-subject
13 rule **have the same application in each instance.**

14 Plaintiff's pleading referenced only Article II, Section 8(d) of the California State
15 Constitution as the basis for Plaintiff's claim, which references an initiative sponsored by the
16 electorate. However, Article IV, section 9, another statutory provision of the California
17 Constitution, addresses the legislative branch of the local-government-sponsored measure and
18 requires compliance and enforcement of penalties with the provisions of the single-subject rule, as
19 in the case with a ballot measure sponsored by the electorate. Measure X is a City Council-
20 sponsored ballot measure which appeared on the November 8, 2022 general election ballot.

21 Article IV, Section 9 of the California Constitution states:

22 A statute shall embrace but one subject which shall be expressed in its
23 title. **If a statute embraces a subject not in its title, ... the part not**
24 **expressed is void.** [Emphasis added.]

25 As stated above, there are many portions of Measure X which are neither reasonably
26 related to each other or to the title of the measure. And the combination of these disparate
27 elements, seeking to accomplish diverse objectives, in a single ballot measure clearly violates the
28 language and purpose of the single-subject limitations contained in Article IV, Section 9.

1 Measure X is a paradigm of the potentially deceptive combination of unrelated provisions that
2 have been joined together simply for improper tactical purposes.

3 There are three reasons why Measure X violates the single-subject rule of the California
4 Constitution, Article IV, Section 9:

- 5 1) **Directness:** The causal connection between the many provisions of
6 Measure X should be immediate and clear.
- 7 2) **Relevance:** The connection of the provisions should be significant
8 enough to have a bearing on the outcome of the decision; it is not
9 enough that the provisions of Measure X be vaguely associated; the
10 provisions should have a concrete impact on each other; and
- 11 3) **Justification:** The claim that something is “reasonably germane” or
related needs to be explained as to why the provisions matter in the
context of the specific issue.

12 In evaluating an order sustaining a demurrer to a pleading, a reasonable interpretation by
13 reading it as a whole and of its part in their context must be considered. *Mead v. Sanwa Bank*
14 *California* (1998) 61 Cal.App.4th 561.

15 **B. Cause of Action of Relief.**

16 A cause of action is “a set of facts giving rise to a basis for relief,” for which the facts may
17 constitute grounds for various remedies. *Miranda v. Shell Oil Co.* (1993) 17 Cal.App.4th. 1651;
18 see also, *Skrbina v. Fleming Companies* (1996) 45 Cal.App.4th, 1353, 1364.

19 Unless it is clear that the pleading is not susceptible of amendment to correct the defect, it
20 is an abuse of discretion to sustain a demurrer without leave to amend. *Tarrar Enterprises Inc. v.*
21 *Associated Indemnity Corp.* (2022) 83 Cal.App.5th 685; *Richelle L. v. Roman Catholic*
22 *Archbishop of San Francisco* (2003) 106 Cal.App.4th 257.

23 A trial court must grant leave to amend after sustaining a demurrer if plaintiff so requests
24 and shows how amendments will cure the defect in the complaint [**which is the case in the**
25 **instant matter**]. The plaintiff has the burden of demonstrating that either 1) the demurrer is
26 sustained erroneously as a matter of law on the facts pled or 2) the court abused its discretion by
27 failing to grant leave to amend. *Kroll's Tract v. Paris & Paris* (1999) 72 Cal.App.4th 1537.

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1 A trial court's ruling sustaining a demurrer is deemed erroneous when the plaintiff has
2 stated a cause of action under any possible legal theory. In assessing the sufficiency of a
3 demurrer, all material facts pled in the complaint and those that arise by reasonable implication
4 are deemed true. *King v. Comppartners Inc.* (2018) 5 Cal. 5th 1039, 1040.

5 V. CONCLUSION

6 Plaintiff has presented uncontroverted and sufficient evidence with respect to the subject
7 matter, the single-subject rule provided for in the California Constitution. There are two
8 enactments in the California Constitution referencing the subject matter of the single-subject rule:
9 1) Article II, Section 8(d), related to initiatives; and 2) Article IV, Section 9, related to legislative
10 sponsored measures.

11 Failure to comply with the required provisions of the constitutional enactments results in
12 the nullification of the ballot measure, regardless of the introduction by virtue of an initiative or a
13 legislative branch of the government.

14 There is no dispute as to the violation of the single-subject rule by Defendants; rather, the
15 Demurrer is based on whether Plaintiff's claim is supported by the facts and the proper venue for
16 which Plaintiff proffers his claim. Defendants **acknowledge that there is a clear violation of**
17 **the constitutional enactment:** "Thus, by its plain terms, the single-subject rules apply
18 exclusively to voter-sponsored initiatives: it says nothing at all about city-council sponsored
19 measures, like Measure X" (Defendants' Memorandum of Points and Authorities In Support of
20 Demurrer to Complaint ("MPA"), at 2:20-22).

21 Article IV, Section 9 of the California Constitution is specific to statutes, **which includes**
22 **city council-sponsored measures.** The statute reads as follows: "A statute shall embrace but one
23 subject, which shall be expressed in the title." *Fair Political Practices Com. v. Superior Court*
24 (1979) 25 Cal.3d. 33; *Perry v. Jordan* (1949) 34 Cal.2d 87, 92-93.

25 "The object of the act is well stated in the title." *Robison v. Kerrigan* (Cal. 1907) 151
26 Cal.40.

27 "There is no reason to hold that the peoples' power is more limited than that of the
28 Legislature, and the single subject requirements applicable to both powers (Cal. Const., art. II,

1 section 8 sub sec.(d); art. IV, section 9) should not be used to establish inequality. Accordingly,
2 we adhere to the reasonably germane test for both.” *Associated Home Builders etc. Inc. v. City of*
3 *Livermore* (1976) 18 Cal.3d. 582, 591-592.

4 “We treat the demurrer as admitting all material facts properly pleaded, but not
5 contentions, deductions or conclusions of fact or law. [Citation.] We also consider matters which
6 may be judicially noticed.” *Sindell v. Gibson, Dunn & Crutcher* [No. 098154. Second Dist., Div.
7 Three, May 15, 1997]. (See also, *Putting the “Single” Back in the Single-Subject Rule: A*
8 *Proposal for Initiative Reform in California* [in pertinent part, pages 925, 927], by Marilyn E.
9 Minger, U.C. Davis L.R., 1990-1991 (see [https://lawreview.law.ucdavis.edu/sites/g/files/](https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf)
10 [dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf](https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf)), as discussed more thoroughly
11 in Plaintiff’s attached Request for Judicial Notice.)

12 In Plaintiff’s complaint regarding a single-subject-rule violation from the Oakland City
13 Council’s approval in July of 2022 of Resolution 89317 C.M.S., prompting the November 8, 2022
14 general election ballot measure known as Measure X, Plaintiff referenced Article II, Section 8(d)
15 of the California Constitution, which was the basis for Defendants’ arguments for sustaining their
16 Demurrer without leave to amend.

17 This is a harmless error in Plaintiff’s Complaint. Article IV, Section 9 of the California
18 Constitution was the appropriate constitutional enactment, as that section also addresses the
19 violation of the single-subject rule, but this time by members of the legislative branch.

20 This is a curable defect, and Plaintiff is therefore entitled to amend his Complaint. **The**
21 **substantive issue in each of the constitutional enactments is the same: the single-subject**
22 **rule.**

23 Plaintiff has demonstrated uncontroverted prima facia evidence of the facts as noted in
24 Plaintiff’s Complaint and Defendants’ Demurrer. The main issue remains the same: **Does there**
25 **exist any violation of the single-subject rule, either under Article II, Section 8(d) or Article**
26 **IV, Section 9 of the California State Constitution?**

27 Defendants’ Demurrer must be DENIED, and Plaintiff is entitled to have his Complaint
28 amended to reflect the legislative enactment of the California State Constitution under Article IV,

1 Section 9, which addresses violations of the single-subject rule by any local branch of
2 government. Measure X was in clear violation of that section.

3 **VI. PRAYER FOR RELIEF**

4 Plaintiff prays that this Court grant him the following relief:

5 1. That the November 8, 2022 general election ballot measure known as Measure X
6 be nullified in its entirety;

7 2. That all of the provisions contained in Measure X have no force or effect,
8 including that the salary increases for the city attorney and the city auditor (approved by the city
9 council and the public ethics commission) be rescinded;

10 3. That the expansion of the staffing in the office of the city auditor be rescinded;

11 4. That the restoration of Robert's Rules of Order be reestablished, in which a vote of
12 an "abstention" or "absence" no longer counts as a "no" vote;

13 5. That term limits for city councilmembers be removed from the City Charter;

14 6. That all actions approved by the city council under the current illegal ballot
15 measure, including resolutions and ordinances, be nullified and have no "force" or "effect";

16 7. That the city council action denying Geoffrey Pete's appeal (Oakland City Council
17 Project No. PLN20125) regarding the proposed residential project located at 1431 Franklin Street
18 be nullified because of the illegal voting method used under the illegal Measure X which is the
19 subject matter of this complaint.

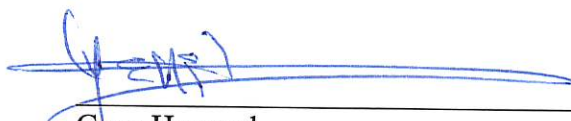
20 8. That Plaintiff be entitled to be compensated for his expenses related to this ballot
21 measure; and

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1 9. That Defendants San Francisco City Attorney David Chiu and Berkeley City
2 Auditor Jenny Wong be admonished and held accountable for their complicity in this illegal
3 ballot measure for having written the independent analysis and therefore contributing to the unjust
4 enrichment of both the Oakland City Attorney and the Oakland City Auditor.

5
6 Dated: February 15, 2024

Respectfully submitted,

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9 _____
Gene Hazzard
Plaintiff, *In Pro Per*

1 GENE HAZZARD, *In Pro Per*
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6 Plaintiff, *In Pro Per*

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ALAMEDA COUNTY

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CLERK OF THE SUPERIOR COURT
By: YOLANDA COPES
Deputy

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

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10
11 GENE HAZZARD, an individual, and
12 STATE OF CALIFORNIA, *ex rel.*,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, et al.,

16 Defendants.

CASE NO.: 23CV039291

Assigned for all purposes to
Hon. Jo-Lynne Lee (Dept. 15)

**PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE IN OPPOSITION TO DEMURRER
(OF DEFENDANTS CITY OF OAKLAND;
BARBARA PARKER; SHENG THAO; DAN
KALB; NIKKI FORTUNATO BAS; REBECCA
KAPLAN; KEVIN JENKINS; TREVA REID;
CARROLL FIFE; AND LOREN TAYLOR) TO
PLAINTIFF'S COMPLAINT**

Reservation No.: 411676409639

Date: March 14, 2024

Time: 3:00 p.m.

Dept.: 15

Complaint Filed: July 28, 2023

Trial Date: TBD

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25 Plaintiff filed his complaint on July 28, 2023, in Alameda County Superior Court
26 ("Complaint"). Plaintiff's substantive issue is the violation of the single-subject rule in the
27 California Constitution by Measure X, a ballot measure sponsored by the Oakland City Council in
28 the November 8, 2022 general election. Measure X contained a multifaceted array of unrelated

1 reform measures, which is clearly in violation of the enactment of said single-subject rule.

2 There are two provisions in the California Constitution which govern those ballot
3 measures sponsored by the electorate—one which focuses on initiatives and one which focuses on
4 measures sponsored by a legislative body. Article II, Section 8(d) of the California Constitution,
5 establishes what constitutes the single-subject rule regarding initiatives, and Article IV, Section 9
6 covers the same single-subject rule regarding measures sponsored by a legislative branch, which
7 is the instant matter is the Oakland City Council.

8 Plaintiff inadvertently based his Complaint on the city council's violation of the single-
9 subject rule referenced in Article II, Section 8(d), when the applicable section should have been
10 listed as Article IV, Section 9 of the California Constitution.

11 Plaintiff is therefore entitled to amend this error in his Complaint by addressing the single-
12 subject rule provisions of Article IV, Section 9. See *Richelle L. v. Roman Catholic Archbishop of*
13 *San Francisco* (2003) 106 Cal.App.4th 257; *Kroll's Tract v. Paris & Paris* (1999) 72 Cal.App.4th
14 1537; *Sindell v. Gibson, Dunn & Crutcher* [No. 098154. Second Dist., Div. Three, May 15,
15 1997]; *King v. Comppartners Inc.* (2018) 5 Cal. 5th 1039, 1040.

16 In addition to the above cases, Plaintiff requests that this Court take judicial notice of (1)
17 *Dillon Rule and Home Rule: Principles of Local Governance*, by Travis Moore, Research Analyst
18 (February 2020) (see https://nebraskalegislature.gov/pdf/reports/research/snapshot_localgov_2020.pdf) ("*Dillon*"); and (2) *Putting the "Single" Back in the Single-Subject Rule: A Proposal*
19 *for Initiative Reform in California* [in pertinent part, pages 925, 927], by Marilyn E. Minger,
20 U.C. Davis L.R., 1990-1991 (see [https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/](https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf)
21 [files/media/documents/DavisVol24No3_Minger.pdf](https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol24No3_Minger.pdf)) ("*Single*"). Each of these articles is relevant
22 to Plaintiff's Opposition to Defendants' Demurrer.
23

24 *Dillon* describes the obligations of local governments for compliance with state
25 enactments; and *Single*, at page 925, states: "The long line of precedent holding that the single-
26 subject rule should be applied identically to legislative and initiative measures remains largely
27 unquestioned." And in footnote 192 of that article, it states:
28

1 Legislative enactments require that the title of an initiative or ballot measure
specifically state its subject. Cal. Const. art. IV § 9 states:

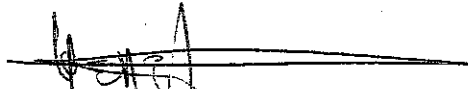
2 A statute shall embrace but one subject which shall be expressed in
3 its title. If a statute Embraces a subject not expressed in its title, ...
4 the part not expressed is void. A statute may not be amended by
reference to its title. A section of a statute may not be amended by
5 Unless the section is re-enacted as amended.

6 Finally, at page 927, *Dillon* states:

7 When a legislative enactment exceeds a single subject, the California Constitution
8 **requires** the court to sever the offending provisions while the remainder of the
measure takes effect. [Emphasis added.]

9 Dated: February 15, 2024

Respectfully submitted,

10
11 
12 _____
Gene Hazzard



Gene Hazzard <genehazzard@gmail.com>

Order Executed for Gene Hazzard v. City of Oakland; et al., 23CV039291

92 messages

interceptor@interceptorlegal.com <interceptor@interceptorlegal.com>

Thu, Feb 15, 2024 at 3:03

PM

To: interceptorprocess@sonic.net, genehazzard@gmail.com

Process Serving Order Executed

Interceptor Legal Support Service, Inc. has completed your Process Serving of the following document(s) on **Thu, Feb 15, 2024**:

**Notice of Demurrer
Request for Judicial Notice**

Sub Served, 02/15/2024

**PARTY TO SERVE: City Of Oakland (Registered Agent: Barbara Parker, ESQ)
Frank H. Ogawa Plaza 6th Floor, Oakland, CA 94612**

Sub-Served on person in charge. Sub-served to Secretary Loretha Oliver (female, age 50, seated, 170 pounds, black hair, glasses), 02/15/2024

An email with a link to your executed document will be sent to you within 24 hours of the court conforming your document.

Should you have any questions, please contact our Interceptor Legal Support Service, Inc. Office at 510-419-3940, interceptor@interceptorlegal.com or you can log in and manage your cases and orders at <http://interceptorlegal.com/>

Thank you for using Interceptor Legal Support Service, Inc..

Order(s): **9096694**

Billing Code: **Hazzard v City of Oakland; et al.**

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[Contact Us](#)

Gene Hazzard <genehazzard@gmail.com>

Thu, Feb 15, 2024 at 4:04 PM

To: Bill Aboudi <bill@abtruck.com>

[Quoted text hidden]

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Gene Hazzard
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Thu, Feb 15, 2024 at 4:04 PM