

FOR COURT USE ONLY

ENDORSED
FILED
ALAMEDA COUNTY

APR 15 2024

CLERK OF THE SUPERIOR COURT
By YOLANDA SOPEL
Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY
NAME: Gene Hazzard
FIRM NAME:
STREET ADDRESS: 282 Adams Street, #6
CITY: Oakland
TELEPHONE NO.: 510-418-0501
EMAIL ADDRESS: genehazzard@gmail.com
ATTORNEY FOR (name): Plaintiff, In Pro Per

STATE BAR NUMBER:
STATE: CA ZIP CODE: 94610-4147
FAX NO.:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
STREET ADDRESS: 1225 Fallon Street
MAILING ADDRESS:
CITY AND ZIP CODE: Oakland, CA 94612
BRANCH NAME: Rene C. Davidson Courthouse

PLAINTIFF/PETITIONER: Gene Hazzard, et al.
DEFENDANT/RESPONDENT: City of Oakland, et al.

CASE MANAGEMENT STATEMENT

(Check one): UNLIMITED CASE (Amount demanded exceeds \$35,000) LIMITED CASE (Amount demanded is \$35,000 or less)

CASE NUMBER:
23CV039291

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: April 30, 2024 Time: 3:00 p.m. Dept.: 15 Div.: Room:

Address of court (if different from the address above):

Notice of Intent to Appear by Telephone, by (name):

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- 1. Party or parties (answer one):
a. [X] This statement is submitted by party (name): Gene Hazzard
b. [] This statement is submitted jointly by parties (names):
2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
a. The complaint was filed on (date): July 28, 2023
b. [] The cross-complaint, if any, was filed on (date):
3. Service (to be answered by plaintiffs and cross-complainants only)
a. [X] All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
b. [] The following parties named in the complaint or cross-complaint
(1) [] have not been served (specify names and explain why not):
(2) [] have been served but have not appeared and have not been dismissed (specify names):
(3) [] have had a default entered against them (specify names):
c. [] The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. Description of case

a. Type of case in [X] complaint [] cross-complaint (Describe, including causes of action):
In his complaint, Plaintiff alleges that Defendants are not in compliance with Article II, Section 8 (d) of the California Constitution. (Plaintiff has attempted to amend said complaint to change Article II, Section 8(d) to Article IV, Section 9.) Plaintiff alleges that as a result of violating the single-subject rule, City Council Resolution No. 89317 C.M.S. is not valid.

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4. b. Provide a brief statement of the case, including any damages (if personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings; if equitable relief is sought, describe the nature of the relief):
 Plaintiff should be entitled to amend his complaint, per C.C.P. section 472.
 In addition, as a result of the City Council Resolution (as noted in Box 4(a) above) being in violation of the single-subject rule, the salary increases for City Attorney Parker and City Auditor Ruby are not valid and should be voided.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. The trial has been set for (date):
- b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one)

- a. days (specify number):
- b. hours (short causes) (specify): Four (4)

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Email address:
- f. Fax number:
- g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.
 - (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
 - (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.
- b. **Referral to judicial arbitration or civil action mediation (if available).**
 - (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
 - (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 - (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

PLAINTIFF/PETITIONER: Gene Hazzard, et al. DEFENDANT/RESPONDENT: City of Oakland, et al.	CASE NUMBER: 23CV039291
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10. c. In the table below, indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input checked="" type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input checked="" type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input checked="" type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input checked="" type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

Bankruptcy Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status: Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (name party):

14. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

Plaintiff's Motion for Reconsideration of Tentative Ruling of 3/13/24.

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
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- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$35,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):
 Defendants cite Hernandez v. County of Los Angeles (2008) 167 Cal.App.4th, 12, as the controlling case for their argument in support of their demurrer, and the Court partly based its tentative ruling of 3/13/24 (sustaining demurrer without leave to amend) on that case. Hernandez was NOT a voter-sponsored ballot measure (i.e., initiative), as Defendants contend; it was a ballot measure sponsored by the Los Angeles Chamber of Commerce and ... (continued on Attachment 18 hereto)

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):


20. Total number of pages attached (if any): 2

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: April 15, 2024

Gene Hazzard

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF PARTY OR ATTORNEY)

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

SHORT TITLE: Hazzard, et al. v. City of Oakland, et al.	CASE NUMBER: 23CV039291
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ATTACHMENT (Number): 8

(This Attachment may be used with any Judicial Council form.)

Attachment 8 to Plaintiff's Case Management Statement:

Barbara J. Parker, City Attorney
 Maria Bee, Chief Assistant City Attorney
 Allison L. Ehlert, Deputy City Attorney
 One Frank H. Ogawa Plaza, 6th Floor
 Oakland, CA 94612
 Telephone: (510) 238-3148; Fax: (510) 238-6500
 Email: aehlert@oaklandcityattorney.org

Attorneys for Defendants CITY OF OAKLAND; City Attorney BARBARBA
 PARKER; Former MAYOR LIBBY SCHAAF;
 MAYOR SHENG THAO; Councilmembers NOEL
 GALLO, KEVIN JENKINS, TREVA REID, CARROL
 FIFE, DAN KALB, NIKKI FORTUNATO-BAS,
 REBECCA KAPLAN, and JANANI RAMACHANDRAN;
 Former Councilmember LOREN TAYLOR; and Former
 Auditor COURTNEY RUBY

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this
 Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

SHORT TITLE:

Hazzard, et al. v. City of Oakland, et al.

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ATTACHMENT (Number): 18

(This Attachment may be used with any Judicial Council form.)

Attachment 18 to Plaintiff's Case Management Statement:

18. Other issues (continued):

... the League of Women Voters of Los Angeles. Thus, Hernandez SUPPORTS Plaintiff's argument that the single-subject rule which is an enactment of Article IV, section 9 of the California Constitution is NOT limited to legislative bodies; and as such, it does NOT support Defendants' argument that the single-subject rule only applies to such legislative bodies and not to ballot measures sponsored by local bodies.

Given these facts, Plaintiff believes the Court erred in its tentative ruling, which basically parroted Defendants' arguments, and argues that Defendants' proposed order should not be granted and Plaintiff should be given leave to amend his complaint.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

1 **PROOF OF SERVICE**

2 I, the undersigned, am a resident of the State of California, over the age of eighteen years,
3 and not a party to the within action. My business address is 2550 Frances St., Oakland, CA
4 94601.

5 On April 15, 2024, I served a true and correct copy of the following document(s):

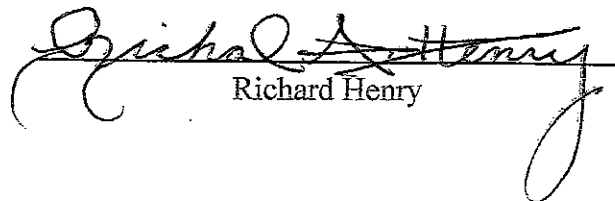
6 **PLAINTIFF GENE HAZZARD'S CASE MANAGEMENT STATEMENT**

7 on the following interested parties, by causing service by the method(s) indicated below:

8 Allison L. Ehlert
9 Deputy City Attorney
10 One Frank H. Ogawa Plaza, 6th Floor
11 Oakland, CA 94612
aehlert@oaklandcityattorney.org

12 X	Certified Mail, Return Receipt Requested.
13	Overnight Delivery - By placing a copy of said document(s) in a sealed pre-paid 14 overnight envelope or package and depositing said envelope or package today in a box or 15 other facility regularly maintained by the express service carrier, following this firm's business practices.
16	Personal Service - By personally serving today said document(s) to the attorney or party 17 as stated above.
18 X	Electronic Service - By electronically sending a copy of said document(s) to the attorney 19 or party as stated above.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed on April 15, 2024, in Oakland, California.

22
23 
24 Richard Henry
25
26
27
28