

DECLARATION OF HEATHER M. EHMKE AFTER RULING ON HEARING ON PLAINTIFF'S MOTION FOR LEAVE TO  
FILE A SECOND AMENDED COMPLAINT - CASE NO. RG12642082

1 I, Heather M. Ehmke, declare:

2 1. I am over the age of 18 years old and am a citizen of Oakland, California. I have  
3 lived in the Oakland/Piedmont/Lake Merritt area since 1989. The following statements are true  
4 and correct and are based on my personal knowledge and belief.

5 2. I am a legal secretary employed by a plaintiffs' personal injury firm in San  
6 Francisco. I have been working as a legal secretary in the Bay Area since 1980. I am familiar  
7 with the Alameda County Superior Court Local Rules and the court's website.

8 3. I am personally acquainted with Gene Hazzard and am familiar with the facts and  
9 circumstances surrounding this case. My assistance to Mr. Hazzard has been strictly clerical.

10 4. I was present in the courtroom on March 7, 2013 during the hearing on the Motion  
11 for Leave to File a Second Amended Complaint. Before the hearing began, I served Mr. Adams  
12 and Mr. Siegel with a Second Supplemental Declaration of Gene Hazzard to which a second  
version of the proposed Second Amended Complaint was attached.

13 5. During oral argument, the attorneys for the defense contested the Court's tentative  
14 ruling which had granted plaintiff's motion to amend. Other than citing *Foxborough v. Van Atta*,  
15 Mr. Adams cited no law in support of his opposition to the motion. Likewise, Mr. Siegel, who  
16 concurred with Mr. Adams, cited no legal support for his position that "this thing must end"  
17 because "it's just not right." Their "legal argument" centered on an objection that Mr. Hazzard  
18 had been "harassing" City Council about the fact there was a lawsuit, which Judge True replied,  
19 "as is his right, freedom of speech."

20 6. At the conclusion of the hearing, the Court instructed defense counsel to prepare a  
21 proposed order sustaining the demurrer without leave to amend to send to Mr. Hazzard for  
22 approval as to form, but did not dismiss the case. Instead, he took the matter under submission.  
23 At no time did the Court instruct defense counsel to prepare an order dismissing the case with  
prejudice. The transcript of the hearing, which is attached as Exhibit A, reflects this fact.

24 7. On the morning of March 11, 2013, I checked my Yahoo email and read an email  
25 from Christine Hiler of Hanson Bridgett that had been sent to me on Friday, March 8, 2013 at  
26 12:37 p.m. attaching two proposed orders and asking me to provide copies to Gene Hazzard. (I

1 had been out of town between the morning of March 8, 2012 and the evening of March 10, 2013  
2 and had not checked my email during that time period.) Mr. Siegel had sent two replies to Ms.  
3 Hiler since March 8<sup>th</sup> making changes to the orders. I responded to both attorneys at 7:18 a.m. on  
4 March 11, 2013 advising that I would forward the orders to Mr. Hazzard. A true and correct copy  
5 of a printout of these emails is attached hereto as Exhibit B.

6 8. On March 11, 2013, Mr. Hazzard contacted me and advised that he had received  
7 the proposed orders in the mail. Mr. Hazzard dictated a letter to me addressed to Mr. Adams and  
8 Mr. Siegel objecting to the content of the orders. A true and correct copy of this letter is attached  
9 as Exhibit C.

10 9. In that same conversation, Mr. Hazzard advised me that he had received orders in  
11 the mail that the defendants' Demurrers to the First Amended Complaint were dropped because  
12 the tentative ruling had not been contested (Exhibit D). In conjunction with typing the letter to  
13 the defense attorneys, Mr. Hazzard asked me to prepare Notices of Rulings on those orders, which  
14 I did (Exhibit E).

15 10. The Notices of Ruling were filed on March 12, 2013, and a courtesy copy of Mr.  
16 Hazzard's March 12<sup>th</sup> letter objecting to the orders was hand-delivered to the Court. (Exhibit F)  
17 The proposed orders were not attached to Mr. Hazzard's letter; the letter was given to Judge True  
18 strictly for the Court's information that Mr. Hazzard had taken issue with the content of the orders.  
19 At 5:19 p.m., the notices and response letter were emailed to defense counsel. (Exhibit G)

20 11. On March 13, 2013 at 12:39 a.m., Mr. Adams responded to my email asking me to  
21 "thank Mr. Hazzard for his thoughtful response" and that he would be submitting the orders and  
22 the letter to the Court. (Exhibit H)

23 12. On the afternoon of March 13, 2013 shortly after 5:00 p.m., I checked the Court's  
24 website and noted that an entry dated March 13, 2013 that read, "Motion to Amend Complaint  
25 Denied." (Exhibit I)

26 //

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1           13. I then checked my Yahoo email and saw that Mr. Adams had forwarded the orders  
2 and Mr. Hazzard's March 12<sup>th</sup> letter to the Clerk in Department 23 by email at 3:39 p.m. on March  
3 13, 2013. Exhibit J is a true and correct copy of this email and its attachments reflecting the time  
4 stamp. To my knowledge, this is the first time the proposed orders had been provided to the  
5 Court.

6           14. I spoke with Mr. Hazzard on the evening of March 13, 2013. We had a discussion  
7 about the implication of the Court's ruling denying the motion to amend. Mr. Hazzard told me  
8 that he understood that this to mean the First Amended Complaint was still standing, especially in  
9 light of the fact he had received orders that had dropped the demurrers. Mr. Hazzard told me he  
10 that he wished to dismiss the action without prejudice to preserve his right to re-file, since the First  
11 Amended Complaint did not contain the allegations of breach for violation of UFTA (fraudulent  
12 conveyance) and conspiracy to commit fraud. Mr. Hazzard asked me to prepare a Request for  
13 Dismissal and dictated another letter, this one to the Court, with copies to defense counsel,  
14 explaining that he wished to dismiss his complaint, stating his reasons why, and thanking Judge  
True for his time in reviewing the matter.

15           15. The Request for Dismissal without prejudice was filed on the morning of March  
16 14, 2013. True and correct copies of the dismissal and the letter are attached as Exhibit K.

17           16. At approximately 5:05 p.m. on March 14, 2013, I checked the Alameda County  
18 docket and printed the docket. A true and correct copy of the relevant portion of the docket is  
19 attached as Exhibit L. At that time no other orders had been entered on the docket. The docket  
20 showed the following entries:

21               3/14/13 Request for Dismissal without prejudice Entered

22               3/13/13 Motion for Leave to File a Second Amended Complaint Denied

23           17. On the morning of Friday, March 15, 2013 I checked my email and read an email  
24 from Mr. Adams that had been sent to me at 9:00 p.m. on March 14, 2013 asking me for the  
25 contact information for the court reporter that was retained for the March 7, 2013 hearing. I  
26 responded to that email. (Exhibit M) Later that day, after 5:00 p.m., I again went to the court's  
website and looked at the docket, which again reflected the following:

1                   3/14/13   Request for Dismissal without prejudice Entered  
2                   3/13/13   Motion for Leave to File a Second Amended Complaint Denied  
3        18.     On Monday, March 18, 2013, at approximately 12:00 noon, I checked the court's  
4 website again. This time the docket read like this:

5                   3/13/13   Motion for Leave to File a Second Amended Complaint Denied  
6                   3/14/13   Request for Dismissal without prejudice Entered  
7                   3/14/13   Orders Orders Stricking (sic) Orders Filed

8                There was no document scanned next to the last entry at that time so I was unable to  
9 determine what the "Orders Orders Stricking Orders" meant.

10        19.     I checked the docket again after 5:00 p.m. and tried to print out the document  
11 attached to the entry, but was unable to do so. I then had a telephone conversation with Gene  
12 Hazzard to tell him that I had seen "something weird" on the docket but couldn't print it out. At  
13 10:45 p.m., I again went to the court's website and saw one additional entry to the docket:

14                   3/13/13   Motion for Leave to File a Second Amended Complaint Denied  
15                   3/13/13   Order Denying Motion to File a Second Amended Complaint Granted  
16                   3/14/13   Request for Dismissal without prejudice Entered  
17                   3/14/13   Orders Orders Stricking (sic) Orders Filed

18                This reading led me to believe that the one additional entry, "Order Denying the Motion to  
19 File a Second Amended Complaint," had not been posted until after 5:00 p.m. on the afternoon of  
20 March 18, 2013.

21        20.     On the morning of March 19, 2013 at approximately 7:30 a.m., I once again went  
22 to the website. This time I printed a copy. On March 19, 2013 the docket reflected the following

23                   3/13/13   Order Sustaining Demurrer  
24                   3/13/13   Motion for Leave to File a Second Amended Complaint Denied  
25                   3/13/13   Order Denying Motion to File a Second Amended Complaint Granted  
26                   3/14/13   Request for Dismissal without prejudice Entered  
                  3/14/13   Orders Orders Stricking (sic) Orders Filed

1 A true and correct copy of the relevant portion of the docket that I printed on March 19,  
2 2013 is attached hereto as Exhibit N.

3 21. The purpose of this declaration is to attest to my witnessing the court's docket  
4 being updated several times between March 18, 2013 at 12:00 noon and March 19, 2013 at 7:30  
5 a.m. It is my belief, from the numerous updates of the docket between March 18 and 19, that the  
6 orders sustaining the demurrers without leave and dismissing the complaint with prejudice were  
7 "back dated" to reflect a filing date of March 13, 2013.

8 I declare under penalty of perjury under the laws of the state of California that the  
9 foregoing is true and correct and that this declaration was executed by me on this 27th day of  
10 March, 2013, in Oakland, California.

11   
12 HEATHER M. EHMKE

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA  
BEFORE THE HONORABLE JOHN M. TRUE, III, JUDGE  
DEPARTMENT NO. 23

---oOo---

GENE HAZZARD, Resident )  
taxpayer, City of Oakland, )  
California, et al, )

Plaintiff, )

vs. )

No. RG12642082

CITY OF OAKLAND; ALL MEMBERS OF )  
THE OAKLAND CITY COUNCIL )  
(COUNCIL PRESIDENT LARRY REID, )  
NANCY NADEL, JANE BRUNNER, )  
REBECCA KAPLAN, PAT KERNIGHAN, )  
LIBBY SCHAAF, IGNACIO DE LA )  
FUENTE, DESLEY BROOKS); MAYOR )  
JEAN QUAN; DEANNA SANTANA, CITY )  
ADMINISTRATOR; FRED BLACKWELL, )  
ASSISTANT CITY ADMINISTRATOR; )  
FORMER COMMUNITY AND ECONOMIC )  
DEVELOPMENT DIRECTORS DAN )  
LINDHEIM AND WALTER COHEN; )  
FORMER OBRA DIRECTOR ALIZA )  
GALLO, OAB PROJECT MANAGER PAT )  
CASHMAN; REDEVELOPMENT DIRECTOR )  
GREGORY HUNTER; OAK PROJECT )  
MANAGER AL AULETTA; PHIL )  
TAGAMI, CCG/GGIG MASTER )  
DEVELOPER, DANIEL LETTER )  
AMB/PROLOGIS MASTER DEVELOPER, )  
et al, )

Defendants. )

COUNTY ADMINISTRATION BUILDING  
OAKLAND, CALIFORNIA  
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
THURSDAY, MARCH 7, 2013

Reported by:  
Doriann Renaud  
CSR#9772

THE COURT REPORTERS LLC  
(925) 922-2321



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A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFF:

GENE HAZZARD,  
In pro per

FOR THE DEFENDANTS:

WILLIAM ADAMS,  
Attorney at Law

KEVIN D. SIEGEL,  
Attorney at Law

1 THURSDAY, MARCH 7, 2013

AFTERNOON SESSION

2 P-R-O-C-E-E-D-I-N-G-S

3 THE COURT: Gene Hazzard versus City of Oakland, et al.  
4 And this matter is being reported by Doriann Renaud. Docket No.  
5 RG12642082. This is on this afternoon for several purposes.

6 Appearances, please, from my left to my right.

7 MR. HAZZARD: Good afternoon, Your Honor. Gene Hazzard for  
8 plaintiff.

9 MR. ADAMS: Good afternoon, Your Honor. William Adams  
10 appearing on behalf of defendants Letter and Tagami.

11 MR. SIEGEL: Good afternoon, Your Honor. Kevin Siegel for  
12 the City and the City defendants.

13 THE COURT: All right. Good afternoon to all of you. I've  
14 issued tentative rulings as to all three lines.

15 Apparently, Mr. Hazzard has been given leave to file yet  
16 another complaint and demurrers have been filed. And my  
17 tentative ruling has been contested by the defendants who feel  
18 that, if I may summarize, this has gone on long enough. There's  
19 no cause of action that the plaintiff has stated or will be able  
20 to state and we should put an end to this.

21 Mr. Adams, anything you want to add?

22 MR. ADAMS: I would, Your Honor. In notifying the Court of  
23 our intention to contest the tentative ruling on the  
24 determination to grant leave to file a 2nd Amended Complaint.  
25 We took the step of citing the Court to the Foxborough v. Van  
26 Atta case, which stands for the proposition that although the  
27 Court is afforded great discretion in making a determination to  
28 amend pleadings, the Court also has the discretion to look at

1 the substantive pleadings and determine whether or not the  
2 proposed amendment would state in fact a viable cause of action.  
3 And if the Court were to determine that a -- and the amendment  
4 would be futile, then it is equally within the discretion of the  
5 Court to deny a motion for leave to amend on that basis.

6 Now, Mr. Hazzard sought initially leave to amend his  
7 complaint. He then subsequently on the 28th of February  
8 submitted yet another iteration of a proposed amended complaint.  
9 Five minutes ago I was handed with a third proposed amended  
10 complaint. So at a minimum, it's unclear to me which iteration  
11 Mr. Hazzard --

12 THE COURT: Well, we're dealing with the 2nd Amended  
13 Complaint. My clerk told me Mr. Hazzard brought something in  
14 today. I have not allowed it to be filed. I don't intend to  
15 allow it to be filed.

16 MR. ADAMS: I believe it has been filed, Your Honor.

17 THE COURT: Well, then it will be stricken.

18 MR. ADAMS: In any event, Mr. Hazzard in his motion before  
19 the Court, had actually invited the Court at page six, line ten  
20 to review the substance of his proposed amendment. And we would  
21 ask the Court to take him up on his invitation. And we submit,  
22 Your Honor, that a review of any of the now five iterations of  
23 his complaint would be deficient as a matter of law on the issue  
24 of separation of powers. We briefed that issue extensively in  
25 two demurrers, Your Honor, and reduced it to its essence.

26 Mr. Hazzard would have this Court substitute its judgment  
27 for the discretionary powers of the City of Oakland in making a  
28 selection of a developer for the Oakland Army Base.

1 Now, that is a violation of the core separation of powers.  
2 It would be an intrusion upon the discretionary authority of the  
3 City. I would also point out that Mr. Hazzard had his day. The  
4 City and its City Counsel had a public hearing on this. Mr.  
5 Hazzard attended. The City had its day. Mr. Hazzard had his  
6 say. And unsatisfied with the outcome of that, he filed this  
7 lawsuit in order to get you to get his way. And I would submit,  
8 Your Honor, that's simply impermissible.

9 THE COURT: Well, that's what you said the first time and  
10 that's what I understood you to say and that candidly is what I  
11 understand the law to be. And that's what you're saying now.

12 So my understanding is that at some point due process for  
13 the pleading party, the plaintiff ends. Due process has been  
14 given. He's had an opportunity to, several opportunities to  
15 plead causes of action that have legal validity and he's failed  
16 to do that. And so implicit in what you're saying here: Why  
17 should I give you yet another opportunity?

18 MR. ADAMS: That's correct, Your Honor. There is one other  
19 point that I would like to make and that is --

20 THE COURT: Yes.

21 MR. ADAMS: Your Honor, this case has been extance since  
22 last August. And the existence of the lawsuit itself has served  
23 as fodder in collateral public hearings for Mr. Hazzard to  
24 castigate my client in public forums and that has gone on for  
25 months and months and months.

26 THE COURT: Well, of course, he has that right under the  
27 First Amendment.

28 MR. ADAMS: Certainly. But he's --

1 THE COURT: The question that I have in front of me is is  
2 should this case be kept alive any longer?

3 MR. ADAMS: Correct.

4 THE COURT: But whatever he might be using it for in public  
5 is up to you not to me.

6 MR. ADAMS: To dignify those allegations, Your Honor, by  
7 the mere existence of this lawsuit is what we take offense to  
8 and that's why we believe it's time to bring this matter to an  
9 end and resolve it.

10 THE COURT: Mr. Siegel.

11 MR. SIEGEL: I concur completely. And the point I would  
12 add is I understand obviously the Court is always inclined to  
13 grant leave to amend because they want to make sure that they're  
14 given the full and fair opportunity to the plaintiff to state  
15 the best case he has. And so obviously we understand the  
16 perspective that Your Honor is coming from.

17 But here we do have an invitation. I think you have an  
18 invitation to look at the 2nd Amended Complaint as you know  
19 there's three versions -- and just as a housekeeping matter, in  
20 the reply -- not only was there a version of the 2nd Amended  
21 Complaint filed today, which I understand you said would be  
22 stricken. There's another one attached to reply papers to a  
23 declaration. So it's still unclear to me whether we're going on  
24 the basis of the one that was noticed with the moving papers or  
25 the one that's a part of the reply.

26 But either way you want to go, Your Honor, I think that, if  
27 you look at those, it's the same situation that we've had all  
28 along both as the taxpayer standing and as to the merits which

1 Mr. Adams addressed as to the discretionary issue for the City.  
2 And with that invitation, I do think -- I would hope that you  
3 would take it up and look at that 2nd Amended Complaint and see  
4 that it's the same. And I'll just point out one thing about the  
5 taxpayer standing.

6 It's the same situation as before where there is just a  
7 conclusory ascertain that Mr. Hazzard pay taxes. But then he  
8 undercuts it by referring to Exhibit R, which is a document that  
9 just shows that there was a debt owed to the City. Doesn't  
10 discuss what type of debt. So he's undercuts his own allegation  
11 and in the version of the 2nd Amended Complaint, which is  
12 attached to the declaration of the reply papers, there is an  
13 effort to bring in a new, quote, unquote, taxpayer named Queen  
14 Thurston, I think is the name. And there's a letter. And all  
15 it says is I want to join the lawsuit and I'm a taxpayer.

16 So I think by bringing this forward he's shown that he  
17 can't do it. And I think that it's fair then to say it's now  
18 been enough time. And this is his, you know, it's the 2nd  
19 Amended Complaint he's basically put forth. We're going to do  
20 the same demurrer again. And it's going to be an hour at the  
21 courthouse. And it's costing the court time and money. It's  
22 costing us time and money and it's just not -- it's just not  
23 right. And I think it's fair enough to do it now and to look at  
24 that 2nd Amended Complaint and make a decision.

25 THE COURT: Mr. Hazzard.

26 MR. HAZZARD: Yes, Your Honor.

27 THE COURT: Why should this continue taking up everybody's  
28 time? It is apparent to me even without the comments of these

1 two gentlemen standing to your left that you're not going to be  
2 able to plead a claim against the City of Oakland and all these  
3 individuals. And I've told you that before. And they're saying  
4 that nothing you filed including what you brought in this  
5 afternoon is any different.

6 So why shouldn't this just, you know, be dismissed? You  
7 take your shot of at Court of Appeal if that's what you want to  
8 do. You go out and talk about it in various public forums if  
9 that's what you want to do. But I don't have any relief that I  
10 can give you now. So why should I continue what's going on  
11 here?

12 MR. HAZZARD: Thank you, Your Honor.

13 First of all, counsel has presented a case to you  
14 Foxborough. Foxborough is not relevant to this case.  
15 Foxborough --

16 THE COURT: I'd appreciate it actually if you'd answer my  
17 question.

18 MR. HAZZARD: But --

19 THE COURT: Answer my question.

20 MR. HAZZARD: Well, this is a fluid action. Every time I'm  
21 uncovering information that goes to the heart of this matter,  
22 we're dealing with --

23 THE COURT: Thank you. What have you uncovered?

24 MR. HAZZARD: Fraudulent conveyance.

25 THE COURT: And how do you have standing to challenge what  
26 you claim to be a fraudulent conveyance.

27 MR. HAZZARD: Kirkeby v. Superior Court, 2004, 33 Cal.4th  
28 [sic] addresses a transfer under the UFTA is defined as every

1 mode, direct or indirect where the transaction for which the  
2 debtor's access were unreasonably small. And that's what we  
3 find here in this case.

4 When we go to Civil Code 3439, dash, 3439.1 [sic]. A  
5 debtor is insolvent if, at fair valuations, the sum of the  
6 debtor's debts is greater than all the debtor's assets. A  
7 debtor who is generally not paying his or her debts as they  
8 become due.

9 A transfer made or obligation incurred by a debtor is  
10 fraudulent as to a creditor...

11 And the creditors are the City. Then we go --

12 THE COURT: Wait. Wait. Okay. You just talked yourself  
13 right out of court, Mr. Hazzard. The creditors are the City.  
14 They're not you. So you don't have standing.

15 MR. HAZZARD: No. The creditors -- if I may, Your Honor.  
16 The creditors are the City or the citizens and the residents of  
17 it, who will suffer as a result of the City incurring a debt  
18 because the defendant Tagami has insufficient capitalization as  
19 required and as the City has so stated.

20 Additionally, under allowing for an amended complaint. We  
21 look at Civil Code procedure section 403.010, dash, 403.090,  
22 which says: If a plaintiff, cross-complainant, or petitioner  
23 files an amended complaint or other amended initial pleadings  
24 that change the jurisdictional classification to limited to  
25 unlimited. The parties at the time of the filing the pleading,  
26 shall pay the reclassification fees provided. Unlimited to  
27 limited no reclassification fee is required. If under, 403.030,  
28 if a party in a limited civil case files a cross-complaint that



1 causes the action or proceeding to exceed the maximum amount in  
2 controversy for a limited civil case or otherwise.

3 You got 403.030. You got 403.040. You have -- then the  
4 various sections under those respective codes. And where  
5 there's the -- the defendants have exhaustively tried to say I  
6 don't have standing. So I'm moving towards the next move.  
7 526(a) of the Civil Code says, the citizens do have standing.

8 So now I have to quash the exhaustive use of the standing  
9 issue. Queen Thurston and I have submitted a -- and I could  
10 submit also the taxpayers' assessment.

11 THE COURT: Tell you what, Mr. Hazzard. Here's what I'm  
12 going to do.

13 MR. HAZZARD: Yes, sir.

14 THE COURT: I instructed my clerk to strike your -- what is  
15 it, 2nd or 3rd Amended Complaint?

16 MR. HAZZARD: It's a draft, sir.

17 MR. SIEGEL: There's three 2nd Amended Complaints, Your  
18 Honor.

19 THE COURT: Well, I'll accept this. I'll file this. I'll  
20 look at it.

21 MR. HAZZARD: Yes, sir.

22 THE COURT: I want an order from you upholding -- granting  
23 the demurrer without leave to amend and dismissing the matter.  
24 I'll consider that order when I get it. Show it to Mr. Hazzard  
25 for approval as to form. If he doesn't approve it within a  
26 timely period of time. Submit it to the Court. I'll look at it  
27 and I'll give very serious consideration to granting it and  
28 putting an end to this case.

1 And Mr. Hazzard, if I should do that, then you know where  
2 to go from here.

3 MR. HAZZARD: Yes, sir.

4 THE COURT: There's the Court of Appeal who looks at what  
5 the trial courts do and that may be your remedy.

6 Thank you all very much.

7 MR. ADAMS: Thank you, Your Honor.

8 THE COURT: Case management.

9 MR. SIEGEL: I hate to say that but...

10 THE COURT: I don't think it's going to be necessary, but I  
11 will set a case management conference for June 6th, 2013, at  
12 3:00 p.m. in the event the matter hasn't been disposed of in  
13 this court.

14 MR. HAZZARD: What was that date, Your Honor?

15 THE COURT: June 6th, 2013, 3:00 p.m.

16 MR. HAZZARD: Thank you. Thank you very much, Your Honor.

17 MR. SIEGEL: Thank you very much.

18 MR. HAZZARD: Thank you.

19  
20 (Proceedings were concluded.)

21 ---oOo---

1       STATE OF CALIFORNIA     }  
2                                 } SS  
3       COUNTY OF ALAMEDA     }  
4

5     I, DORIANN RENAUD, CSR 9772, do hereby certify that I am an  
6     Official Reporter of the Superior Court in and for the County of  
7     Alameda, State of California, and that as such I reported the  
8     proceedings had in the foregoing matter at the time and place  
9     set forth herein;

10    That my stenographic notes of said proceedings were transcribed  
11    into typewriting by me and that the preceding pages numbered 1  
12    through 9, constitute a full, true and correct transcription of  
13    said notes.

14    Dated this 14th day of March, 2013 executed at Oakland,  
15    California.

16  
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18                                 \_\_\_\_\_  
19                                 DORIANN RENAUD, CSR  
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*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT B

particular circumstances from an independent tax advisor.

**From:** Christine Hiller [mailto:CHiller@hansonbridgett.com]  
**Sent:** Friday, March 08, 2013 12:37 PM  
**To:** Siegel, Kevin D.; 'whitewolf303@att.net'  
**Cc:** William E. Adams  
**Subject:** Hazzard v. City of Oakland, et al. - Proposed Orders

Dear Ms. Ehmke and Mr. Siegel,

Attached for your review are copies of the proposed orders on the Defendants' Demurrers and on Mr. Hazzard's Motion for Leave to File a Second Amended Complaint that we prepared in accordance with the Court's instructions at the March 7, 2013 hearing.

Ms. Ehmke, pursuant to Rule of Court 3.1312, please have Mr. Hazzard provide his approval as to form of the attached orders by signing them and returning them to me or state any reasons for your disapproval no later than March 13, 2013. We will also mail Mr. Hazzard copies of these documents to his home address, but if you are in a position to provide it to him electronically, we would appreciate your courtesies in this regard.

Thank You,  
Christine

Christine Hiller  
Senior Counsel  
Hanson Bridgett LLP  
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San Francisco, CA 94105

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---

**From:** Siegel, Kevin D.  
**Sent:** Friday, March 08, 2013 3:07 PM  
**To:** 'Christine Hiler'  
**Cc:** William E. Adams; 'whitewolf303@att.net'; Seals, Celestine O.  
**Subject:** RE: Hazzard v. City of Oakland, et al. - Proposed Orders

I have made some proposed changes, in track changes mode. See attached.

Please accept and recirculate for consideration by Plaintiff, or call me with any question or concern.

thx.

Kevin D. Siegel | Partner  
1901 Harrison Street, Suite 900 | Oakland, CA 94612  
d - 510.903.8806 | t - 510.273.8780 | f - 510.839.9104  
[ksiegel@bwslaw.com](mailto:ksiegel@bwslaw.com) | vCard | [bwslaw.com](http://bwslaw.com)



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---

**From:** Christine Hiler [mailto:CHiler@hansonbridgett.com]  
**Sent:** Friday, March 08, 2013 12:37 PM  
**To:** Siegel, Kevin D.; 'whitewolf303@att.net'  
**Cc:** William E. Adams  
**Subject:** Hazzard v. City of Oakland, et al. - Proposed Orders

Dear Ms. Ehmke and Mr. Siegel,

Attached for your review are copies of the proposed orders on the Defendants' Demurrers and on Mr. Hazzard's Motion for Leave to Amend Second Amended Complaint that we prepared in accordance with the Court's instructions at the March 7, 2013 hearing.

Ms. Ehmke, pursuant to Rule of Court 3.1312, please have Mr. Hazzard provide his approval as to form of the attached orders by returning them to me or state any reasons for your disapproval no later than March 13, 2013. We will also mail Mr. Hazzard these documents to his home address, but if you are in a position to provide it to him electronically, we would appreciate your comment. This regard.

Thank You,  
Christine

---

Christine Hiler  
Senior Counsel  
Hanson Bridgett LLP  
(415) 995-5102 Direct  
(415) 995-3487 Fax  
[chiler@hansonbridgett.com](mailto:chiler@hansonbridgett.com)



Thank You,  
Christine

**From:** Siegel, Kevin D. [mailto:KSiegel@bwsllaw.com]  
**Sent:** Friday, March 08, 2013 3:54 PM  
**To:** Christine Hiler  
**Cc:** William E. Adams; whitewolf303@att.net; Seals, Celestine O.  
**Subject:** RE: Hazzard v. City of Oakland, et al. - Proposed Orders

Please use these versions instead. I changed both. Or call with any question or concern.

thank you.

**Kevin D. Siegel | Partner**  
1901 Harrison Street, Suite 900 | Oakland, CA 94612  
d - 510.903.8806 | t - 510.273.8780 | f - 510.839.9104

BURKE, WILLIAMS & SORENSEN, LLP

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**From:** Siegel, Kevin D.  
**Sent:** Friday, March 08, 2013 3:07 PM  
**To:** 'Christine Hiler'  
**Cc:** William E. Adams; whitewolf303@att.net; Seals, Celestine O.  
**Subject:** RE: Hazzard v. City of Oakland, et al. - Proposed Orders

I have made some proposed changes, in track changes mode. See attached.

Please accept and recirculate for consideration by Plaintiff, or call me with any question or concern.

thx.

**Kevin D. Siegel | Partner**  
1901 Harrison Street, Suite 900 | Oakland, CA 94612  
d - 510.903.8806 | t - 510.273.8780 | f - 510.839.9104  
ksiegel@bwsllaw.com | vCard | bwsllaw.com



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*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT C



Gene Hazzard  
282 Adams Street, Unit #6  
Oakland, CA 94610  
(510) 418-0501

March 12, 2013

*Via U.S. Mail and Electronic Service*

William E. Adams  
Hanson, Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104

Kevin D. Siegel, Esq.  
Burke, Williams and Sorenson  
1901 Harrison Street, Suite 900  
Oakland, CA 94612-3501

Re: *Hazzard v. City of Oakland*  
Alameda County Superior Court Action No. RG 12642082

Dear Mr. Siegel and Mr. Adams:

I have reviewed defendant Tagami, *et al.*'s proposed orders related to the March 7, 2013 hearing in the matter RG 12642082 of Gene Hazzard (Plaintiff) in pro per v. City of Oakland, Phil Tagami (CCIG Oakland Global LLC) and Daniel Letter (Prologis Property LP) (Defendants) and note that they reflect different language from what the Court stated in open court as reflected in the official transcript of the proceedings.

First, defendant Tagami's counsel requested that pursuant to Rule 3.1312 that plaintiff approve the orders as to form or object within five days, failing to note that requesting a time frame under Rule 3.1312 is premature in that the Court took the matter under submission. Therefore, the deadline plaintiff has to approve and/or object to any proposed order should be tolled from the Court's formal ruling. Nevertheless, plaintiff submits the following objections:

While the Court instructed defendants to prepare a proposed order, he did not grant defendants' demurrers. The Court ruled that the demurrers were moot. Further, the Court issued Orders stating that the demurrers were dropped because defendants did not contest the Tentative Ruling as to the demurrers. Thus, the only matter before the Court on March 7<sup>th</sup> was plaintiff's Motion for Leave to File a Second Amended Complaint. Thus, defendant should have prepared only one order.

Secondly, the orders submitted cite language that is not supported by the Court's instructions. Specifically, the Court did not state that the action would be dismissed with prejudice. Nor did the Court state that the order denying plaintiff's motion to amend was granted based on *Foxborough v. Van Atta* (1994) 26 Cal. App. 4th. Rather, the Court took the matter under

C

submission. Further, defendant fails to state that the Second Supplemental Declaration of Gene Hazzard in Support of Motion for Leave to File a Second Amended Complaint, which was accompanied a draft of the Second Amended Complaint, was taken under submission.

Defendants presented nothing in their oral presentation that differed from their opposition to the motion, which the Court already considered when it issued its March 5, 2013 Tentative Ruling (as to both demurrers) stating: "Pursuant to CCP 430.10(a)(e) (f) defendant's demurrer is DROPPED. The Demurrer is moot. The Court has granted Plaintiff's Motion to File a Second Amended Complaint." Attached are copies of the Notices of Entry of Order served pursuant to the Court's order within five days of the Order.

Plaintiff in oral presentation objected defendant's use of *Foxborough* which defendant Tagami's counsel cited to persuade the court as to why it should reverse the Tentative Ruling. *Foxborough* is not at all similar to the facts in this case. The plaintiff in *Foxborough* was barred from amendment because of the statute of limitations. In the instant matter, the statute of limitation is not an issue. In fact, the date upon which the amendments are tolled is the execution of the LDDA on October 23, 2013, which plaintiff bases his causes of action for fraud, fraudulent conveyance, and conspiracy to commit fraud.

Plaintiff further cited the following statutes and authorities in support of amending his complaint in oral argument and in his moving papers:

- Code of Civil Procedure § 473, which states:

“(a)(1)The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or correcting a mistake in the name of party, or a mistake in any other respect; ...The court may likewise, in its discretion, after notice to the adverse party, allow, upon any terms as may be just, an amendment to any pleading or proceeding in other particulars...”
- Code of Civil Procedure §§ 403.010-403.090, stating what was necessary and proper to amend
- Civil Code and Procedure § 526(a), which was read into the record
- *Kirkeby v. Superior Court* (2004) 33 Cal. 4th 642
- *Maxwell v. Santa Rosa* (1959) 53 Cal. 2d 274

Kevin Siegel  
William E. Adams  
March 12, 2013  
Page 3

The Second Supplemental Declaration filed March 7, 2013, which the Court took under submission, gives additional credence that plaintiff's standing is proper, citing in the Motion for Leave to Amend and the Second Amended Complaint the following: *Kappadahl v. Alcan Pacific Co* (1963) 222 Cal. App. 2d 626; *Joint Council of Intern's Residents v. Board of Supervisors* (1989) 210 Cal. App 3d 12202; *Wine v. Council of Los Angeles* (1960) 1977 Cal. App. 2d 157; *Nickerson v. County of San Bernardino* 179 Cal. 518, 522, *Dunn v. Long Beach L& N Co.* 114 Cal. 605. However, since the demurrers were dropped, the issue of standing is moot. Therefore, plaintiff should be allowed to file a Second Amended Complaint. Alternatively, plaintiff is free to file a new action based on the new facts and allegations. Therefore, any order stating that this case is dismissed with prejudice is not supported by law and is an attempt to deceive plaintiff, an unrepresented party, into waiving his rights to lawfully bring a taxpayer action.

Plaintiff therefore objects to the form and content of both orders.

Respectfully submitted,

  
GENE HAZZARD

GH/he  
Enclosures

cc: The Honorable John True, III  
Judge of the Superior Court, Department 23

Barbara J. Parker and Randolph Hill

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT D

Gene Hazzard  
282 Adams Street,  
Unit #6  
Oakland, CA 94610

Burke, Williams & Sorensen, LLP  
Attn: Siegel, Kevin D.  
1901 Harrison St., #900  
Oakland, CA 94612-3501

**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

Hazzard

Plaintiff/Petitioner(s)

VS.

City of Oakland

Defendant/Respondent(s)  
(Abbreviated Title)

No. RG12642082

Order

Demurrer to the First Amended Complaint  
Dropped

The Demurrer to the First Amended Complaint was set for hearing on 03/07/2013 at 03:00 PM in Department 23 before the Honorable John M. True, III. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

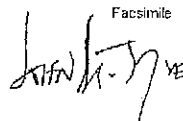
The tentative ruling is affirmed as follows: The Demurrer of Defendants Phil Tagami and Daniel Letter to the First Amended Complaint of Plaintiff Gene Hazzard, pursuant to CCP § 430.10(a), (e) and (f), is DROPPED.

The Demurrer is moot. The Court has granted Plaintiff's Motion for Leave to File a Second Amended Complaint.

The Court will prepare the order and mail copies to the parties. Plaintiff shall file and serve the Notice of Entry of Order within five (5) days of the date shown on the Clerk's Certificate of Mailing.

NOTICE: Effective June 4, 2012, the Court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). See amended Local Rule 3.95.

Dated: 03/07/2013

Facsimile  


Judge John M. True, III

Order

(D)-1

SHORT TITLE: Hazzard VS City of Oakland	CASE NUMBER: RG12642082
--------------------------------------------	----------------------------

ADDITIONAL ADDRESSEES

---

Hanson Bridgett Marcus Vlahos & Rudy  
LLP  
Attn: Giacomini, Andrew G  
425 Market Street, 26th Floor  
San Francisco, CA 94105-2173

HANSON BRIDGETT LLP  
Attn: Adams, William E.  
425 Market Street, 26th Floor  
Suite 620  
San Francisco, CA 94105\_\_\_\_\_

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

Case Number: RG12642082  
Order After Hearing Re: of 03/07/2013

**DECLARATION OF SERVICE BY MAIL**

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 03/08/2013.

Executive Officer / Clerk of the Superior Court

By

  
digital

Deputy Clerk

Gene Hazzard  
282 Adams Street,  
Unit #6  
Oakland, CA 94610

Burke, Williams & Sorensen, LLP  
Attn: Siegel, Kevin D.  
1901 Harrison St., #900  
Oakland, CA 94612-3501

**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

Hazzard

Plaintiff/Petitioner(s)

VS.

City of Oakland

Defendant/Respondent(s)  
(Abbreviated Title)

No. RG12642082

Order

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**IT IS HEREBY ORDERED THAT:**

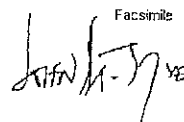
The tentative ruling is affirmed as follows: The Demurrer of Defendants City of Oakland, Council Member Larry Reid, Council Member Nancy Nadel, Council Member Jane Brunner, Council Member Rebecca Kaplan, Council Member Pat Kernighan, Council Member Libby Schaaf, Council Member Ignacio de la Fuente, Council Member Desley Brooks, Mayor Jean Quan, City Administrator Deanna Santana, Assistant City Administrator Fred Blackwell, Former Community and Economic Development Director Dan Lindheim, Former Community and Economic Development Director Walter Cohen, Former OBRA Director Aliza Gallo, OBA Project Manager Pat Cashman, Development Director Gregory Hunter, and OAB Project Manager Al Auletta ("City Defendants") to the Verified Complaint of Plaintiff Gene Hazzard, pursuant to CCP § 430.10(e), is DROPPED.

The Demurrer is moot. The Court has granted Plaintiff's Motion for Leave to File a Second Amended Complaint.

The Court will prepare the order and mail copies to the parties. Plaintiff shall file and serve the Notice of Entry of Order within five (5) days of the date shown on the Clerk's Certificate of Mailing.

NOTICE: Effective June 4, 2012, the Court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). See amended Local Rule 3.95.

Dated: 03/07/2013

Facsimile  


Judge John M. True, III

Order

(D) - 2



SHORT TITLE: Hazzard VS City of Oakland	CASE NUMBER: RG12642082
--------------------------------------------	----------------------------

ADDITIONAL ADDRESSEES

---

Hanson Bridgett Marcus Vlahos & Rudy  
LLP  
Attn: Giacomini, Andrew G  
425 Market Street, 26th Floor  
San Francisco, CA 94105-2173

HANSON BRIDGETT LLP  
Attn: Adams, William E.  
425 Market Street, 26th Floor  
Suite 620  
San Francisco, CA 94105\_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>GENE HAZZARD, In Pro Per</b>  282 Adams Street, #6 Oakland, CA 94610 TELEPHONE NO.: (510) 418-0501 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiff</b>		FOR COURT USE ONLY  ENDORSED FILED ALAMEDA COUNTY  MAR 12 2013 CLERK OF THE SUPERIOR COURT By _____ Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>OAKLAND</b> STREET ADDRESS: <b>Alameda Superior Court</b> MAILING ADDRESS: <b>1225 Fallon Street</b> CITY AND ZIP CODE: <b>Oakland, CA 94612</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>GENE HAZZARD</b>  DEFENDANT/RESPONDENT: <b>CITY OF OAKLAND, et al.</b>		
NOTICE OF ENTRY OF JUDGMENT OR ORDER  (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeded \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded was \$25,000 or less)		CASE NUMBER: <b>RG12642082</b>

## TO ALL PARTIES:

1. A judgment, decree, or order was entered in this action on (date): **March 7, 2013**
2. A copy of the judgment, decree, or order is attached to this notice.  
 See attached Order dropping Defendant City of Oakland's Demurrer to First Amended Complaint.

Date: March 12, 2013

GENE HAZZARD(TYPE OR PRINT NAME OF ☐ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

  
(SIGNATURE)

BY FAX

Gene Hazzard  
282 Adams Street,  
Unit #6  
Oakland, CA 94610

Burke, Williams & Sorensen, LLP  
Attn: Siegel, Kevin D.  
1901 Harrison St., #900  
Oakland, CA 94612-3501

**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

Hazzard	No. <u>RG12642082</u>
Plaintiff/Petitioner(s)	Order
VS.	Demurrer to the First Amended Complaint
City of Oakland	Dropped
Defendant/Respondent(s)	
(Abbreviated Title)	

The Demurrer to the First Amended Complaint was set for hearing on 03/07/2013 at 03:00 PM in Department 23 before the Honorable John M. True, III. The Tentative Ruling was published and has not been contested.

**IT IS HEREBY ORDERED THAT:**

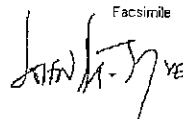
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The Demurrer is moot. The Court has granted Plaintiff's Motion for Leave to File a Second Amended Complaint.

The Court will prepare the order and mail copies to the parties. Plaintiff shall file and serve the Notice of Entry of Order within five (5) days of the date shown on the Clerk's Certificate of Mailing.

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Dated: 03/07/2013

Facsimile  


Judge John M. True, III

SHORT TITLE:

Hazzard VS City of Oakland

CASE NUMBER:

RG12642082

ADDITIONAL ADDRESSEES

---

Hanson Bridgett Marcus Vlahos & Rudy  
LLP  
Attn: Giacomini, Andrew G  
425 Market Street, 26th Floor  
San Francisco, CA 94105-2173

HANSON BRIDGETT LLP  
Attn: Adams, William E.  
425 Market Street, 26th Floor  
Suite 620  
San Francisco, CA 94105\_\_\_\_\_

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

Case Number: RG12642082  
Order After Hearing Re: of 03/07/2013

**DECLARATION OF SERVICE BY MAIL**

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 03/08/2013.

Executive Officer / Clerk of the Superior Court

By

  
digital

Deputy Clerk

1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

2 I am over the age of eighteen years and not a party to the within action; my resident  
3 address is 731 Mandana Blvd., Oakland, CA 94610.

4 On the date below I served the following document(s), the original of which was/were  
5 produced on paper purchased as recycled, in accordance with Rules of Court §201(b):

6 **NOTICE OF ENTRY OF ORDER DROPPING DEFENDANT CITY OF OAKLAND'S**  
7 **DEMURRER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

8 to:

9 *Counsel for the City of Oakland*  
10 Kevin D. Siegel  
11 Burke, Williams and Sorenson  
12 1901 Harrison Street, Suite 900  
Oakland, CA 94612  
(510) 273-8780  
[ksiegel@bwslaw.com](mailto:ksiegel@bwslaw.com)

*Counsel for Tagami, et al.*  
William E. Adams  
Hanson Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 777-3200  
[wadams@hansonbridgett.com](mailto:wadams@hansonbridgett.com)

- 13 ☒ BY MAIL. I caused such envelope with postage thereon fully prepaid to be placed in the  
14 United States mail at San Francisco, California.
- 15 ☐ BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the  
16 office of the person(s) listed above.
- 17 ☐ BY FEDERAL EXPRESS. I caused such document(s) to be delivered by Federal Express  
18 to the office of the person(s) listed above.
- 19 ☐ BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by  
20 facsimile transmission at or about Enter time on that date. This document was transmitted  
21 by using a facsimile machine that complies with California Rules of Court Rule 2003(3),  
22 telephone number (415) 391-6965. The transmission was reported as complete and without  
23 error. A copy of the transmission report, properly issued by the transmitting machine, is  
24 attached. The names and facsimile numbers of the person(s) are as set forth above.
- 25 ☒ BY ELECTRONIC TRANSMISSION. By e-mailing the document(s) to the persons at the  
26 e-mail address(es) listed based on a court order or an agreement of the parties to accept  
27 service by e-mail. No electronic message or other indication that the transmission was  
28 unsuccessful was received within a reasonable time after the transmission.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
26 March 12, 2013, at San Francisco, California.

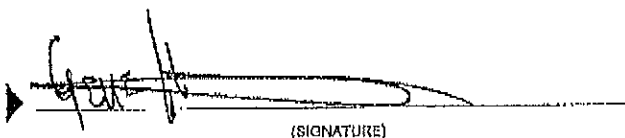
27   
28 HEATHER M. EHMKE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>GENE HAZZARD, In Pro Per</b>  282 Adams Street, #6 Oakland, CA 94610 TELEPHONE NO.: (510) 418-0501 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiff</b>	FOR COURT USE ONLY  ENDORSED FILED ALAMEDA COUNTY  MAR 12 2013  CLERK OF THE SUPERIOR COURT By <u>Alina Pineda</u>						
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>OAKLAND</b> STREET ADDRESS: <b>Alameda Superior Court</b> MAILING ADDRESS: <b>1225 Fallon Street</b> CITY AND ZIP CODE: <b>Oakland, CA 94612</b> BRANCH NAME:							
PLAINTIFF/PETITIONER: <b>GENE HAZZARD</b>  DEFENDANT/RESPONDENT: <b>CITY OF OAKLAND, et al.</b>							
<table border="0"> <tr> <td colspan="2" style="text-align: center;"> <b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b> </td> <td style="vertical-align: top;">         CASE NUMBER:  <b>RG12642082</b> </td> </tr> <tr> <td style="vertical-align: top;">         (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>          (Amount demanded exceeded \$25,000)       </td> <td style="vertical-align: top;"> <input type="checkbox"/> <b>LIMITED CASE</b>          (Amount demanded was \$25,000 or less)       </td> <td></td> </tr> </table>		<b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b>		CASE NUMBER: <b>RG12642082</b>	(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeded \$25,000)	<input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded was \$25,000 or less)	
<b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b>		CASE NUMBER: <b>RG12642082</b>					
(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeded \$25,000)	<input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded was \$25,000 or less)						

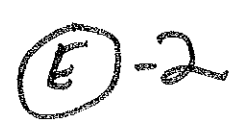
## TO ALL PARTIES:

1. A judgment, decree, or order was entered in this action on (date): **March 7, 2013**
2. A copy of the judgment, decree, or order is attached to this notice.  
 See attached Order dropping Defendant Phil Tagami and Daniel Letter's Demurrer to First Amended Complaint.

Date: March 12, 2013

**GENE HAZZARD**(TYPE OR PRINT NAME OF ☐ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

  
(SIGNATURE)

BY FAX



Gene Hazzard  
282 Adams Street,  
Unit #6  
Oakland, CA 94610

Burke, Williams & Sorensen, LLP  
Attn: Siegel, Kevin D.  
1901 Harrison St., #900  
Oakland, CA 94612-3501

---

**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

---

Hazzard

Plaintiff/Petitioner(s)

VS.

City of Oakland

Defendant/Respondent(s)  
(Abbreviated Title)

No. RG12642082

Order

Demurrer to the First Amended Complaint  
Dropped

The Demurrer to the First Amended Complaint was set for hearing on 03/07/2013 at 03:00 PM in Department 23 before the Honorable John M. True, III. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

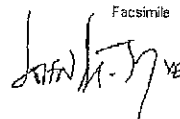
The tentative ruling is affirmed as follows: The Demurrer of Defendants Phil Tagami and Daniel Letter to the First Amended Complaint of Plaintiff Gene Hazzard, pursuant to CCP § 430.10(a), (e) and (f), is DROPPED.

The Demurrer is moot. The Court has granted Plaintiff's Motion for Leave to File a Second Amended Complaint.

The Court will prepare the order and mail copies to the parties. Plaintiff shall file and serve the Notice of Entry of Order within five (5) days of the date shown on the Clerk's Certificate of Mailing.

NOTICE: Effective June 4, 2012, the Court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). See amended Local Rule 3.95.

Dated: 03/07/2013

Facsimile  


---

Judge John M. True, III



SHORT TITLE:	Hazzard VS City of Oakland	CASE NUMBER:	RG12642082
--------------	----------------------------	--------------	------------

ADDITIONAL ADDRESSEES

---

Hanson Bridgett Marcus Vlahos & Rudy  
LLP  
Attn: Giacomini, Andrew G  
425 Market Street, 26th Floor  
San Francisco, CA 94105-2173

HANSON BRIDGETT LLP  
Attn: Adams, William E.  
425 Market Street, 26th Floor  
Suite 620  
San Francisco, CA 94105\_\_\_\_\_

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

Case Number: RG12642082  
Order After Hearing Re: of 03/07/2013

**DECLARATION OF SERVICE BY MAIL**

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 03/08/2013.

Executive Officer / Clerk of the Superior Court

By

  
digital

Deputy Clerk

1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

2 I am over the age of eighteen years and not a party to the within action; my resident  
3 address is 731 Mandana Blvd., Oakland, CA 94610.

4 On the date below I served the following document(s), the original of which was/were  
5 produced on paper purchased as recycled, in accordance with Rules of Court §201(b):

6 **NOTICE OF ENTRY OF ORDER DROPPING DEFENDANTS PHIL TAGAMI AND**  
7 **DANIEL LETTER'S DEMURRER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

8 to:

9 *Counsel for the City of Oakland*  
10 Kevin D. Siegel  
11 Burke, Williams and Sorenson  
12 1901 Harrison Street, Suite 900  
Oakland, CA 94612  
(510) 273-8780  
[ksiegel@bwslaw.com](mailto:ksiegel@bwslaw.com)

*Counsel for Tagami, et al.*  
William E. Adams  
Hanson Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 777-3200  
[wadams@hansonbridgett.com](mailto:wadams@hansonbridgett.com)

13  
14 X BY MAIL. I caused such envelope with postage thereon fully prepaid to be placed in the  
United States mail at San Francisco, California.

15 \_\_\_\_\_ BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the  
16 office of the person(s) listed above.

17 \_\_\_\_\_ BY FEDERAL EXPRESS. I caused such document(s) to be delivered by Federal Express  
to the office of the person(s) listed above.

18 \_\_\_\_\_ BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by  
19 facsimile transmission at or about Enter time on that date. This document was transmitted  
20 by using a facsimile machine that complies with California Rules of Court Rule 2003(3),  
telephone number (415) 391-6965. The transmission was reported as complete and without  
21 error. A copy of the transmission report, properly issued by the transmitting machine, is  
attached. The names and facsimile numbers of the person(s) are as set forth above.

22 X BY ELECTRONIC TRANSMISSION. By e-mailing the document(s) to the persons at the  
23 e-mail address(es) listed based on a court order or an agreement of the parties to accept  
service by e-mail. No electronic message or other indication that the transmission was  
24 unsuccessful was received within a reasonable time after the transmission.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
26 March 12, 2013, at San Francisco, California.

27 

28 HEATHER M. EHMKE

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT E

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT F

Gene Hazzard  
282 Adams Street, Unit #6  
Oakland, CA 94610  
(510) 418-0501

March 12, 2013

COPY DELIVERED

Date: 3/12 Int: KGA

3:35 Box

*Via U.S. Mail and Electronic Service*

William B. Adams  
Hanson, Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104

Kevin D. Siegel, Esq.  
Burke, Williams and Sorenson  
1901 Harrison Street, Suite 900  
Oakland, CA 94612-3501

Re: *Hazzard v. City of Oakland*  
Alameda County Superior Court Action No. RG 12642082

BY FAX

Dear Mr. Siegel and Mr. Adams:

I have reviewed defendant Tagami, *et al.*'s proposed orders related to the March 7, 2013 hearing in the matter RG 12642082 of Gene Hazzard (Plaintiff) in pro per v. City of Oakland, Phil Tagami (CCIG Oakland Global LLC) and Daniel Letter (Prologis Property LP) (Defendants) and note that they reflect different language from what the Court stated in open court as reflected in the official transcript of the proceedings.

First, defendant Tagami's counsel requested that pursuant to Rule 3.1312 that plaintiff approve the orders as to form or object within five days, failing to note that requesting a time frame under Rule 3.1312 is premature in that the Court took the matter under submission. Therefore, the deadline plaintiff has to approve and/or object to any proposed order should be tolled from the Court's formal ruling. Nevertheless, plaintiff submits the following objections:

While the Court instructed defendants to prepare a proposed order, he did not grant defendants' demurrers. The Court ruled that the demurrers were moot. Further, the Court issued Orders stating that the demurrers were dropped because defendants did not contest the Tentative Ruling as to the demurrers. Thus, the only matter before the Court on March 7<sup>th</sup> was plaintiff's Motion for Leave to File a Second Amended Complaint. Thus, defendant should have prepared only one order.

Secondly, the orders submitted cite language that is not supported by the Court's instructions. Specifically, the Court did not state that the action would be dismissed with prejudice. Nor did the Court state that the order denying plaintiff's motion to amend was granted based on *Foxborough v. Van Atta* (1994) 26 Cal. App. 4th. Rather, the Court took the matter under

(F)

Gene Hazzard  
282 Adams Street, Unit #6  
Oakland, CA 94610  
(510) 418-0501

March 12, 2013

COPY DELIVERED  
Date: 3/12 Int: KG  
3:35 PM Box

*Via U.S. Mail and Electronic Service*

William B. Adams  
Hanson, Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104

Kevin D. Siegel, Esq.  
Burke, Williams and Sorenson  
1901 Harrison Street, Suite 900  
Oakland, CA 94612-3501

Re: *Hazzard v. City of Oakland*  
Alameda County Superior Court Action No. RG 12642082

BY FAX

Dear Mr. Siegel and Mr. Adams:

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*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

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RE: Hazzard v. City of Oakland, et al. - Proposed Orders

Wednesday, March 13, 2013 12:1

From: "Heather Ehmke" <whitewolf303@att.net>

To: "Christine Hiler" <CHiler@hansonbridgett.com>, "Kevin D. Siegel" <KSiegel@bwsllaw.com>

Cc: "William E. Adams" <WAdams@hansonbridgett.com>, "Celestine O. Seals" <CSeals@bwsllaw.com>

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Letter to.



Notice of.



Notice of.

Attached is Mr. Hazzard's response to the proposed Orders.

— On Sat, 3/9/13, Siegel, Kevin D. <KSiegel@bwsllaw.com> wrote:

From: Siegel, Kevin D. <KSiegel@bwsllaw.com>

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

To: "Christine Hiler" <CHiler@hansonbridgett.com>

Cc: "William E. Adams" <WAdams@hansonbridgett.com>, whitewolf303@att.net, "Seals, Celestine O." <CSeals@bwsllaw.com>

Date: Saturday, March 9, 2013, 12:29 AM

Thank you. Enjoy the weekend.

Kevin Siegel

From: Christine Hiler [mailto:CHiler@hansonbridgett.com]

Sent: Friday, March 08, 2013 4:19 PM

To: Siegel, Kevin D.

Cc: William E. Adams; whitewolf303@att.net; Seals, Celestine O.

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

Kevin,

I accepted your changes to both proposed orders and made a couple more to the way our clients were named.

Ms. Ehmke, I will mail these versions of the proposed orders to Mr. Hazzard. But again, if you are in a position to provide it to him electronically we would appreciate your courtesies in this regard.

Thank You,

Christine

From: Siegel, Kevin D. [mailto:KSiegel@bwsllaw.com]

Sent: Friday, March 08, 2013 3:54 PM

To: Christine Hiler

Cc: William E. Adams; whitewolf303@att.net; Seals, Celestine O.

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

G

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

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RE: Hazzard v. City of Oakland, et al. - Proposed Orders

Wednesday, March 13, 2013 12:29 AM

From: "William E. Adams" <WAdams@hansonbridgett.com>

To: "Heather Ehmke" <whitewolf303@att.net>, "Christine Hiler" <CHiler@hansonbridgett.com>, "Kevin D. Siegel" <KSiegel@bwsllaw.com>

Cc: "Celestine O. Seals" <CSeals@bwsllaw.com>

Please thank Mr. Hazzard for his thoughtful response and let him know we will submit his letter with the proposed orders.

Sent with Good (www.good.com)

-----Original Message-----

From: Heather Ehmke [mailto:whitewolf303@att.net]

Sent: Tuesday, March 12, 2013 05:19 PM Pacific Standard Time

To: Christine Hiler, Kevin D. Siegel

Cc: William E. Adams; Celestine O. Seals

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

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To: "Christine Hiler" <CHiler@hansonbridgett.com>

Cc: "William E. Adams" <WAdams@hansonbridgett.com>, whitewolf303@att.net, "Seals, Celestine O." <CSeals@bwsllaw.com>

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Sent: Friday, March 08, 2013 3:54 PM

To: Christine Hiler

Cc: William E. Adams; whitewolf303@att.net; Seals, Celestine O.

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

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RE: Hazzard v. City of Oakland, et al. - Proposed Orders

Wednesday, March 13, 2013 12:29 AM

From: "William E. Adams" <WAdams@hansonbridgett.com>

To: "Heather Ehmke" <whitewolf303@att.net>, "Christine Hiler" <CHiler@hansonbridgett.com>, "Kevin D. Siegel" <KSiegel@bwsllaw.com>

Cc: "Celestine O. Seals" <CSeals@bwsllaw.com>

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Sent with Good (www.good.com)

—Original Message—

From: Heather Ehmke [whitewolf303@att.net]

Sent: Tuesday, March 12, 2013 05:19 PM Pacific Standard Time

To: Christine Hiler, Kevin D. Siegel

Cc: William E. Adams; Celestine O. Seals

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

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To: "Christine Hiler" <CHiler@hansonbridgett.com>

Cc: "William E. Adams" <WAdams@hansonbridgett.com>, whitewolf303@att.net, "Seals, Celestine O." <CSeals@bwsllaw.com>

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Cc: William E. Adams; whitewolf303@att.net; Seals, Celestine O.

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

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Christine

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Sent: Friday, March 08, 2013 3:54 PM

To: Christine Hiler

Cc: William E. Adams; whitewolf303@att.net; Seals, Celestine O.

Subject: RE: Hazzard v. City of Oakland, et al. - Proposed Orders

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT I

Gene Hazzard  
282 Adams Street,  
Unit #6  
Oakland, CA 94610

Burke, Williams & Sorensen, LLP  
Attn: Siegel, Kevin D.  
1901 Harrison St., #900  
Oakland, CA 94612-3501

**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

Hazzard

Plaintiff/Petitioner(s)

VS.

City of Oakland

Defendant/Respondent(s)

(Abbreviated Title)

No. RG12642082

Order

Motion to Amend Complaint  
Denied

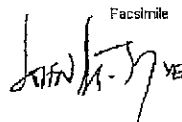
The Motion to Amend Complaint filed for Gene Hazzard was set for hearing on 03/07/2013 at 03:00 PM in Department 23 before the Honorable John M. True, III. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Plaintiff's Motion for leave to File a Second Amended Complaint is denied.

Dated: 03/13/2013

Facsimile  


Judge John M. True, III

Order



*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

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Hazzard v. City of Oakland, et al, Action No. RG12642082

Wednesday, March 13, 2013 3:49 PM

From: "William E. Adams" &lt;WAdams@hansonbridgett.com&gt;

To: "dept.23@alameda.courts.ca.gov" &lt;dept.23@alameda.courts.ca.gov&gt;

Cc: "Heather Ehmke &lt;whitewolf303@att.net&gt; (whitewolf303@att.net)" &lt;whitewolf303@att.net&gt;; "Siegel, Kevin D. (KSiegel@bwsllaw.com)" &lt;KSiegel@bwsllaw.com&gt;; "Christine Hiler" &lt;CHiler@hansonbridgett.com&gt;

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Letter to..



LTR to Ha..

Dear Mr. Bir:

Attached please find the defendants' proposed orders for the demurrers to the First Amended Complaint and the denial of leave to file a Second Amended Complaint (attached as enclosures to a letter to Mr. Hazzard dated March 8, 2013), which the court heard on March 7, 2013, and Mr. Hazzard's March 13, 2013 response letter refusing to consent to approval as to form of these proposed orders.

Please feel free to contact me with any questions.

William E. Adams

Partner

Hanson Bridgett LLP

(415) 995-5004 Direct

(415) 995-3446 Fax

[WAdams@hansonbridgett.com](mailto:WAdams@hansonbridgett.com)

Hanson Bridgett LLP

425 Market Street, 26th Floor

San Francisco, CA 94105



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1 HANSON BRIDGETT LLP  
ANDREW G. GIACOMINI, SBN 154377  
2 agiacomini@hansonbridgett.com  
WILLIAM E. ADAMS, SBN 153330  
3 wadams@hansonbridgett.com  
CHRISTINE HILER, SBN 245331  
4 chiler@hansonbridgett.com  
425 Market Street, 26th Floor  
5 San Francisco, California 94105  
Telephone: (415) 777-3200  
6 Facsimile: (415) 541-9366

7 Attorneys for Defendants PHIL TAGAMI and  
DANIEL LETTER  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF ALAMEDA**  
11

12 GENE HAZZARD, Resident taxpayer, City of  
Oakland, California, et al.,

13 Plaintiff,

14 v.  
15

16 CITY OF OAKLAND; ALL MEMBERS OF  
THE OAKLAND CITY COUNCIL  
(COUNCIL PRESIDENT LARRY REID,  
17 NANCY NADEL, JANE BRUNNER,  
REBECCA KAPLAN, PAT KERNIGHAN,  
18 LIBBY SCHAAF, IGNACIO DE LA  
FUENTE, DESLEY BROOKS); MAYOR  
19 JEAN QUAN; DEANNA SANTANA, CITY  
ADMINISTRATOR; FRED BLACKWELL,  
20 ASSISTANT CITY ADMINISTRATOR;  
FORMER COMMUNITY AND ECONOMIC  
21 DEVELOPMENT DIRECTORS DAN  
LINDHEIM AND WALTER COHEN;  
22 FORMER OBRA DIRECTOR ALIZA  
GALLO, OAB PROJECT MANAGER PAT  
23 CASHMAN; REDEVELOPMENT  
DIRECTOR GREGORY HUNTER; OAB  
24 PROJECT MANAGER AL AULETTA; PHIL  
TAGAMI, CCG/GGIG MASTER  
25 DEVELOPER, DANIEL LETTER AMB /  
PROLOGIS MASTER DEVELOPER, et al.,

26 Defendants.  
27  
28

CASE NO. RG12642082

**[PROPOSED] ORDER DENYING  
PLAINTIFF GENE HAZZARD'S  
MOTION FOR LEAVE TO FILE A  
SECOND AMENDED COMPLAINT**

Date: March 7, 2013  
Time: 3:00 p.m.  
Dept: 23  
Judge: Hon. John M. True, III

Action Filed: August 3, 2012  
Trial Date: T.B.D.

Reservation No. #R-1360643

1 Plaintiff Gene Hazzard's Motion for Leave to File a Second Amended Complaint came on  
2 regularly for hearing on March 7, 2013, at 3:00 p.m. in Department 23 of the Alameda County  
3 Superior Court, the Honorable John M. True, III presiding. A Tentative Ruling was published and  
4 was contested by the Defendants.

5 Plaintiff Gene Hazzard appeared in pro per. Defendants Phil Tagami and Daniel Letter  
6 ("Developer Defendants") appeared by and through counsel William E. Adams. Defendants City  
7 of Oakland and the City officials, former officials, employees and former employees (collectively,  
8 "City Defendants") named in the First Amended Complaint ("City Defendants") appeared by and  
9 through their counsel Kevin D. Siegel.

10 Having read the motions, all the memoranda and supporting documents, and having heard  
11 the oral arguments of the parties and considered all papers and evidence filed in connection with  
12 this motion, including the three versions of the proposed Second Amended Complaint filed in  
13 connection with this motion,<sup>1</sup>

14 IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File a Second Amended  
15 Complaint is DENIED. A careful examination of the various versions of the proposed Second  
16 Amended Complaint filed by Plaintiff demonstrates that granting leave to amend the pleadings  
17 further is not warranted because the Second Amended Complaint does not allege facts sufficient to  
18 constitute a cause of action and would be futile because Plaintiff cannot cure the defects presented  
19 in the Complaint and the First Amended Complaint, on which the court sustained the demurrers of  
20 the Defendants. (*See Foxborough v. Van Atta* (1994) 26 Cal.App.4th 217, 230.)

21 DATED: March \_\_\_\_, 2013

22  
23 THE HONORABLE JOHN M. TRUE, III  
24 JUDGE OF THE SUPERIOR COURT

25  
26  
27 <sup>1</sup> Plaintiff filed versions of the proposed Second Amended Complaint on February 8, February  
28 28, and March 7, 2013.

1 Approved as to form by:

2

3 DATED: March , 2013

4

5

By: \_\_\_\_\_

GENE HAZZARD

*In Pro Per Plaintiff*

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1 HANSON BRIDGETT LLP  
ANDREW G. GIACOMINI, SBN 154377  
2 agiacomini@hansonbridgett.com  
WILLIAM E. ADAMS, SBN 153330  
3 wadams@hansonbridgett.com  
CHRISTINE HILER, SBN 245331  
4 425 Market Street, 26th Floor  
San Francisco, California 94105  
5 Telephone: (415) 777-3200  
Facsimile: (415) 541-9366  
6

Attorneys for Defendants PHIL TAGAMI and  
7 DANIEL LETTER

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF ALAMEDA**

11 GENE HAZZARD, Resident taxpayer, City of  
12 Oakland, California, et al.,

13 Plaintiff,

14 v.

15 CITY OF OAKLAND; ALL MEMBERS OF  
THE OAKLAND CITY COUNCIL  
16 (COUNCIL PRESIDENT LARRY REID,  
NANCY NADEL, JANE BRUNNER,  
17 REBECCA KAPLAN, PAT KERNIGHAN,  
LIBBY SCHAAF, IGNACIO DE LA  
18 FUENTE, DESLEY BROOKS); MAYOR  
JEAN QUAN; DEANNA SANTANA, CITY  
19 ADMINISTRATOR; FRED BLACKWELL,  
ASSISTANT CITY ADMINISTRATOR;  
20 FORMER COMMUNITY AND ECONOMIC  
DEVELOPMENT DIRECTORS DAN  
21 LINDHEIM AND WALTER COHEN;  
FORMER OBRA DIRECTOR ALIZA  
22 GALLO, OAB PROJECT MANAGER PAT  
CASHMAN; REDEVELOPMENT  
23 DIRECTOR GREGORY HUNTER; OAB  
PROJECT MANAGER AL AULETTA; PHIL  
24 TAGAMI, CCG/GGIG MASTER  
DEVELOPER, DANIEL LETTER AMB /  
25 PROLOGIS MASTER DEVELOPER, et al.,

26 Defendants.  
27  
28

CASE NO. RG12642082

**[PROPOSED] ORDER SUSTAINING  
DEFENDANTS' DEMURRERS TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Date: March 7, 2013  
Time: 3:00 p.m.  
Dept: 23  
Judge: Hon. John M. True, III

Action Filed: August 3, 2012  
Trial Date: T.B.D.

Reservation No. #R-1354686

1 The Demurrers of Defendants Phil Tagami and Daniel Letter ("Developer Defendants")  
2 and Defendants City of Oakland and the City officials, former officials, employees and former  
3 employees named in the First Amended Complaint ("City Defendants") to Plaintiff Gene  
4 Hazzard's First Amended Complaint came on regularly for hearing on March 7, 2013, at 3:00 p.m.  
5 in Department 23 of the Alameda County Superior Court, the Honorable John M. True, III  
6 presiding. A Tentative Ruling was published and was contested by the Developer Defendants and  
7 City Defendants.

8 Plaintiff and opposing party Gene Hazzard appeared in pro per. Developer Defendants and  
9 moving parties appeared by and through counsel William E. Adams. City Defendants and moving  
10 parties appeared by and through counsel Kevin D. Siegel.

11 Having read the motions, all the memoranda and supporting documents, and having heard  
12 the oral arguments of the parties and considered all papers, including the requests for judicial  
13 notice, filed in connection with this motion,

14 IT IS HEREBY ORDERED THAT, the Developer Defendants' and City Defendants'  
15 Demurrers to each cause of action alleged in the First Amended Complaint are SUSTAINED  
16 without leave to amend. None of the purported causes of action in the First Amended Complaint  
17 allege facts sufficient to state a cause of action, and it is apparent the Plaintiff is unable to allege  
18 facts sufficient to state a cause of action. All defendants are dismissed from the above-referenced  
19 action with prejudice.

20  
21 DATED: March \_\_\_\_, 2013

22  
23 THE HONORABLE JOHN M. TRUE, III  
24 JUDGE OF THE SUPERIOR COURT  
25  
26  
27  
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1 Approved as to form by:

2

3 DATED: March , 2013

4

5

By: \_\_\_\_\_  
GENE HAZZARD  
*In Pro Per Plaintiff*

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*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT K

Gene Hazzard  
282 Adams Street, Unit #6  
Oakland, CA 94610  
(510) 418-0501

March 14, 2013

**Via Personal Delivery**

The Honorable John M. True, III  
Judge of the Superior Court  
Department 23  
1221 Oak Street, 4<sup>th</sup> Floor  
Oakland, CA 94612

Re: *Hazzard v. City of Oakland*  
Alameda County Superior Court Action No. RG 12642082

Dear Judge True:

I have received your ruling denying plaintiff leave to file a Second Amended Complaint in the above-referenced action. Thank you for taking the time to review the matter before arriving at your decision. I realize that the Court was put in a unique position of tracking the numerous claims that evolved after the filing of the initial complaint, and to make rulings in a case where the issues were confused by the mistakes of all parties. To that end, I have decided that it would be prudent to dismiss the case, without prejudice, allowing time to further investigate the claims asserted in the Second Amended Complaint so that any future complaints will be more focused and concise. To that end, I am providing you with a courtesy copy of my request for dismissal without prejudice.

It was an honor to speak in your courtroom regarding my concerns, and I thank you for that opportunity.

Very truly yours,



GENE HAZZARD

cc: William E. Adams  
Kevin D. Siegel

(K-1)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

GENE HAZZARD, In Pro Per

282 Adams Street, #6  
Oakland, CA 94610

ELECTRONIC NO.: (510) 418-0501

FAX NO. (Optional):

MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME:

PLAINTIFF/PETITIONER: GENE HAZZARD

DEFENDANT/RESPONDENT: CITY OF OAKLAND, et al.

FOR COURT USE ONLY

ENDORSED  
FILED  
ALAMEDA COUNTY

MAR 14 2013

CLERK OF THE SUPERIOR COURT  
By MARGARET J. DOWNIE Deputy

REQUEST FOR DISMISSAL

CASE NUMBER:

RG12642082

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.

This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☐ With prejudice (2) ☒ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name):
- (4) ☐ Cross-complaint filed by (name):
- (5) ☒ Entire action of all parties and all causes of action
- (6) ☐ Other (specify):\*

on (date):

on (date):

\* (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date:

GENE HAZZARD.....

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

(SIGNATURE)

Attorney or party without attorney for:

- ☒ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

\*\* If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for the cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(f) or (g).

(SIGNATURE)

Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
- ☐ Cross-Complainant

(To be completed by clerk)

4. ☐ Dismissal entered as requested on (date):
5. ☐ Dismissal entered on (date): as to only (name):
6. ☐ Dismissal not entered as requested for the following reasons (specify):

7. a. ☐ Attorney or party without attorney notified on (date):
- b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
- ☐ a copy to be conformed ☐ means to return conformed copy

Date:

Clerk, by

Deputy  
Page 1 of 2

DISMISSAL ENTERED

MAR 13 2013

By MARGARET J. DOWNIE Deputy

PLAINTIFF/PETITIONER: GENE HAZZARD  
 DEFENDANT/RESPONDENT: CITY OF OAKLAND, et al.

CASE NUMBER:  
 RG12642082

### COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

### Declaration Concerning Waived Court Fees

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 is *(check one below)*:
  - a. ☐ not recovering anything of value by this action.
  - b. ☐ recovering less than \$10,000 in value by this action.
  - c. ☐ recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. ☐ All court fees and costs that were waived in this action have been paid to the court *(check one)*: ☐ Yes ☐ No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

\_\_\_\_\_  
 (SIGNATURE)

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PROOF OF SERVICE (CCP 1013a, 2015.5)

I am over the age of eighteen years and not a party to the within action; my resident address is 731 Mandana Blvd., Oakland, CA 94610.

On the date below I served the following document(s), the original of which was/were produced on paper purchased as recycled, in accordance with Rules of Court §201(b):

REQUEST FOR DISMISSAL WITHOUT PREJUDICE

to:

*Counsel for the City of Oakland*  
Kevin D. Siegel  
Burke, Williams and Sorenson  
1901 Harrison Street, Suite 900  
Oakland, CA 94612  
(510) 273-8780  
[ksiegel@bwslaw.com](mailto:ksiegel@bwslaw.com)

*Counsel for Tagami, et al.*  
Andrew Giacomini  
William E. Adams  
Hanson Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 777-3200  
[wadams@hansonbridgett.com](mailto:wadams@hansonbridgett.com)

- ☒ BY MAIL. I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.
- ☐ BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the office of the person(s) listed above.
- ☐ BY FEDERAL EXPRESS. I caused such document(s) to be delivered by Federal Express to the office of the person(s) listed above.
- ☐ BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by facsimile transmission at or about Enter time on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number (415) 391-6965. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) are as set forth above.
- ☐ BY ELECTRONIC TRANSMISSION. By e-mailing the document(s) to the persons at the e-mail address(es) listed based on a court order or an agreement of the parties to accept service by e-mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.



























I declare under penalty of perjury that the foregoing is true and correct. Executed on March 14, 2013, at San Francisco, California.

  
HEATHER M. EHMKE

*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT L

Date	Action	Image (Java)	Image (TIFF)
03/14/13	Request Re: Dismissal w/o prejudice - entire action Entered		
03/13/13	Motion to Amend Complaint Denied		
03/07/13	Motion to Amend Complaint Taken Under Submission		
03/07/13	Case Management Conference Order Issued		
03/07/13	Demurrer to the First Amended Complaint - Dropped		
03/07/13	Demurrer to the First Amended Complaint - Dropped		
02/19/13	Motion for Reconsideration Denied		
12/17/12	Case Management Conference Order Issued		
12/17/12	Motion to Expunge Lis Pendens Granted		
12/17/12	Motion Joinder Granted		
11/19/12	Motion Joinder - Motion Rescheduled		
11/19/12	Demurrer Sustained With Leave to Amend		
11/19/12	Demurrer Sustained With Leave to Amend		
11/19/12	Motion to Expunge Lis Pendens - Motion Rescheduled		

(L)

*Hazzard v. City of Oakland*

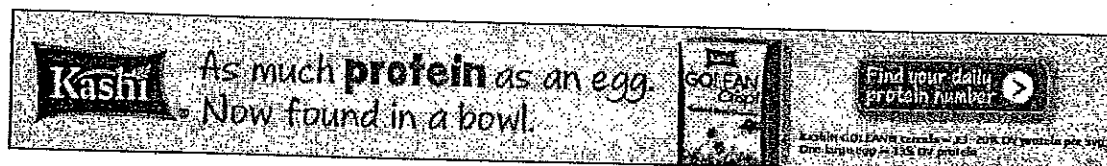
Alameda County Superior Court Action No. RG12642082

# EXHIBIT M

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RE: Hazzard v. City of Oakland

From: "William E. Adams" &lt;WAdams@hansonbridgett.com&gt;

Friday, March 15, 2013 12:00 AM

To: "Heather Ehmke" &lt;whitewolf303@att.net&gt;

Thanks.

From: Heather Ehmke [mailto:whitewolf303@att.net]

Sent: Thursday, March 14, 2013 4:59 PM

To: William E. Adams

Subject: Re: Hazzard v. City of Oakland

She was retained her through the Court Reporters LLC. Their phone number is (925) 922-2321.

— On Thu, 3/14/13, William E. Adams <WAdams@hansonbridgett.com> wrote:

From: William E. Adams &lt;WAdams@hansonbridgett.com&gt;

Subject: Hazzard v. City of Oakland

To: "Heather Ehmke" &lt;whitewolf303@att.net&gt; (whitewolf303@att.net)" &lt;whitewolf303@att.net&gt;

Date: Thursday, March 14, 2013, 9:00 PM

Dear Ms. Ehmke:

Could you please provide me with contact information for the court reporter you retained for the March 7, 2013 hearing? Thanks.

William E. Adams

Partner

Hanson Bridgett LLP

(415) 995-5004 Direct

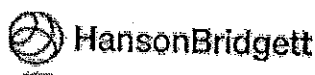
(415) 995-3446 Fax

WAdams@hansonbridgett.com

Hanson Bridgett LLP

425 Market Street, 26th Floor

San Francisco, CA 94105


[San Francisco](#) | [Sacramento](#) | [North Bay](#) | [Silicon Valley](#) | [East Bay](#)

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


*Hazzard v. City of Oakland*

Alameda County Superior Court Action No. RG12642082

# EXHIBIT N



			
03/12/13	Notice of Entry of Order Filed		
03/12/13	Notice of Entry of Order Filed		
03/13/13	Order Denying Plaintiff to File a Second Amended Complaint Filed		
03/13/13	Motion to Amend Complaint Denied		
03/13/13	Order Sustaining demurrer without leave to amend Filed		
03/13/13	Order Sustaining demurrer without leave to amend Filed		
03/14/13	Request Re: Dismissal w/o prejudice - entire action Filed		
03/14/13	Request Re: Dismissal w/o prejudice - entire action Entered		
03/14/13	Order Order Stricking filings Filed		



1 **PROOF OF SERVICE (CCP 1013a, 2015.5)**

2 I am over the age of eighteen years and not a party to the within action; my resident  
3 address is 1325 East 32<sup>nd</sup> Street, Oakland, CA 94602.

4 On the date below I served the following documents, the original of which was/were  
5 produced on paper purchased as recycled, in accordance with Rules of Court §201(b):

6 **DECLARATION OF HEATHER M. EHMKE AFTER RULING ON HEARING ON**  
7 **PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

8 on:

9 *Counsel for the City of Oakland*  
10 Kevin D. Siegel  
11 Burke, Williams and Sorenson  
12 1901 Harrison Street, Suite 900  
13 Oakland, CA 94612  
14 (510) 273-8780  
15 [ksiegel@bwslaw.com](mailto:ksiegel@bwslaw.com)

*Counsel for Tagami, et al.*  
Andrew Giacomini  
William E. Adams  
Hanson Bridgett  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 777-3200  
[wadams@hansonbridgett.com](mailto:wadams@hansonbridgett.com)

14 X BY MAIL. I caused such envelope with postage thereon fully prepaid to be placed in the  
15 United States mail at San Francisco, California.

16 — BY PERSONAL SERVICE. I caused such document(s) to be delivered by hand to the  
17 office of the person(s) listed above.

18 — BY FEDERAL EXPRESS. I caused such document(s) to be delivered by Federal Express  
19 to the office of the person(s) listed above.

20 — BY FACSIMILE TRANSMISSION. I caused such document(s) to be delivered by  
21 facsimile transmission at or about Enter time on that date. This document was transmitted  
22 by using a facsimile machine that complies with California Rules of Court Rule 2003(3).

23 — BY ELECTRONIC TRANSMISSION. By e-mailing the document(s) to the persons at the  
24 e-mail address(es) listed based on a court order or an agreement of the parties to accept  
25 service by e-mail. No electronic message or other indication that the transmission was  
26 unsuccessful was received within a reasonable time after the transmission.

27 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
28 March 27, 2013 at Oakland, California.

  
LAVORA B. HAZZARD