

1 GENE HAZZARD, *In Pro Per*
2 282 Adams Street, #6
3 Oakland, CA 94610-4147
4 (510) 418-0501
5 Email: genehazzard@gmail.com
6 Plaintiff, *In Pro Per*

ENDORSED
FILED
ALAMEDA COUNTY

APR 29 2024

CLERK OF THE SUPERIOR COURT

By YOLANDA COPEL Deputy

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

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

12 Plaintiffs,

13 v.

14 CITY OF OAKLAND, et al.,

15 Defendants.

CASE NO.: 23CV039291

Assigned for all purposes to
Peter Borkon (Dept. 15)

**EX PARTE OPPOSITION TO COURT'S
TENTATIVE RULING OF APRIL 26, 2024**

Date: April 30, 2024

Time: 3:00 p.m.

Dept.: 15

Complaint Filed: July 28, 2023

Trial Date: TBD

19
20 Plaintiff Gene Hazzard filed a timely Case Management statement on April 15, 2024 with
21 regard to the CMC hearing scheduled for April 30, 2024. There is no reasonable explanation as to
22 why the Court has made a determination to cancel the hearing. This Court has a **judicial**
23 **obligation** to determine whether substantial evidence supports the trial court's factual
24 **determination**. *City of Rancho Cucamonga v. Regional Water Quality Control Bd.* (2006) 135
25 Cal.App.4th 1377, 1384. In Plaintiff's CMC Statement, the factual material/evidence is
26 uncontroverted. The Court's tentative ruling is **unsupported by the facts in this matter**.

27 Defendants, in citing *Hernandez v. County of Los Angeles* (2008) 167 Cal.App.4th 12, 21,
28 have misrepresented the material facts in this case. Defendant have claimed in this matter that

1 *Hernandez* was an electorate-sponsored ballot measure referred to as an initiative, and that
2 Plaintiff is misguided in his claim that the single-subject rule under Article II, section 8(d) of the
3 California State Constitution is not applicable for ballot measures sponsored by local legislative
4 governmental bodies (such as city councils), as is the case of Measure X, which appeared on the
5 November 8, 2022 general election ballot in Oakland.

6 Defendants' argument in support of their demurrer is without any foundation, and is
7 grossly egregious in stating the material facts in *Hernandez*. *Hernandez* was a case in which the
8 Los Angeles Chamber of commerce and the Los Angeles League of Women Voters had asked
9 The Los Angeles City Council to place their proposal on the November 2006 election ballot as a
10 city-council-sponsored ballot measure referred to as Measure R. The record is uncontroverted.

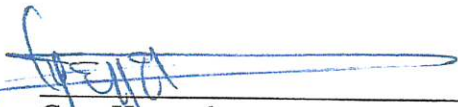
11 In the instant matter, Measure X is a ballot measure sponsored by the Oakland City
12 Council, and is thus required to be in compliance with the provisions/enactment of the single-
13 subject rule of the California State Constitution, Article IV, section 9.

14 Pursuant to California Code of Civil Procedure § 472, Plaintiff is entitled to amend his
15 original complaint to reflect the applicable single-subject rule, Article IV, section 9 of the
16 California State Constitution, as it appropriately applies to the Oakland City Council's sponsoring
17 of Measure X.

18 The material facts are undisputed!

19
20 Dated: April 28, 2024

21 Respectfully submitted,

22
23 
24 _____
25 Gene Hazzard
26 Plaintiff, *In Pro Per*
27
28

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 28, 2024, I served a true and correct copy of the following document(s):


6 **HON. PETER BORKON'S TENTATIVE RULING OF 04/26/2024; and**
7 **EX PARTE OPPOSITION TO COURT'S TENTATIVE RULING OF APRIL 26, 2024**

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

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

13	Certified Mail, Return Receipt Requested.
14	Overnight Delivery - By placing a copy of said document(s) in a sealed pre-paid 15 overnight envelope or package and depositing said envelope or package today in a box or 16 other facility regularly maintained by the express service carrier, following this firm's business practices.
17	Personal Service - By personally serving today said document(s) to the attorney or party 18 as stated above.
19	X Electronic Service - By electronically sending a copy of said document(s) to the attorney 20 or party as stated above.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed on April 28, 2024, in Oakland, California.

23
24 
25 Richard Henry
26
27
28

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

**23CV039291: HAZZARD vs CITY OF OAKLAND, et al.
04/30/2024 Case Management Conference in Department 15**

Tentative Ruling - 04/26/2024 Peter Borkon

ORDER RE: CASE MANAGEMENT

The Court has ordered the following after review of the case.

The Court has entered judgment in this matter as to all defendants. Accordingly, this case management conference is unnecessary and the Court will vacate the hearing.

The Case Management Conference scheduled for 04/30/2024 is vacated .

If no party contests the tentative ruling and appears, the Court will issue a trial-setting order consistent with the foregoing. Counsel must carefully review the order which will set forth various pre-trial and mediation deadlines. Counsel must also review Dept. 15's information page, which contains answers to frequently asked questions, and sets forth guidance for communicating with the department and litigating certain motions and proceedings. This information is available on the eCourt Public Portal at www.eportal.alameda.courts.ca.gov under the "Direct Calendaring" tab.

If any party contests, the zoom login credentials are:

Join ZoomGov Meeting

<https://alameda-courts-ca-gov.zoomgov.com/j/16116905917?pwd=SUQrVFJYbTU0VENvVFdoWlduMVNsUT09>
Meeting ID: 161 1690 5917
Passcode: 315

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

The Court orders counsel to obtain a copy of this order from the eCourt portal.