

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

Gene Hazzard, In Pro Per  
282 Adams Street, #6  
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1221 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME: Rene C. Davidson Courthouse

PLAINTIFF/PETITIONER: Gene Hazzard, et al.

DEFENDANT/RESPONDENT: City of Oakland, et al.

FOR COURT USE ONLY

ENDORSED  
FILED  
ALAMEDA COUNTY

JUL 28 2023

CLERK OF THE SUPERIOR COURT  
by ANDREL GOSPEL Deputy

CASE NUMBER:

23CV039291

Ref. No. or File No.:

## PROOF OF SERVICE OF SUMMONS

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):  
[See Attachment 1]
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
Barbara Parker, Esq., Attorney for Defendants named in Attachment 1
4. Address where the party was served:  
Office of City Attorney, One Frank Ogawa Plaza, Oakland, CA 94612
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER:  
DEFENDANT/RESPONDENT:

CASE NUMBER:

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (*specify means of service and authorizing code section*):  
Certified Mail, Return Receipt Requested

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): City of Oakland  
under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input checked="" type="checkbox"/> other: municipal corporation      |

7. **Person who served papers**

- a. Name: Richard Henry
- b. Address: 2550 Frances Street, Oakland, CA 94601
- c. Telephone number: 510-290-0577
- d. **The fee** for service was: \$
- e. I am:
- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: July 28, 2023

Richard Henry

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

▶   
(SIGNATURE)

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

**Attachment 1 to Proof of Service of Summons**

3. a. Parties served: City of Oakland, a municipal corporation; former Mayor Libby Schaaf; current Mayor Sheng Thao; Councilmember Dan Kalb; Councilmember Nikki Fortunato Bas; former Councilmember Loren Taylor; Councilmember Rebecca Kaplan; Councilmember Noel Gallo; Councilmember Carroll Fife; Councilmember Janani Ramachandran; Councilmember Treva Reid; Councilmember Kevin Jenkins; City Attorney Barbara Parker; City Auditor Courtney Ruby

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*  
7

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
9

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

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, a municipal  
16 corporation; Former Mayor LIBBY SCHAAF;  
17 Mayor SHENG THAO; Councilmember DAN  
18 KALB; Former Councilmember LOREN  
19 TAYLOR; Councilmember NIKKI  
20 FORTUNATO BAS; Councilmember  
21 REBECCA KAPLAN, Councilmember NOEL  
22 GALLO, Councilmember KEVIN JENKINS;  
23 Councilmember TREVA REID;  
24 Councilmember CARROLL FIFE; City  
25 Attorney BARBARA PARKER; City Auditor  
26 COURTNEY RUBY; San Francisco City  
27 Attorney DAVID CHIU; Berkeley City  
28 Auditor JENNY WONG; and DOES 1-10,  
inclusive,

Defendants.

CASE NO. \_\_\_\_\_

**COMPLAINT**

**PURSUANT TO CALIFORNIA CODE OF  
CIVIL PROCEDURE §§ 378, 526, 860, 861,  
AND 863**

**VIOLATION OF ARTICLE II, SECTION  
8(D) OF THE CALIFORNIA STATE  
CONSTITUTION**

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1 **TABLE OF AUTHORITIES**

2 **Cases**

3	<i>Alexander v. Mitchell</i> (1953) 119 Cal.App.2d. 816, 827 Dkt. 15787	1, 2
4	<i>Brosnahan v. Eu</i> (1982) 31 Cal.3d 1 [181 Cal. Rpt. 100; P.2d 200]	2
5	<i>Harnett v. County of Sacramento</i> (1925) 195 Cal. 676 [ 235 P. 445]	4
6	<i>Planning and Conservation League v. Alex Padilla</i> (S249859), En Banc (09-12-2018)	1

7 **Statutes**

8 C.C.P.

9	§ 378	2
10	§ 626	2
11	§ 860	2
12	§ 861	2
13	§ 863	2
14	California State Constitution, Article II, section 8(d)	1

15 **Other Authorities**

16	Chris Micheli, “ <i>The Single Subject Rule and Ballot Initiatives</i> ,” Capital Center for	
17	Law & Policy at McGeorge School of Law (March 23, 2020)	1

## I. INTRODUCTION

### A. Nature of the Controversy.

1. This verified complaint is brought by Gene Hazzard, Plaintiff, a resident, registered voter and taxpayer in the City of Oakland, and on behalf of the public interest and electors of the City of Oakland, as well as on behalf of the State of California.

2. The California State Constitution, Article II, section 8(d) (hereinafter, "Art. II"), requires that **all ballot initiatives presented to the voters have only a single subject**: "An initiative measure embracing more than one subject may not be submitted to the electors or have any effect." (**Exhibit A.**) It is clear that an initiative proposing more than one subject offends both the letter and spirit of Art. II.

3. A publication from the McGeorge School of Law on the single subject rule and ballot initiative further elucidates, "Per (Art. II), 'An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.' Essentially, if an initiative embraces more than one subject, it can neither be submitted to, nor enacted by the voters.... The general idea behind the single subject rule is to ensure that measures are not overly complex or they do not possibly confuse or hide provisions in a multifaceted ballot measure. Some have argued that the single subject rule also precludes combining popular with unpopular and unrelated provisions in one omnibus measure to increase its chances of passage. [*Alexander v. Mitchell* (1953) 119 Cal.App.2d. 816, 827 Dkt. 15787.] Based on the language contained in (Art. II), if an initiative 'embraces more than one subject,' then it can neither be submitted to the voters nor be enacted by the voters. [*Planning and Conservation League v. Alex Padilla* (S249859), En Banc (09-12-2018).] This means that there are essentially two opportunities to challenge an initiative measure based upon that single subject rule, **pre and post**." Chris Micheli, "*The Single Subject Rule and Ballot Initiatives*," Capital Center for Law & Policy at McGeorge School of Law (March 23, 2020) (emphasis added). (**Exhibit AA.**)

It is usually more appropriate to review constitutional and other challenges to ballot propositions or initiative measures after an election rather than to disrupt the electoral process by preventing the exercise of the peoples franchise in the absences of some clear showing of validity.



1 *Brosnahan v. Eu* (1982) 31 Cal.3d 1, 4 [181 Cal. Rpt. 100, 641; P.2d 200].

2 4. Resolution No. 89317 CMS, introduced by Oakland City Councilmembers Dan  
3 Kalb, Loren Taylor, Sheng Thao, and Nikki Fortunato Bas on July 12, 2022 and approved by  
4 City Attorney Barbara Parker as to form and legality, was a resolution on the City Council's own  
5 motion submitted to the voters for the November 8, 2022 General Municipal Election, and was a  
6 government reform measure that would amend the City Charter. **(Exhibit B.)**

7 5. Said resolution included more than one subject; thus, by its approval of  
8 Resolution No. 89317 CMS on July 12, 2022, the City Council violated the provisions of Art. II.  
9 **(Exhibit A.)**

## 10 II. JURISDICTION AND VENUE

11 6. Jurisdiction and venue for this matter properly lie within this Court pursuant to  
12 C.C.P. §§ 378, 626, 860, 861, and 863.

## 13 III. PARTIES

14 7. Plaintiff Gene Hazzard is a resident, taxpayer and registered voter in the City of  
15 Oakland, County of Alameda, State of California.

16 8. Defendants include the City of Oakland, a municipal corporation; former Mayor  
17 Libby Schaaf, current Mayor Sheng Thao; Councilmember Dan Kalb; Councilmember Nikki  
18 Fortunato Bas; former Councilmember Loren Taylor; Councilmember Rebecca Kaplan;  
19 Councilmember Noel Gallo; Councilmember Carroll Fife; Councilmember Janani Ramachandra;  
20 Councilmember Treva Reid; Councilmember Kevin Jenkins; City Attorney Barbara Parker; City  
21 Auditor Courtney Ruby; San Francisco City Attorney David Chiu; and Berkeley City Auditor  
22 Jenny Wong.

## 23 IV. FACTUAL BACKGROUND

24 **B. The provisions of Art. II prohibited the City of Oakland Councilmembers**  
25 **and the City Attorney from presenting and authorizing a local ballot**  
26 **initiative (Measure X on the November 8, 2022 general election) to the**  
27 **electors which was not in compliance with Art. II, known as the "Single**  
**Subject Rule." (Exhibits A and AA; *Alexander, supra*, 119 Cal.App.2d at**  
**827.)**

28 9. On July 5, 2022, Councilmember Dan Kalb presented to members of the public a



1 recommendation for a Charter reform ballot measure, a resolution “on the City Council’s own  
2 motion submitting to the voters for the November 8, 2022 General Municipal Election a measure  
3 that would amend the City Charter to add government reform charter amendments to promote  
4 democracy, accountability transparency, and equity....” (**Exhibit C.**) This proposed ballot  
5 measure was known as Measure X.

6 10. The full text of Measure X was certified for the November 8, 2022 election by the  
7 Secretary of State on February 15, 2023. (**Exhibit E**, full text of Measure X.)

8 11. On December 23, 2022, City Council Resolution No. 89543 CMS declared, as to  
9 the results of the General Municipal Election held on November 8, 2022, “Whereas the Alameda  
10 County Registrar of Voters has prepared and submitted a certified state of the results of said  
11 General Municipal Election ... “Measure X, Proposed Charter Amendment, Measure to amend  
12 the Charter to, among other things, establish Councilmember term limits, require two hearings  
13 before Council places certain measures on the ballot; count Councilmember abstentions and  
14 absences as ‘no’ votes in determining whether Mayor may break a tie; provide Public Ethics  
15 Commission to set discretion in setting Councilmember salaries; authorize the Commission to set  
16 City Attorney salaries; and add and detail duties and provide minimum staffing for the Auditor.

17 “For the Measure 94497

18 “Against the Measure 23319”

19 12. *Santa Barbara School District v. Superior Court* (1975) 13 Cal.3d. 315, states,  
20 “After the election, no harm ensues if the court upholds a mechanically severable provision of an  
21 initiative even if most of the provisions of the act are invalid. In a pre-election opinion, however,  
22 it would constitute a deception on voters for a court to permit a measure to remain on the ballot  
23 knowing that most of its provisions which are most likely to excite the interest and attention of  
24 voters are invalid.” (Also see *Planning and Conservation League v. Alex Padilla*, *supra*.)

25 13. City Attorney Barbara Parker **disregarded her sworn oath to uphold the**  
26 **California Constitution** when she gave her approval on July 22, 2022 as to the *form and legality*

27 ///

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1 of City Council Resolution No. 89317 CMS (**Exhibit B**). Parker's approval allowed the illegal  
2 Measure X to appear on The November 8, 2022 general election. (See *Harnett v. County of*  
3 *Sacramento* (1925) 195 Cal. 676 [ 235 P. 445].)

4 14. To avoid the noticeable perception of a conflict of interest by both City Attorney  
5 Barbara Parker and City Auditor Courtney Ruby—who were each to receive a significant salary  
6 increase (**though neither the exact amounts of those increases nor the formulae to determine**  
7 **them were specified in the ballot measure**)—each deferred to an outside entity to write the  
8 “independent analysis” of the Measure X Charter Amendment, which Parker and Ruby would  
9 normally prepare. San Francisco City Attorney David Chiu (**Exhibit EE**) and Berkeley City  
10 Auditor Jenny Wong (**Exhibit EEE**) each wrote an independent analysis for Measure X.

11 15. In their respective analyses, both San Francisco City Attorney Chiu and Berkeley  
12 City Auditor Wong ignored the provisions of Art. II regarding the single subject rule for a ballot  
13 initiative. Each of them has years of experience, thus it is difficult to understand how they could  
14 not be aware of the provisions of Art. II. Either they are aware of the statute and deliberately  
15 chose to ignore it, or they were surprisingly uninformed, given their positions.

16 16. A July 6, 2022 letter to City Council President Nikki Fortunato Bas from the  
17 organization SPUR—which is presumably a Public Advocate organization—refers to SPUR's  
18 report, “Making Government Work” and expresses “substantive concerns” about the proposed  
19 Charter Amendment. (**Exhibits CCCC** (7/6/22 letter to Bas), **H** (“Making Government Work”).)

20 17. In a letter of July 7, 2022 to President Bas and members of the Oakland City  
21 Council, former Mayor Libby Schaaf, who appeared to agree with most of the elements of the  
22 illegal Ballot Measure X, expressed some specific concerns on portions of the measure with  
23 which she was not in agreement. (**Exhibit CC.**)

24 18. In a July 12, 2022 press release from Tiffany Kang entitled “Bas Advances  
25 Progressive Ballot Measures for a More Democratic and Resourced Oakland for All” (**Exhibit L**),  
26 President Bas lauded the illegal Measure X and quoted its language:

27 Shall a measure to amend the Charter to, among other things, establish  
28 Councilmember term limits; require two hearings before Council places  
certain measures on the ballot; count Councilmember abstentions and  
absences as “no” votes in determining whether Mayor may break a tie;

provide Public Ethics Commission discretion in setting City Councilmember salaries; authorize the commission to set the City Attorney and City Auditor salaries; and add and detail duties and provide minimum staffing for the Auditor, be adopted?

19. On March 3, 2023, pursuant to the illegal Measure X, the Acting Executive Director of the city's Public Ethics Commission proceeded to execute provisions of the measure regarding the proposed salary increases for City Auditor Ruby and City Attorney Parker.

**(Exhibits I, KKK, KKKK.)**

20. In a March 30, 2023 Memorandum from Ana Lara-Franco, Commission Analyst, and Suzanne Doran, Acting Executive Director, to the Public Ethics Commission (hereinafter, "PEC"), submitted in advance of the PEC's April 12, 2023 meeting, Franco and Doran recommended increases in salaries for City Auditor Ruby and City Attorney Parker. **(Exhibit J.)** Each of them received increases, with Parker receiving a whopping **\$60,000.00** increase (which was a nearly 25 percent increase from her previous salary) to bring her salary to \$306,999.63.

**(Exhibit JJ, April 12, 2023 approval by PEC of salary increase for Parker.)**

21. On June 15, 2023, the Rules and Legislation Committee scheduled, as Agenda Item 3.16 for the June 20, 2023 City Council meeting, a discussion of the above-referenced salary increases pursuant to Ordinance 12187 C.M.S. **(Exhibit K, at p. 12.)**

22. At that July 18, 2023 meeting, in Resolution No. 13754 C.M.S., the City Council approved the illegal salary increases for Parker and Ruby. **(Exhibit KKKKK.)**

## **V. ANALYSIS, LEGAL ARGUMENT AND STANDARD FOR REVIEW**

23. Pursuant to Art. II, all ballot initiatives presented to the electors shall have a single subject matter only. **(Exhibits A, AA.)** Measure X (a Charter Amendment appearing on the November 8, 2022 General Municipal Election in the City of Oakland) included a myriad of disparate issues which were not reasonably germane to each other; thus, Measure X was an illegal ballot measure and its authors (by passing Resolution No. 89317 CMS) perpetrated a fraud on the electors.

///

24. The Constitutional provisions of Art. II are so plain and unambiguous that there

1 can be no doubt as to their interpretation.

2 25. It is not the function of the courts or legislative bodies (whether national, state or  
3 local) to alter the method which the Constitution fixed.

4 26. At the Oakland City Council meeting of July 18, 2023, when asked by a member  
5 of the public whether the City Charter supersedes the Constitution (with regards to the instant  
6 matter), the parliamentarian, who is also the City Attorney, opined that the Constitution prevails.  
7 (See Exhibit KK, transcript of 7/18/23 meeting, at the time of 00:26:38.)

## 8 VI. CAUSES OF ACTION

### 9 A. First Cause of Action.

10 27. Measure X is not in compliance with Art. II, and thus the election results should be  
11 nullified.

### 12 C. Second Cause of Action.

13 28. City Council Resolution No. 13754 C.M.S., which authorized salary increases for  
14 City Attorney Parker and City Auditor Ruby, is not valid. These salary increases were not legal  
15 because they were authorized as a result of an illegal ballot measure.

## 16 VII. PRAYER FOR RELIEF

17 1. That Ballot Measure X, which appeared on the November 8, 2022 General  
18 Municipal Election, be invalidated in its entirety.

19 2. That Oakland City Council Resolution No. 13754 C.M.S., which was approved at  
20 the July 18, 2023 City Council meeting, be invalidated, and that as such, the increases in salary  
21 for City Attorney Parker and City Auditor Ruby be rescinded.

22 3. That if any funds have been issued to Parker and/or Ruby as part of these illegal  
23 salary increases, those funds should be returned immediately to the city's general fund or to the  
24 appropriate department.

25 ///

26 ///

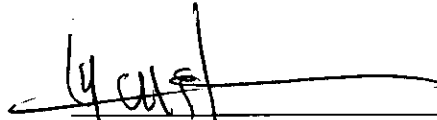
27 ///

28 4. That Plaintiff be entitled to appropriate equitable and financial relief for his costs

1 in prosecuting this matter.  
2

3 Dated: July 27, 2023

Respectfully submitted,

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5  
6 

Gene Hazzard  
Plaintiff, *In Pro Per*  
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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 July 27, 2023, I served the following documents on the parties listed below by the  
6 methods indicated below:

7 **VERIFIED COMPLAINT**

8 I declare under penalty of perjury under the laws of the United States of America  
9 that the foregoing is true and correct.

10 **Via Certified Mail:**

11 Barbara Parker, Esq.  
12 Office of City Attorney  
13 One Frank Ogawa Plaza  
14 Oakland, CA 94612  
15 (Attorney for Defendants City of  
16 Oakland; former Mayor Libby Schaaf;  
17 Mayor Sheng Thao; Councilmember Dan  
18 Kalb; former Councilmember Loren  
19 Taylor; Councilmember Nikki Fortunato  
20 Bas; Councilmember Rebecca Kaplan,  
21 Councilmember Noel Gallo,  
22 Councilmember Kevin Jenkins;  
23 Councilmember Treva Reid;  
24 Councilmember Carroll Fife; City  
25 Attorney Barbara Parker; and City  
26 Auditor Courtney Ruby)

**Via U.S. Mail:**

David Chiu, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA 94102

21 **Via U.S. Mail:**

22 Jenny Wong, City Auditor  
23 2180 Milvia # 3  
24 Berkeley, CA 94704

25 I declare under the penalty of perjury under laws of the State of California that the  
26 foregoing is true and correct. Executed on July 27, 2023 in Oakland, California.

27   
28 Richard Henry

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gene Hazzard, In Pro Per 282 Adams Street, #6 Oakland, CA 94610-4147  TELEPHONE NO.: 510-418-0501 FAX NO. (Optional): E-MAIL ADDRESS (Optional): genehazzard@gmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY  <b>ENDORSED FILED ALAMEDA COUNTY</b>  <b>JUL 28 2023</b>  CLERK OF THE SUPERIOR COURT By <u>ANDREI GOSPEL</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse		CASE NUMBER: <b>23CV039291</b>	
PLAINTIFF/PETITIONER: Gene Hazzard, et al. DEFENDANT/RESPONDENT: City of Oakland, et al.		Ref. No. or File No.:	
<b>PROOF OF SERVICE OF SUMMONS</b>			

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☐ other (specify documents):
3.
  - a. Party served (specify name of party as shown on documents served):  
David Chiu, Esq.
  - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:  
City Attorney, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.



<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		<b>FILED</b> Superior Court of California County of Alameda 07/28/2023 Clerk of the Court / Executive Officer / Clerk of the Court By: <u>A. Gospel</u> Deputy A. Gospel
PLAINTIFF(S): Gene Hazzard		
DEFENDANT(S): City of Oakland et al		
<b>NOTICE OF CASE ASSIGNMENT</b>		CASE NUMBER: 23CV039291

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Jo-Lynne Lee  
 DEPARTMENT: 15  
 LOCATION: Rene C. Davidson Courthouse  
 Administration Building, 1221 Oak Street, Oakland, CA 94612  
 PHONE NUMBER: (510) 267-6931  
 FAX NUMBER:  
 EMAIL ADDRESS: Dept15@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

**NOTICE OF NONAVAILABILITY OF COURT REPORTERS:** 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). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

**GENERAL PROCEDURES**

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

**NOTICE OF CASE ASSIGNMENT**

**ASSIGNED FOR ALL PURPOSES TO**  
**JUDGE Jo-Lynne Lee**  
**DEPARTMENT 15**

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

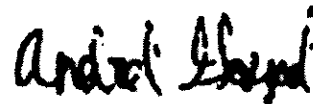
**COURT RESERVATIONS**

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at [www.eportal.alameda.courts.ca.gov](http://www.eportal.alameda.courts.ca.gov).

Chad Finke, Executive Officer / Clerk of the Court

By



A. Gospel, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gene Hazzard, In Pro Per 282 Adams Street, #6 Oakland, CA 94610-4147		FOR COURT USE ONLY  <b>ENDORSED FILED ALAMEDA COUNTY</b>  <b>JUL 28 2023</b>  CLERK OF THE SUPERIOR COURT by <b>ANDREL GOSPEL</b> Deputy	
TELEPHONE NO.: 510-418-0501 FAX NO. (Optional): E-MAIL ADDRESS (Optional): genehazzard@gmail.com ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse			
PLAINTIFF/PETITIONER: Gene Hazzard, et al. DEFENDANT/RESPONDENT: City of Oakland, et al.		CASE NUMBER: <b>23CV039291</b>	
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.:	

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
  - ☒ summons
  - ☒ complaint
  - ☐ Alternative Dispute Resolution (ADR) package
  - ☒ Civil Case Cover Sheet (served in complex cases only)
  - ☐ cross-complaint
  - ☐ other (specify documents):
- Party served (specify name of party as shown on documents served):  
Jenny Wong, City Auditor
  - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served:  
2180 Milvia # 3, Berkeley, CA 94704
- I served the party (check proper box)
  - ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (specify means of service and authorizing code section):  
 Certified Mail, Return Receipt Requested

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify): \_\_\_\_\_
- c. ☐ as occupant.
- d. ☐ On behalf of (specify): \_\_\_\_\_  
 under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other: _____                                 |

7. **Person who served papers**

- a. Name: Richard Henry
- b. Address: 2550 Frances Street, Oakland, CA 94601
- c. Telephone number: 510-290-0577
- d. The fee for service was: \$ \_\_\_\_\_
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.: \_\_\_\_\_
- (iii) County: \_\_\_\_\_

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: July 28, 2023

Richard Henry

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
 (SIGNATURE)