

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE**

MINUTE ORDER

DATE: 01/04/2013

TIME: 09:00:00 AM

DEPT: 31

JUDICIAL OFFICER PRESIDING: Michael P. Kenny

CLERK: Susan Lee

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT:

CASE NO: **34-2012-80001158-CU-WM-GDSC** CASE INIT.DATE: 04/25/2012

CASE TITLE: **The Affordable Housing Coalition Of San Diego County VS Tracy Sandoval In Her Official Capacity et al**

CASE CATEGORY: Civil - Unlimited

APPEARANCES

NATURE OF PROCEEDINGS: CORRECTED RULING ON SUBMITTED MATTER NUNC PRO TUNC AS OF DECEMBER 21, 2012 ON DEMURRER, MOTION FOR JUDGMENT ON THE PLEADINGS; MOTION TO STRIKE

The Court has received and reviewed a letter dated January 2, 2013 from counsel for petitioner in this matter requesting a clarification or correction of the Court's final ruling on the motion to strike. The Court has reviewed the final ruling and finds that it was in error in stating that the order denying petitioner's motion to strike was affirmed. The Court's ruling was to deny the motion to strike respondent Sandoval's three affirmative defenses and to grant the motion to strike respondent Sandoval's request for an award of attorney's fees. The Court therefore amends the portion of page 7 of its minute order dated December 21, 2012 appearing under the heading "Court Ruling on Submitted Matter" to read as follows:

Having considered the written and oral arguments of the parties, the Court now makes the following order:

The tentative ruling overruling real party in interest Matosantos' demurrer and denying respondent Sandoval's motion for judgment on the pleadings on the issues of standing and failure to state a cause of action is affirmed. The tentative ruling denying petitioner's motion to strike respondent Sandoval's three affirmative defenses is affirmed. The tentative ruling granting petitioner's motion to strike respondent Sandoval's request for attorney's fees is affirmed.

The Court sustains the demurrer and grants the motion for judgment on the pleadings with leave to amend on the issue of failure to join necessary parties. The Court concludes that the successor agencies and local taxing entities in San Diego County should be joined because they claim an interest in the subject matter of this action and are so situated that the disposition of this action in their absence may as a practical matter impair or impede their ability to protect that interest, within the meaning of Code of Civil Procedure section 389(a)(2)(i). The Court further concludes that those parties may be joined without depriving the Court of jurisdiction over the subject matter of this action.

In light of the number of entities involved, petitioner is granted 30 days from the date of this amended order to amend its pleading and join the necessary parties, rather than the normal 10 days provided in Rule of Court 3.1320(g).

No further written order shall be required.

Certificate of Service by Mailing is attached.

I, the Clerk of the Superior Court of California, County of Sacramento, certify that I am not a party to this cause, and on the date shown below I served the foregoing CORRECTED RULING ON SUBMITTED MATTER by depositing true copies thereof, enclosed in separate, sealed envelopes with the postage fully prepaid, in the United States Mail at Sacramento, California, each which envelopes was addressed respectively to the persons and addresses show below:

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WILLIAM A. JOHNSON, JR.
Senior Deputy
1600 Pacific Highway, Room 355
San Diego, CA 92101

I, the undersigned Deputy Clerk, declare under penalty of perjury that the foregoing is true and correct.

Dated: January 7, 2013

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

/s/ S. Lee/J. Zraggen

By S. Lee/J. Zraggen, Deputy Clerks