

# California



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## Oakland/East Bay Office Obtains Dismissal of a City

Andrew Chan and Joseph Minioza of the Firm's Real Estate and Professional Liability Practice Groups secured another victory when it prevailed in a series of demurrers on behalf of our client, the City of Hayward, in Alameda County Superior Court.

The suit was brought by several tenants under the City's Residential Rent Stabilization Ordinance and filed not only against the City, but the plaintiffs' landlords and the mediator/arbitrator that attempted to resolve their case. The plaintiffs sued for breach of Cal. Govt. Code §§ 815.4 and 815.6, violation of the Judicial Powers Clause,<sup>[1]</sup> and preemption by state law.<sup>[2]</sup>

The City's demurrer was based primarily on its defense of government immunity pursuant Cal. Govt. Code § 815, *et seq.*, as well as uncertainty. The City was forced to file a subsequent demurrer as plaintiffs amended their complaint to plead their way around the City's defenses. Ultimately, the plaintiff's efforts were in vain and the trial court sustained the City's second demurrer without leave to amend.

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