

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Central Justice Center
700 W. Civic Center Drive
Santa Ana, CA 92702

SHORT TITLE: Hall vs. County of Orange

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2021-01220678-CU-WM-CJC

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 04/04/23, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on April 5, 2023, at 3:15:41 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

COUNTY COUNSEL-SANTA ANA
KAYLA.WATSON@COCO.OCGOV.COM

COUNTY COUNSEL-SANTA ANA
LAURA.KNAPP@COCO.OCGOV.COM

LAW OFFICES OF NICOLE C. PEARSON
JESSICA@FLTJLLP.COM

LAW OFFICES OF NICOLE C. PEARSON
MICHELLE@FLTJLLP.COM

LAW OFFICES OF NICOLE C. PEARSON
NPEARSON@NCPESQ.COM

LAW OFFICES OF NICOLE C. PEARSON
RITA@FLTJLLP.COM

Clerk of the Court, by:



, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 04/04/2023

TIME: 02:58:00 PM

DEPT: C28

JUDICIAL OFFICER PRESIDING: Thomas S McConville

CLERK: B. Sadorra

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2021-01220678-CU-WM-CJC** CASE INIT.DATE: 09/14/2021

CASE TITLE: **Hall vs. County of Orange**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 73987381

EVENT TYPE: Under Submission Ruling

APPEARANCES

The Court, having taken the above-entitled matter under submission on 4/3/23 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Petitioners Peggy Hall and Children's Health Defense – California Chapter's application for an alternative writ of mandate commanding Respondents to review local conditions to determine whether there remains the need for continuing the local health emergency and/or local emergency as required by Health and Safety Code, § 101080 and Government Code § 8630, subd. (c), and to proclaim the termination of the local health emergency and/or local emergency should conditions warrant as required by Health and Safety Code, § 101080 and Government Code, § 8630, subd. (d), is DENIED as moot. (Code Civ. Proc., § 1085 [traditional mandamus].)

Respondents' requests for judicial notice (ROA 220, 246, 318, 365) are GRANTED. (Evid. Code, § 452, subds. (c), (d); Cortez v. Purolator Air Filtration Prod. Co. (2000) 23 Cal.4th 163, 168, fn. 2 [judicial notice of legislative rejection].) Petitioners' objections to the request for judicial notice are OVERRULED.

Petitioners filed a request for judicial notice on 3-20-23. (ROA 379.) The court observes that the items listed in this request do not match the attached exhibits. The court grants judicial notice of the transcript of the 9-22-22 hearing in this action (Ex. A), and the transcript of the 2-27-23 hearing in this action (Ex. B). The remainder of Petitioners' request for judicial notice is DENIED; the deposition transcript attached as Ex. C is not properly subject to judicial notice, and Petitioners have not provided "sufficient information to enable [the court] to take judicial notice" of the remaining matters identified in the request. (Evid. Code, § 453, subd. (b).)

This matter is on calendar for a continued Order to Show Cause ("OSC") hearing on Petitioners' Application for Alternative Writ of Mandate (ROA 71). The OSC hearing has been rescheduled several times, including on February 27, 2023, when the parties appeared and on the court's motion the hearing was continued for the parties to brief the issue of mootness. The Petitioners' Application requested mandamus relief ordering Respondents to:

DATE: 04/04/2023

MINUTE ORDER

Page 1

DEPT: C28

Calendar No.

1. Rescind their Abdication Vote of June 22, 2021 and reclaim their statutory duties under Government Code, section 8630, and/or Health & Safety Code, section 101080, to review local, County conditions to determine whether such conditions warrant terminating the local state of emergency and/or local health emergency (hereinafter collectively "Emergencies") declared by Respondents on February 26, 2020, and to terminate the local state of emergency and/or local health emergency if such conditions warrant; or
2. To show cause in this Court why Respondents have refused to satisfy their legal duties as the governing authority of the County to both review the local conditions and/or terminate the local emergency and/or local health emergency "at the earliest possible date" conditions warrant.

Respondents' 6-22-21 vote expired on its own terms on 2-28-23, concurrently with the Governor's 2-28-23 Proclamation ending the statewide state of emergency. (ROA 71, Ex. A, Item 41; ROA 365, Ex. C.) The local emergency has likewise been terminated. (ROA 365, Ex. A.) Thus, Respondents' duties are no longer subject to the Governor's prior 3-4-20 Proclamation (ROA 220, Ex. 3) suspending the 30-day and 60-day requirements of Health and Safety Code, § 101080 and Gov't Code, § 8630, subd. (c). Respondents are now subject to the express terms of the foregoing code sections.

However, as the local emergency has been terminated (ROA 365, Ex. A), there is no basis to order Respondents to "review local, County conditions to determine whether such conditions warrant terminating the local state of emergency and/or local health ... declared by Respondents on February 26, 2020," and/or "to terminate the local state of emergency and/or local health emergency if such conditions warrant," as requested in Petitioners' Application for Alternative Writ of Mandate. Nor is there any basis to order Respondents to show cause why they have not done so, as Respondents no longer have any such duty.

The court understands Petitioners' argument that Respondents failed to conduct a required hearing. In Petitioners' view, Respondents abdicated their duties. But the state of emergency that was at issue has expired. Therefore, events have occurred which "render[] it impossible for [the] court" to grant "any effectual relief" on the instant Application for Alternative Writ of Mandate. (*Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1574.) Accordingly, the Application for Alternative Writ of Mandate is DENIED as moot.

Respondents' most recent brief also argues that Petitioners' remaining claims for declaratory and injunctive relief are also moot and must be dismissed. However, this matter is currently before the court only in connection with Petitioners' Application for Alternative Writ of Mandate. A decision on claims other than Petitioners' requests for mandamus relief is premature.

Respondents shall give notice.