SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

23CV008658: PEOPLE OF THE STATE OF CALIFORNIA vs CITY OF SACRAMENTO, et al.
05/03/2024 Hearing on Demurrer in Department 23

Tentative Ruling

NO APPEARANCE REQUIRED

Defendant City of Sacramento's (the "City") demurrer to the First Amended Complaint is ruled upon as follows.

Request for Judicial Notice

Plaintiff the Sacramento County District Attorney's Office's (the "People") request for judicial notice of an order from the United States District Court for the Eastern District of California in *Hood, et al. v. City of Sacramento, et al.* (Case No. 2:23-cv-00232-KJM-CKD) is UNOPPOSED and GRANTED. However, in taking judicial notice of this order, the court accepts the fact of its existence, not the truth of its contents or factual findings. Courts "cannot take judicial notice of the truth of hearsay statements in other decisions or court files [citation], or of the truth of factual findings made in another action." (*Johnson & Johnson v. Superior Court* (2011) 192 Cal.App.4th 757, 768.)

Overview

The People bring this Action against the City regarding its unhoused population. The People allege that City officials, including the Mayor, City Attorney, and individual City Councilmembers, "act to prevent and thwart the lawful abatement of nuisances." (First Amended Complaint ("FAC") ¶¶ 2, 3, 6, 9, 45, 55.) The First Amended Complaint's general allegations are separated into allegations related to various "unhoused zones." The First Amended Complaint alleges the following conditions in the unhoused zones: (1) blocked sidewalks; (2) dangerous campfires; (3) various crimes committed by "zone inhabitants"; (3) animal abuse; (4) unwanted noise at all hours of the day; (5) property damage caused by zone inhabitants; and (6) environmental pollution. (FAC ¶¶ 65-286.) The First Amended Complaint describes the experiences of residents who live or work in the various zones. As to one resident, the First Amended Complaint alleges "[t]he unhoused have negatively affected [her] quality of life greatly, especially since May of 2023." (FAC ¶ 99.)

The People bring three causes of action against the City. The first cause of action for public nuisance alleges that "the City's refusal to maintain the public property under its control and failure to enforce its laws and local ordinances thereon facilitates and perpetuates a public nuisance." (FAC ¶ 289.) In the first cause of action, the People "seek equitable and injunctive relief compelling the City to properly maintain its property, including the zones described above, by abating the nuisance that has continuously caused numerous citizens to suffer physical,

mental, and emotional injuries." (*Id.* at ¶ 291.)

The second cause of action for nuisance per se alleges the City is violating Water Code sections 13050(d) and (m) by "allowing the continual disposal of waste onto and from City property to waters of the State." (FAC ¶¶ 292-293.) The People also allege that by "failing to maintain its property, including, but not limited to, the sidewalks, parks and streets in the zones described above, by declining to clear zones of the encampments that are unlawfully obstructing the reasonable use and enjoyment of sidewalks, streets, parks, and other City property by its citizens and/or by directing that any enforcement action related to the zones be stopped and/or by otherwise failing to take any other action to abate the nuisance" in violation of Civil Code section 3479. (*Id* at ¶ 294.) The People "seek equitable and injunctive relief in the form of an order compelling the City to maintain its property and abate the nuisance." (*Id.* at ¶ 296.)

The third cause of action is brought pursuant to Fish and Game Code sections 5650, *et seq.* and also seeks injunctive relief to prevent water pollution. The People allege that the City has violated section 5650 by permitting "to pass into, and placed where it may pass into waters of the State, waste matter, refuse, debris, and other substances and materials deleterious to aquatic life." (FAC ¶ 298.) The People also allege that the City has violated section 5652 by permitting "to pass into, and plac[ing] where it can pass into the waters of the State, and abandoned, disposed of, and thrown away, within 150 feet of the highwater mark of the waters of the State, cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, [and] debris." (*Ibid.*) The People seek injunctive relief to prevent ongoing and future violations of the Fish and Game code sections preventing water pollution. (*Id.* at ¶¶ 298 & 300.)

The City demurs to the entire First Complaint on three grounds. First, the People's claims are barred by immunities within the Government Claims Act. Second, the People fail to state sufficient facts to support any of their causes of action. Third, the People's claims are barred by a separation of powers defense. As discussed below, the immunities relied on by the City are not applicable due to the nature of the relief the People seek. However, the City's argument that the People have failed to state sufficient facts to support their nuisance causes of action has merit as does the City's separation of powers defense.

Legal Standard on Demurrer

A demurrer "tests the pleadings alone and not the evidence or other extrinsic matters." (*SKF Farms v. Superior Court* (1984) 153 Cal.App.3d 902, 905.) The purpose of a demurrer is to test the legal sufficiency of a claim. (*Donabedian v. Mercury Ins. Co.* (2004) 116 Cal. App. 4th 968, 994.) For the purpose of determining the effect of a complaint, its allegations are liberally construed, with a view toward substantial justice. (Code Civ. Proc., § 452; *Amarel v. Connell*

(1988) 202 Cal.App.3d 137, 140-141; *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 43, fn. 7.) In this respect, the Court treats the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law, and considers matters which may be judicially noticed. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; *Poseidon Development, Inc. v. Woodland Lane Estates, LLC* (2007) 152 Cal.App.4th 1106, 1111-1112.)

Discussion

Immunities Under the Government Claims Act

The City maintains that all causes of action are barred by the following sections within the Government Claims Act: Government Code sections 815, 818.2, 820.4, 820.8, and 821. The City contends that these provisions grant immunity to the City against the claims brought by the People.

The People counter that none of the immunities the City relies on apply in this case for two reasons. First, "section 815 of the Government Code does not bar nuisance actions against public entities to the extent such actions are founded on section 3479 of the Civil Code or other statutory provisions that may be applicable." (*Nestle v. City of Santa Monica* (1972) 5 Cal.3d 920, 937.) Therefore, the People argue that the first and second causes of action are not barred by section 815 as a matter of law. Second, the immunities are not applicable because the People are seeking injunctive and equitable relief, not monetary damages. Accordingly, the People argue that Government Code section 814 applies and the City cannot claim immunity from this suit.

The Court agrees with the People. As to the first and second causes of action, Government Code section 815 is inapplicable because the causes of action are brought pursuant to Civil Code section 3479. (*Nestle*, *supra*, 5 Cal.3d at 937.) As to the remaining immunities claimed as to all three causes of action, Government Code section 814 renders them inapplicable in this case. Section 814 provides: "Nothing in this part affects liability based on contract or the right to obtain relief other than money or damages against a public entity or public employee."

In *County of Santa Clara v. Superior Court* (2023) 14 Cal.5th 1034, 1046, our state Supreme Court observed that "the Government Claims Act's immunity and liability provisions are aimed at common law tort claims for *money* damages." (Emphasis added.) The Court further stated: "our case law and well-reasoned holdings from the Courts of Appeal confirm that the Government Claims Act is concerned with shielding public entities from tort claims seeking money damages, and not with every conceivable claim that might be pressed against a public entity." (*Id.* at 1049.) Here, the People seek only injunctive and equitable relief, not money damages.

The City relies on *Guzman v. County of Monterey* (2009) 178 Cal.App.4th 983 and contends that the opinion contains the quoted text that plaintiffs "may not circumvent the legislative immunity granted by section 818.2 simply by alleging injunctive relief." (MPA 10:13-14.) The text quoted by the City is not contained in *Guzman*. In *Guzman*, the Court found that statutory immunity did not apply. (*Guzman*, *supra*, 178 Cal.App.4th at 996-997.) It appears the quoted text comes from *Esparza v. County of Los Angeles* (2014) 224 Cal.App.4th 452, 460. In *Esparza*, the plaintiffs were peace officers employed by the Los Angeles County Office of Public Safety ("OPS"). (*Id.* at 455.) After the Board of Supervisors voted to merge the OPS with the Sheriff's Department, the plaintiffs brought suit alleging that the majority of OPS officers were terminated or given lower paying positions. (*Id.* at 456-457.) The Court found Los Angeles County was immunized against the plaintiffs' Fair Employment and Housing Act claims. The plaintiffs relied on section 814, but the Court found "[i]t is clear that Plaintiffs' action is primarily for money or damages, not injunctive relief." (*Id.* at 460.) Here, a reading of the First Amended Complaint does not support the conclusion that the People's action is primarily for money or damages.

The City next relies on *Schooler v. State of California* (2000) 85 Cal.App.4th 1004, 1013. In *Schooler*, the plaintiff was the owner of property that lies on top of a bluff that provided lateral support for his property. (*Id.* at 1008.) Both the bluff adjacent to the property and the beach below the property were owned by the State. (*Ibid.*) Over time, the bluff adjacent to the plaintiff's eroded, compromising the lateral support of the plaintiff's property. (*Ibid.*) The plaintiff sought compensation for the State's failure to maintain its bluff in a stable condition. (*Ibid.*) The plaintiff also sought an injunction requiring the State to abate a nuisance and for costs in connection with preliminary efforts to abate the nuisance. (*Ibid.*) The trial court granted summary judgment on immunity grounds pursuant to Government Code section 831.25. The Court of Appeal affirmed.

The Court of Appeal reasoned that section 814 cannot be applied in such a way as to circumvent either its own underlying legislative policy or that of another section in the Tort Claims Act. (*Id.* at 1013.) Pursuant to Government code section 831.25, the State had no duty with respect to injuries caused by natural conditions on public land. Accordingly, the Court of Appeal found the State was immune from the action notwithstanding the injunctive relief sought by the plaintiff. The Court of Appeal observed that the Legislative Committee's comment to section 814 provides: "'Under this statute as limited by this section, the appropriate way to seek review of discretionary governmental actions is by an action for specific or preventative relief to control their abuse of discretion, not by tort actions for damages.'" (*Id.* at 1014 [quoting Legis. Comm. com., West's Ann. Cal. Gov. Code. foll. § 814].) The Court of Appeal also found that the injunctive relief sought "requires the State to provide physical support for the bluff along with other measures to prevent pedestrian activity. These types of actions impose financial burdens on

the state that section 831.25 guards against." (*Id.* at 1014.)

The People argue *Schooler* is not instructive for the following reasons. First, the plaintiff in *Schooler* sought both injunctive relief and general damages. Here, the People seek only injunctive relief. Second, the plaintiff in *Schooler* sought to impose a non-existent duty on the State. Here, the City makes no claim that it does not have a duty to maintain roads, sidewalks, parks, and other property. The Court agrees. For these reasons, *Schooler* is not instructive and does not persuade the Court that the People are attempting to circumvent the Government Claims Act (formerly the Tort Claims Act).

Finally, the City relies on *Halcala v. Bird Rides, Inc.* (2023) 90 Cal.App.5th 292, 305 and *Sutton v. Golden Gate Bridge, Highway and Transp. Dist.* (1998) 68 Cal.App.4th 1149, 1165 for the proposition that "[u]nder Government Code section 821, City employees are immune from liability for injuries resulting from their alleged failure to enforce the City's law and ordinances." (MPA 9:24-27.) However, both cases are not applicable because they involved claims for monetary damages.

Because Plaintiffs are alleging nuisance claims pursuant to Civil Code section 3479 and only seek injunctive and equitable relief, none of the claimed immunities are applicable. Consequently, the City's demurrer on this ground is OVERRULED.

Failure to State Facts Sufficient to Constitute a Cause of Action

Public Nuisance

Turning to the People's first cause of action for public nuisance, the Court begins by setting forth the elements of nuisance and the requirement for a claim against a public entity.

"Anything which is . . . an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . navigable lake, or river, bay stream, canal, or basin, or any public park, square, street, or highway, is a nuisance." (Civ. Code, § 3479.) "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal." (*Id.* at § 3480.) "'The conduct necessary to make the actor liable for either a public or private nuisance may consist of (a) an act; or (b) a failure to act under circumstances in which the actor is under a duty to take positive action to prevent or abate the interference with the public interest . . . .'" (*In re Firearm Cases* (2005) 126 Cal.App.4th 959, 988 [quoting Rest.2d Torts, § 824].)

Government Code section 815 provides in relevant part: "Except as otherwise provided by statute: (a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person." Government Code section 815.6 states: "Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty."

The City maintains that the People have failed to allege facts sufficient to constitute a cause of action for nuisance because the People have not asserted in the First Amended Complaint "any law(s) the City is failing to enforce, let alone a law that places a mandatory enforcement duty on the City." (MPA 12:20-22.) The City contends that "[w]ithout the identity, or existence, of the law(s) imposing a mandatory duty it is impossible to determine whether the City has breached a duty to enforce a mandatory obligation." (*Id.* at 12:22-25.)

The People argue that elements of nuisance include permitting a nuisance to exist, relying on Judicial Council of California Civil Jury Instructions ("CACI") Number 2020. The People maintain that they adequately allege "that the City has failed to act with respect to the zones described in the FAC in multiple ways" citing paragraphs 37-38, 65-68, 81-82, 92, 101, 109, 112-113, 116-122, 133-135, 145-146, 150, 158-159, 170-173, 190 and 196-199. (Opp. 9:16-25.) The Parties interpret the nuisance claim differently. The City argues that the nuisance complained of is "individuals experiencing homelessness." (MPA 11:24-27.) The People argue the City has misrepresented and oversimplified the allegations. (Opp. 9:8-13.) Further, the People assert that "the People's claims are not based on whether the City enforced or executed a law. The crux of the People's case is that the City's inaction generally regarding obstruction of its sidewalks and other issues stemming from the encampments detailed in the FAC has permitted and perpetuated a public nuisance . . . ." (Opp. 11:15-18.)

The Court agrees with the City. The People's citation to CACI 2020 is not persuasive because the First Amended Complaint does not identify a mandatory duty to act. There is no allegation specifying an ordinance or other enactment that places a mandatory duty on the City with respect to the unhoused population or their encampments. While CACI 2020 does state that nuisance can be premised on a failure to act, as stated *In re Firearm Cases*, for a claim premised on a failure to act, there must be a duty to act. (*In re Firearm Cases*, *supra*, 126 Cal.App.4th at 988.) Moreover, Government Code sections 815 and 815.6 require an enactment to support a *mandatory* duty on a public entity. The People's allegations that the City generally failed to maintain City controlled property are insufficient to maintain a cause of action for public nuisance against a public entity. For these reasons, the demurrer to the first cause of action is SUSTAINED. The People's request

for leave to amend is GRANTED. In light of the fact this is the first resolved challenge to the People's complaint, the Court grants 30 days leave to amend.

Nuisance Per Se

The City argues the People's nuisance per se cause of action is deficient for the same reasons as the nuisance cause of action, namely the "First Amended Complaint does not identify the law(s) the City is allegedly failing to enforce resulting in a violation of Civil Code section 3479, let alone a law that imposes a mandatory enforcement duty on the City." (MPA 14:13-16.)

The People again argue that their "claims are not premised on a failure to enforce a specific law and third-party involvement in the conduct constituting a nuisance does not relieve the City of liability, as it is the City's inaction that has permitted the nuisance on its property and, accordingly, the City should be required to abate it." (Opp. 12:12-18.) The People also argue that Water Code section 13050 supports the cause of action because subdivision (m) states what constitutes a nuisance per se.

The Court finds that the second cause of action suffers from the same defect as the first cause of action. The People's reference to the Water Code does not command a different result because the People cite no provision in the Water Code that imposes a mandatory duty on the City. Because there is no allegation specifying an ordinance or other enactment that places a mandatory duty on the City with respect to the unhoused population or their encampments, the demurrer to the second cause of action must be SUSTAINED. The People's request for leave to amend is GRANTED. In light of the fact this is the first resolved challenge to the People's complaint, the Court grants 30 days leave to amend.

Violations of Fish and Game Code

Fish and Game Code section 5650 provides, in relevant part: "[I]t is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following: . . . (6) Any substance or material deleterious to fish, plant life, mammals, or bird life." Fish and Game Code section 5652 provides, in relevant part: "It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris . . . ." Fish and Game code section 5650.1 sets forth the remedies for a violation of section 5650.

The City argues that Fish and Game Code section 5650, *et seq.* does not provide for liability against the City. The City contends that section 5650.1 only allows for recovery of civil penalties

and/or injunctive relief against "[a] person who violates Section 5650." (Fish & G. Code, § 5650.1(a).) A public entity is not contained within the Fish and Game Code's definition of person. (*Id.* at § 67.)

The People argue the City misreads section 5650.1. The People maintain that the limitation as to "persons" is only contained in subdivision (a) regarding civil penalties. Subdivision (e) of section 5650.1 regarding injunctive relief, contains no limitation on the type of defendant subject to liability. The People cite *Briggs for Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1117, for the premise that "[w]here different words or phrases are used in the same connection in different parts of a statute, it is presumed the Legislature intended a different meaning." The People further rely on *Oroville Dam Cases* (2023) 96 Cal.App.5th 173, 183-184. In that case, the Court noted "unlike the subdivisions regarding civil penalties, the subdivisions of section 5650.1 mentioning injunctive relief do not refer to a "person" as the proper defendant." (*Id.* at ¶ 184.)

The Court agrees with the People's interpretation of section 5650.1. There is no language limiting the right to injunctive relief against only "persons." (*Compare* Fish and G. Code, §§ 5650.1(a) with (e).) Accordingly, the City has failed to establish that it is not subject to liability under section 5650.1. For these reasons, the demurrer on this ground is OVERRULED.

Separation of Powers Defense

"[U]nder the separation of powers doctrine, courts lack power to interfere with legislative action at either the state or local level" beyond ruling on the constitutionality of legislative actions. (*Friends of H Street*, *supra*, 20 Cal.App.4th at 165.) "'It is within the legitimate power of the judiciary, to declare the *action* of the Legislature unconstitutional, where that action exceeds the limits of the supreme law. However, the Courts have no means and no power, to avoid the effects of *non-action*. The Legislature being the creative element in the system, its action cannot be quickened by the other departments.'" (*Ibid.* [quoting *Myers v. English* (1858) 9 Cal. 341, 349 [emphasis in original].)

In *Friends of H Street*, residents of East Sacramento filed a lawsuit seeking to have the City abate what they perceived to be a traffic nuisance on a portion of H Street, a busy and congested street in the neighborhood. (*Friends of H Street* (1993) 20 Cal.App.4th at 152.) After years of complaints by H Street residents, in 1989 the City commissioned a study of traffic conditions on the street. (*Id.* at 157.) After the study was finalized, in 1991 the City's department of public works, transportation division, recommended that the city council take no action to alleviate any of the traffic conditions identified in the study. (*Id.)* As a result, the dispute in the underlying case arose from the City of Sacramento's decision to take no action to alleviate any of

the conditions on the street. (*Id.* at 157.) The plaintiffs filed a complaint for nuisance and sought "injunctions to force the City to reduce the traffic speed and volume on H Street." (*Ibid.*) The Court of Appeal held the court lacked the authority to grant the requested relief under the separation of powers doctrine.

A governmental entity's decision to enforce laws that are within its authority is a matter of prosecutorial discretion. The principle of prosecutorial discretion is "rooted in the separation of powers and due process clauses of our Constitution . . . ." (*Gananian v. Wagstaffe* (2011) 199 Cal.App.4th 1532, 1543.) Prosecutorial discretion "arises from the complex considerations necessary for the effective and efficient administration of law enforcement." (*Ibid.* [internal quotations omitted].) "The prosecution's authority in this regarded is *founded, among other things on the principle of separation of powers*, and generally is not subject to supervision by the judicial branch." (*Ibid.* [internal quotations omitted; emphasis in original].) "The responsibilities of a city attorney include, inter alia, the prosecution of persons accused of violating city ordinances." (*People v. Rhodes* (1974) 12 Cal.3d 180, 182.)

The City argues that the plain reading of the First Amended Complaint shows that the People seek to compel the City to either enact new ordinances or policies or enforce existing ordinances and policies. However, pursuant to the separation of powers doctrine such relief is not available through this Court. Accordingly, the City asks the Court to sustain the demurrer to the entire First Amended Complaint because the remedy sought by plaintiffs directly interferes with the City's legislative and prosecutorial functions.

The People concede that the Court cannot compel the City to prosecute City Code violations or enact legislation. (Opp. 16:21-28.) The People argue that the City misreads or misunderstands the First Amended Complaint. The People maintain that "[n]owhere does [the First Amended Complaint] state that the People are seeking to compel the City Attorney to prosecute City Code violations or requesting legislative actions of any kind." (Opp. 16:21-22.) "Rather, the People simply want the City to abate the nuisance on its property – in whatever manner it deems best to do so." (*Id.* at 17:1-2.) The People rely on *Kempton v. City of Los Angeles* (2008) 165 Cal.App.4th 1344, 1349 to argue it is sufficient to merely allege that a public entity be required to abate a nuisance on its property.

The Court finds the People's argument is not persuasive. The First Amended Complaint is based entirely on the City's alleged failure to enforce its ordinances against the unhoused population and its failure to adopt new policies to address the unhoused population and their encampments. (*See e.g.* FAC ¶¶ 25 ["Past approaches by the City to address the unhoused crisis have failed. The City should not stand idly by while lawless zones that promote crime erode the well-being of our City for those who work and live here.] & 29 ["The City of Sacramento blatantly disregards

its own protocols to address the unhoused, in order to avoid enforcement and ignore complaints from unhoused residents"].) There are no allegations to support a finding that the People are seeking an injunction that requires the City to do anything other than legislate or enforce its ordinances – two remedies this Court cannot provide. If the People intend to request relief other than compelling the City to enforce its ordinances or to enact legislation, they must plainly allege such facts in an amended pleading. Moreover, the Court is not persuaded by the People's reliance on *Kempton*. The nuisance at issue in *Kempton* was a fence. (*Kempton*, *supra*, 165 Cal.App.4th at 1346.) A fence is in no way equivalent to the persons and their encampments complained of in this Action. The People provide no examples of how the City can address the issues alleged other than through legislation or enforcing existing laws.

Because a plain reading of the First Amended Complaint only shows a request for the Court to compel legislative or enforcement action by the City, the Court agrees that the separation of powers doctrine bars all of the People's claims as presently alleged. Accordingly, the demurrer on this ground is SUSTAINED. The People's request for leave to amend is GRANTED. In light of the fact this is the first resolved challenge to the People's complaint, the Court grants 30 days leave to amend.

Disposition

For the reasons stated above, the demurrer to the entire First Amended Complaint is SUSTAINED for failure to state sufficient facts as to the first and second causes of action, and based on the separation of powers defense as to all causes of action. The demurrer is OVERRULED as to immunity and failure to state sufficient facts as to the third cause of action. The People are granted 30 days leave to amend as to all causes of action.

To request oral argument on this matter, you must call Department 23 at 916-874-5754 by 4:00 p.m., the court day before this hearing and notification of oral argument must be made to the opposing party/counsel. If no call is made, the tentative ruling becomes the order of the court. (Local Rule 1.06.)

Please check your tentative ruling prior to the next Court date at www.saccourt.ca.gov prior to the above referenced hearing date.

If oral argument is requested, the parties may and are encouraged to appear by Zoom with the links below:

To join by Zoom Link - https://saccourt-ca-gov.zoomgov.com/my/sscdept23
To join by phone dial (833) 568-8864 ID 16108301121

Parties requesting services of a court reporter will need to arrange for private court reporter services at their own expense, pursuant to Government code section 68086 and California Rules of Court, Rule 2.956. Requirements for requesting a court reporter are listed in the Policy for Official Reporter Pro Tempore available on the Sacramento Superior Court website at https://www.saccourt.ca.gov/court-reporters/docs/crtrp-6a.pdf. Parties may contact Court-Approved Official Reporters Pro Tempore by utilizing the list of Court Approved Official Reporters Pro Tempore available at https://www.saccourt.ca.gov/court-reporters/docs/crtrp-13.Pdf

A Stipulation and Appointment of Official Reporter Pro Tempore (CV/E-206) is required to be signed by each party, the private court reporter, and the Judge prior to the hearing, if not using a reporter from the Court's Approved Official Reporter Pro Tempore list. Once the form is signed it must be filed with the clerk.

If a litigant has been granted a fee waiver and requests a court reporter, the party must submit a Request for Court Reporter by a Party with a Fee Waiver (CV/E-211) and it must be filed with the clerk at least 10 days prior to the hearing or at the time the proceeding is scheduled if less than 10 days away. Once approved, the clerk will be forward the form to the Court Reporter's Office and an official reporter will be provided.

Counsel for the City is directed to notice all parties of this order.