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**Exempt from Filing Fees --  
Gov't Code § 6103**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA

13 **MITCHELL SIMS; MICHAEL**  
14 **MORALES; AMERICAN CIVIL**  
15 **LIBERTIES UNION OF NORTHERN**  
**CALIFORNIA,**  
16 Plaintiffs-Petitioners,  
17 **v.**  
18 **SCOTT KERNAN, AS SECRETARY OF**  
19 **THE CALIFORNIA DEPARTMENT OF**  
20 **CORRECTIONS AND**  
21 **REHABILITATION; CALIFORNIA**  
**DEPARTMENT OF CORRECTIONS AND**  
**REHABILITATION,**  
22 Defendants-Respondents.

Case No. RG16838951  
**RESPONDENTS' NOTICE OF HEARING  
ON DEMURRER AND DEMURRER TO  
VERIFIED PETITION FOR A WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**  
Date: February 3, 2017  
Time: 9:31 a.m.  
Dept: 30  
Judge: Honorable Brad Seligman  
Trial Date: n/a  
Action Filed: November 15, 2016

24 TO PLAINTIFFS-PETITIONERS AND THEIR COUNSEL OF RECORD:

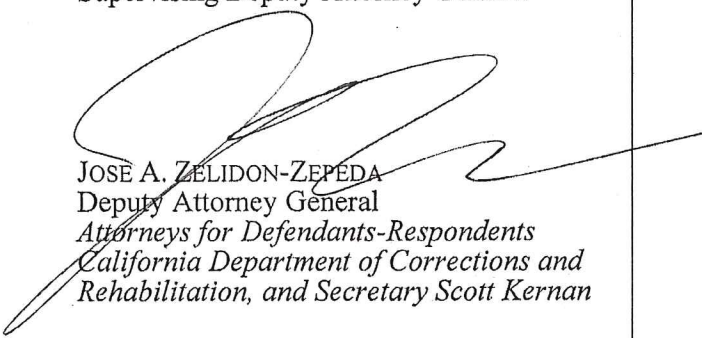
25 Please be informed, per Rule of Court 3.1112, that on February 3, 2017, at 9:31 a.m. in  
26 Department 30 of the Superior Court, Alameda County, 1225 Fallon Street, Oakland, California,  
27 Defendants-Respondents will move for an order sustaining their demurrer to the Verified Petition  
28 for a Writ of Mandate in its entirety. The bases for this motion are that the claims are barred by

1 res judicata, and that the petition does not state a claim for relief, as more fully set forth in the  
2 accompanying memorandum of points and authorities supporting this demurrer.

3 Dated: December 16, 2016

Respectfully Submitted,

4 KAMALA D. HARRIS  
5 Attorney General of California  
6 TAMAR PACTER  
7 Supervising Deputy Attorney General

8   
9 JOSE A. ZELIDON-ZEPEDA  
10 Deputy Attorney General  
11 *Attorneys for Defendants-Respondents*  
12 *California Department of Corrections and*  
13 *Rehabilitation, and Secretary Scott Kernan*

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Sims, Mitchell, et al. v. Scott Kernan, et al.*

No.: **RG1688951**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On December 16, 2016, I served the attached

**RESPONDENT'S NOTICE OF HEARING ON DEMURRER AND DEMURRER TO VERIFIED PETITION FOR A WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

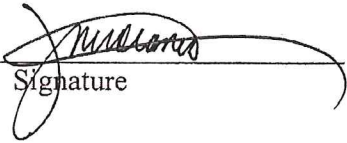
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Linda Lye  
ACLU of No. California  
39 Drumm Street, 2nd Floor  
San Francisco, CA 94111

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 16, 2016, at San Francisco, California.

\_\_\_\_\_  
M. T. Otones  
Declarant

  
\_\_\_\_\_  
Signature