

S230899

IN THE  
**SUPREME COURT**  
OF THE STATE OF CALIFORNIA

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BARRY S. JAMESON,  
*Plaintiff and Appellant*

vs.

TADDESE DESTA, M.D.,  
*Defendant and Respondent*

SUPREME COURT  
FILED

MAR 12 2016

Frank A. Wallace, Clerk

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Copy

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California Court of Appeal, Fourth Appellate Dist., Div. One, Case No. D066793  
San Diego County Superior Court Case No. GIS 9465  
Hon. Joel M. Pressman, Judge

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**MOTION REQUESTING JUDICIAL NOTICE;  
MEMORANDUM OF POINTS AND AUTHORITIES;  
DECLARATION OF COUNSEL**

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James J. Wallace II, Esq. – SBN 128627  
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Attorneys for Defendant and Respondent  
TADDESE DESTA, M.D.

**S230899**

**IN THE  
SUPREME COURT  
OF THE STATE OF CALIFORNIA**

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**BARRY S. JAMESON,**  
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Attorneys for Defendant and Respondent  
TADDESE DESTA, M.D.

Pursuant to Evidence Code sections 452 and 459, and California Rules of Court, Rule 8.252(a), Respondent Taddese Desta, M.D., hereby requests that this Court take judicial notice the following documents:

- Ex. A Letter dated July 2, 2012 re: Notification Pursuant to Government Code Section 68106 and accompanying San Diego Superior Court Public Notices. This document can be found on the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).
- Ex. B Letter dated September 20, 2012 re: Notification Pursuant to Government Code Section 68106 and accompanying San Diego Superior Court Public Notice. This document can be found on the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).
- Ex. C Letter dated October 21, 2014 re: Notification of Intent of Closure of Business Offices/Transfer of Operations and San Diego Superior Court Public Notice. This document can be found on the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).
- Ex. D Statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor's proposed 2016-2017 budget. This document can be found on the website of the California Courts at <http://www.courts.ca.gov/34062.htm>.
- Ex. E Governor's Budget Summary, 2016-2017, pages 115-119, "Judicial

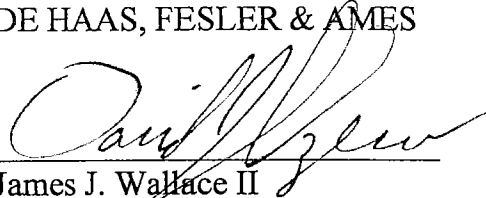
Branch.” This document can be found as a link in the Statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor’s proposed 2016-2017 budget, on the website of the California Courts at <http://www.courts.ca.gov/34062.htm>.

This motion is based on the attached memorandum of points and authorities, declaration of David J. Ozeran, the defendant’s Answer Brief on the Merit, and the documents filed herewith.

DATED: May 10, 2016

LA FOLLETTE, JOHNSON,  
DE HAAS, FESLER & AMES

By



James J. Wallace II  
David J. Ozeran  
Attorneys for Respondent  
TADDESE DESTA, M.D.

## MEMORANDUM OF POINTS AND AUTHORITIES

### I.

#### THE RESPONDENT REQUESTS THAT THE COURT TAKE

#### JUDICIAL NOTICE OF THE ATTACHED DOCUMENTS

The policy of the San Diego Superior Court at the time this matter went to trial in April 2014 was that it did not provide court reporters in civil proceedings. If litigants wanted a court reporter at a hearing or at trial in a civil matter, they had to retain a certified shorthand reporter to serve as an official pro tempore reporter, pursuant to Government Code section 68086(d) and California Rules of Court, Rule 2.956. The plaintiff contends that as an indigent litigant, the trial court abused its discretion in not providing him with an official court reporter.

The documents which the defendant requests that this Court take judicial notice of can all be found on and were obtained from the website of the California Courts, and support the defendant's arguments set forth in the Answer Brief on the Merits that the trial court acted within its discretion in regard to its policy of not providing court reporters in civil proceedings and that the issue regarding the provision of court reporters should be left to the Legislature and the individual County court systems. These documents pertain to the funding crisis faced by the courts, and are referenced in the Answer Brief on the Merits at pages 36-37 and 46-47.

This Court has discretion to take judicial notice of these documents pursuant to Evidence Code section 459, which authorizes the reviewing court to “take judicial notice of any matter specified in Section 452.” The documents which the defendant requests that this Court take judicial notice of were not presented to the trial court. They may be judicially noticed pursuant to section 452, subdivisions (c) (“[o]fficial acts of the legislative, executive, and judicial departments of ... any state of the United States”) and (d) (“[r]ecords of (1) any court of this state”). The documents can also be judicially noticed under section 452, subdivision (h): “Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” They are readily available on the website of the California courts and are presumably accurate.

Exhibits A, B and C are notifications made by the San Diego Superior Court pursuant to Government Code section 68106 giving notice of reduced court services. The California Courts’ website page for “Reduced Court Services” ([www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm)) contains all the written notices submitted by courts regarding proposed plans to reduce costs.<sup>1</sup> Three such notices were submitted by the San Diego County Superior Court, on July 2, 2012, September

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<sup>1</sup>The California Courts’ website erroneously identifies the pertinent statute as Government Code section “6816” rather than “68106”.

20, 2012, and October 22, 2014. These documents are relevant to showing the budgetary problems faced by the San Diego Superior Court and the nature of the actions taken by the San Diego Superior Court to address those budgetary problems.

Exhibit D is a statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor's proposed 2016-2017 budget, which can be found on the website of the California Courts at <http://www.courts.ca.gov/34062.htm>.

Exhibit E is the Governor's Budget Summary, 2016-2017, pages 115-119, "Judicial Branch," which summarizes the proposed funding for the Judicial Branch in the proposed 2016-2017 budget, and can be found as a link in the statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor's proposed 2016-2017 budget, which can be found on the website of the California Courts at <http://www.courts.ca.gov/34062.htm>. Exhibits D and E are relevant to demonstrating that the funding issues can be and are being addressed through legislative action in funding the courts.

## II.


### CONCLUSION

Based on the foregoing, the defendant respectfully requests that the Court take judicial notice of the documents submitted herewith as exhibits A to E.

DATED: May 10, 2016

LA FOLLETTE, JOHNSON,  
DE HAAS, FESLER & AMES

By



James J. Wallace II

David J. Ozefan

Attorneys for Respondent

TADDESE DESTA, M.D.



DECLARATION OF DAVID J. OZERAN

I, David J. Ozeran, declare:

1. I am an attorney duly licensed to practice before all the courts of the State of California, and am with the firm of La Follette, Johnson, De Haas, Fesler & Ames, a professional corporation, attorneys of record for defendant/respondent Taddese Desta, M.D.

2. The following facts are within my personal knowledge, and if called as a witness, I could and would competently testify thereto.

3. Submitted herewith as exhibit A is a true and correct copy of a letter dated July 2, 2012 re: Notification Pursuant to Government Code Section 68106 and accompanying San Diego Superior Court Public Notices, which I obtained from the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).

4. Submitted herewith as exhibit B is a true and correct copy of a letter dated September 20, 2012 re: Notification Pursuant to Government Code Section 68106 and accompanying San Diego Superior Court Public Notice, which I obtained from the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).

5. Submitted herewith as exhibit C is a true and correct copy of a letter dated October 21, 2014 re: Notification of Intent of Closure of Business Offices/Transfer of Operations and San Diego Superior Court Public Notice,

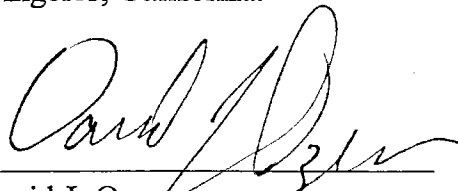
which I obtained from the website of the California Courts at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm).

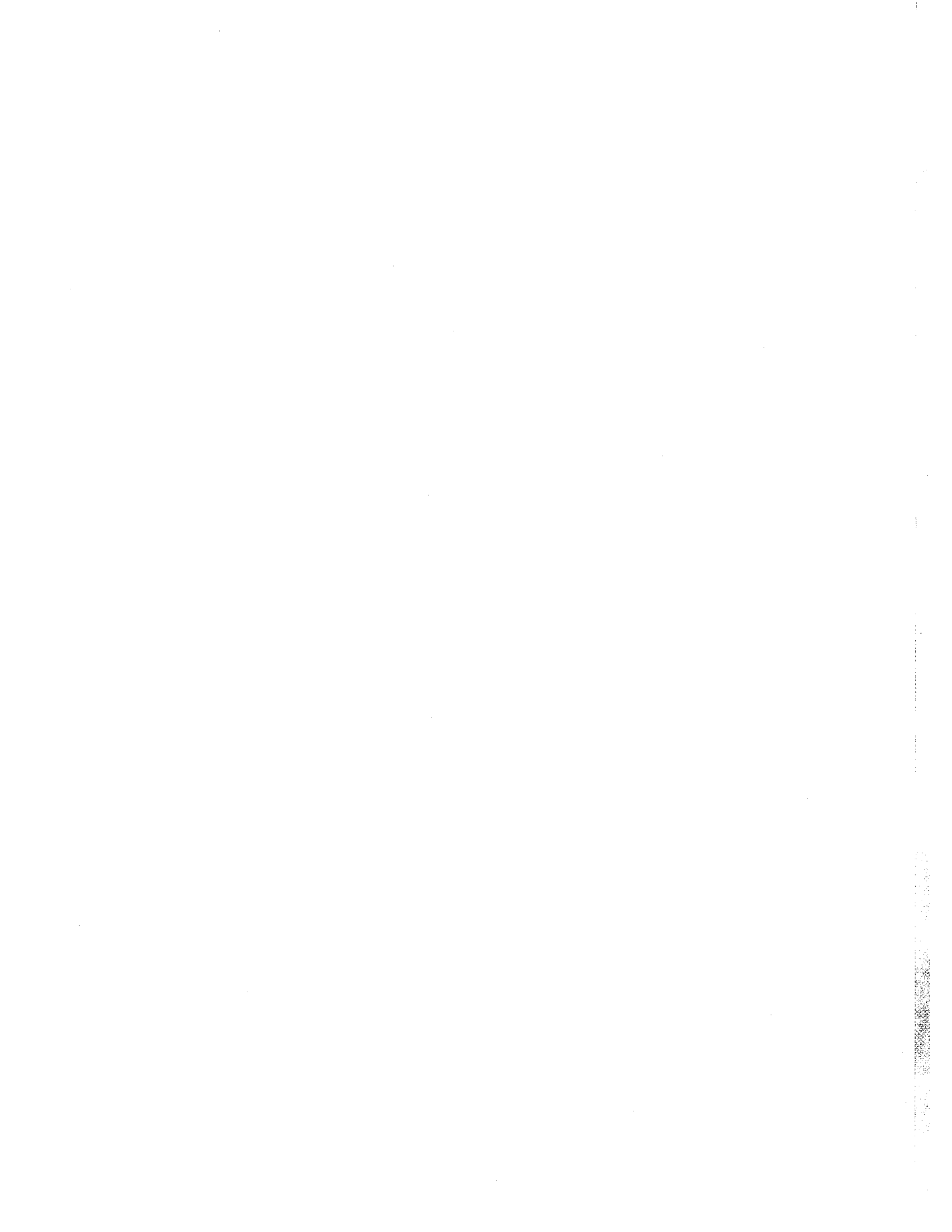
6. Submitted herewith as exhibit D is a true and correct copy of the Statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor's proposed 2016-2017 budget, which I obtained from the website of the California Courts at <http://www.courts.ca.gov/34062.htm>.

7. Submitted herewith as exhibit E is a true and correct copy of the Governor's Budget Summary, 2016-2017, pages 115-119, "Judicial Branch," which is found as a link in the Statement by Chief Justice Tani G. Cantil-Sakauye issued in response to the Governor's proposed 2016-2017 budget, on the website of the California Courts at <http://www.courts.ca.gov/34062.htm>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10<sup>th</sup> day of May 2016 at Los Angeles, California.

  
\_\_\_\_\_  
David J. Ozeran



# The Superior Court of California

COUNTY OF SAN DIEGO

## EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY  
Executive Officer and Clerk  
Jury Commissioner

Post Office Box 122724  
San Diego, California 92112-2724  
(619) 450-5478

July 2, 2012

Ms. Debora Morrison  
Senior Attorney, Office of the General Counsel  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**Re: Notification Pursuant to Government Code Section 68106**

Dear Ms. Morrison:

Effective Monday, September 3, 2012, due to the severe and ongoing reductions imposed on the California judicial branch, the Superior Court of California, County of San Diego will implement the following reductions in hours of clerks' offices and closure of courtrooms and court services:

- All clerks' business offices of the San Diego Superior Court will be closed to the public each Friday at 12:00 noon. Our clerk's business offices currently close at 3:30 p.m. Monday through Friday. Business hours will be unaffected Monday through Thursday.
- Probate Court operations located at 325 S. Melrose Drive, Vista, will be consolidated and relocated to the Central Division Probate Court located at 1409 Fourth Avenue, San Diego. Probate filings will no longer be accepted at the Vista Branch. All existing Probate cases will be transferred to the downtown Probate Court as of September 3, 2012.
- The Ramona court facility located at 1428 Montecito Road, Ramona, including its courtroom and clerk's office will close effective September 3, 2012. The Ramona Branch will no longer hold court or receive filings from the public at this location.
- One juvenile dependency courtroom located at 325 S. Melrose Drive, Vista will be closed and the judge assigned to this calendar will be reassigned within the North County Branch Court to another assignment, effective September 3, 2012.
- One civil and six criminal courtrooms in the downtown Central Division will be closed effective September 3, 2012. The judges assigned to these courtrooms will be reassigned to other duties within the Superior Court.

EX. A  
1

**Debora Morrison**  
**Notification Pursuant to Government Code Section 68106**  
**July 2, 2012**  
**Page 2 of 2**

As you are well aware, since 2007-08, the funding for the California judicial branch has been reduced by \$653 million. In addition, the 2012-13 state budget contains additional branch reductions of \$544 million. The cumulative effect in San Diego since 2007-08 will be a reduction in our operating revenue of approximately 25%.

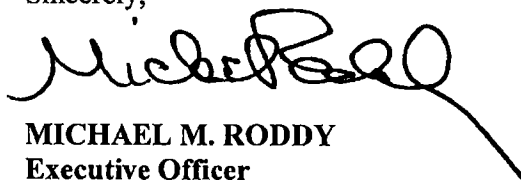
To address the cuts over the past four fiscal years, our court has implemented a number of reductions. We have previously reduced business operating hours in 2009, reduced staff through attrition and a voluntary separation program, reduced our operating expenses and technology expenses and implemented other wage and benefit reductions to limit the impact of our budget cuts on public access to our courts. However, with the latest round of cuts in the 2012-13 budget, we can no longer continue to operate without additional significant and permanent changes in our operations.

In addition to the reduced public hours in our clerks' business offices and courtroom closures, our budget reduction plans include layoffs and furloughs of court staff, further cuts in operating and technology expenses, and the closure of additional courtrooms by the beginning of FY 2013-14 when we expect further reductions in our local court budget. We estimate that by the beginning of FY 2013-14 we will need to reduce our current operating budget by \$40 million. These very difficult decisions being enacted by the court will enable us to meet this target.

Pursuant to Government Code section 68106, the public may submit comments regarding these changes. We have attached the public notices that will be posted throughout our facilities and posted to our court website ([www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)) to notify the public and court users of these proposed changes and the name and address where their comments can be directed.

We are available to answer any questions or concerns that you may have regarding these most unfortunate, but necessary actions that will erode the public's access to our San Diego court system.

Sincerely,



**MICHAEL M. RODDY**  
Executive Officer

**Attachments**

c: Hon. Robert J. Trentacosta, Presiding Judge  
Hon. David J. Daniels, Assistant Presiding Judge

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**PROBATE COURT CONSOLIDATION**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close the North County Probate Courtroom and consolidate Probate Services in its North County Division with its Central Division Services.

Effective September 3, 2012, all Probate Court operations located at 325 Melrose Avenue, Vista, CA 92081 will be consolidated with and relocated to the Central Division Probate Court located at 1409 Fourth Avenue, San Diego CA 92101. This action is being taken due to unprecedented and ongoing state budget cuts enacted in Fiscal Years 2012/13 and 2013/14. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Diego  
Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**CLOSURE OF NORTH COUNTY JUVENILE  
DEPENDENCY COURTROOM**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close one of its North County Juvenile Dependency courtrooms.

Effective September 3, 2012, one of the Juvenile Dependency courtrooms located at 325 South Melrose Drive, Vista, CA 92081 will be closed. This action is being taken due to unprecedented and ongoing state budget cuts enacted in Fiscal Years 2012/13 and 2013/14. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

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Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**BUSINESS OFFICE CLOSURES**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close all of its business offices at noon every Friday.

Effective September 3, 2012, all clerks' business offices located at all San Diego Superior Court facilities will be closed to the public on Fridays starting at 12:00 noon. These partial closure days are not court holidays, so statutory deadlines will not be extended. However, drop boxes are currently provided outside clerical offices for filing papers or submitting payments, pursuant to California Rules of Court, rule 2.210. This action is being taken due to unprecedented and ongoing state budget cuts. The San Diego Court has estimated that it faces as much as a \$14 million cut in funding for FY 2012-2013, and predicts the total cuts for fiscal year 2013-2014 could rise to \$40 million or more. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Diego  
Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**CLOSURE OF CENTRAL COURTROOMS**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close six criminal courtrooms and one civil courtroom in its Central Division.

Effective September 3, 2012, six criminal courtrooms located at 220 W. Broadway, San Diego, CA 92101 and one civil courtroom located at 330 W. Broadway, San Diego, CA 92101, will be closed. This action is being taken due to unprecedented and ongoing state budget cuts enacted in Fiscal Years 2012/13 and 2013/14. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Diego  
Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**RAMONA COURT CLOSURE**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close the Ramona Courthouse.

Effective September 3, 2012, the Ramona court facility located at 1428 Montecito Road, Ramona CA, 92065 (including its courtroom and clerk's office) will close, and all case matters will be relocated to the East County Division Courthouse located at 250 East Main Street, El Cajon CA 92020. This action is being taken due to unprecedented and ongoing state budget cuts enacted in Fiscal Years 2012/13 and 2013/14. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Diego  
Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101

# The Superior Court of California

COUNTY OF SAN DIEGO

## EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY  
Executive Officer and Clerk  
Jury Commissioner

Post Office Box 122724  
San Diego, California 92112-2724  
(619) 450-5478

September 20, 2012

VIA E-MAIL AND MAIL

Ms. Debora Morrison  
Senior Attorney, Office of the General Counsel  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**Re: Notification Pursuant to Government Code Section 68106**

Dear Ms. Morrison:

Effective on the dates set out below, due to the severe and ongoing reductions imposed on the California judicial branch, the Superior Court of California, County of San Diego will implement the following changes and closure of courtrooms and court services:

- The one independent calendar civil courtroom in the South County Division, at 500 3d Avenue, Chula Vista, will be closed effective November 19, 2012. The judge assigned to this courtroom will be reassigned to other duties within the Superior Court. Civil Harassment/Elder Abuse matters will be the only civil matters heard in the South County Division. All existing South County cases other than Civil Harassment/Elder Abuse will be transferred to the Central Division.
- One of two independent calendar civil courtrooms in the East County Division will be closed effective November 19, 2012. The judge assigned to this courtroom will be reassigned to other duties within the Superior Court. Civil cases other than small claims will continue to be heard in the remaining independent calendar civil courtroom. Civil Harassment/Elder Abuse cases will also continue to be heard in the East County Division.
- The civil business office operations located at the East County Division and at the South County Division will be closed to the public effective at the end of business on December 28, 2012. To effectuate these changes, the following interim steps will be taken: Beginning November 5, 2012, the East County and South County Division business offices will no longer accept filings in *new* civil cases and petitions (including small claims), with the exception of Civil Harassment/Elder Abuse cases. Beginning on November 19, 2012, the East and South County business offices will no longer accept *any* civil filings, except those in Civil Harassment/Elder Abuse cases.

EX. B  
8

**Debora Morrison**  
**Notification Pursuant to Government Code Section 68106**  
**September 20, 2012**  
**Page 2 of 2**

- Beginning December 14, 2012, small claims actions will no longer be heard at the East and South County Divisions; those actions will be heard at the Central Division Kearny Mesa branch, located at 8950 Clairemont Message Blvd., San Diego.

As you are well aware, since 2007-08, the funding for the California judicial branch has been reduced by \$653 million. In addition, the 2012-13 state budget contains additional branch reductions of \$544 million. The cumulative effect in San Diego since 2007-08 will be a reduction in our operating revenue of approximately 25%.

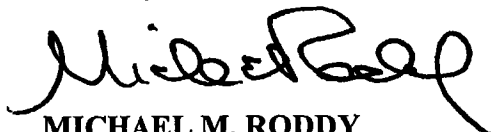
To address the cuts over the past four fiscal years, our court has implemented a number of reductions. We have previously reduced business operating hours in 2009, reduced staff through attrition and a voluntary separation program, reduced our operating expenses and technology expenses and implemented other wage and benefit reductions to limit the impact of our budget cuts on public access to our courts. However, with the latest round of cuts in the 2012-13 budget, we can no longer continue to operate without additional significant and permanent changes in our operations.

In addition to the changes already made and those referenced in this letter, our budget reduction plans include layoffs and furloughs of court staff, further cuts in operating and technology expenses, and the closure of additional courtrooms by the beginning of FY 2013-14 when we expect further reductions in our local court budget. We estimate that by the beginning of FY 2013-14 we will need to reduce our current operating budget by \$33 million. These very difficult decisions being enacted by the court will enable us to meet this target.

Pursuant to Government Code section 68106, the public may submit comments regarding these changes. We have attached the public notices that will be posted throughout our facilities and posted to our court website ([www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)) to notify the public and court users of these proposed changes and the name and address where their comments can be directed.

We are available to answer any questions or concerns that you may have regarding these most unfortunate, but necessary actions that will erode the public's access to our San Diego court system.

Sincerely,

  
**MICHAEL M. RODDY**  
**Executive Officer**

**Attachments**

c: Hon. Robert J. Trentacosta, Presiding Judge  
Hon. David J. Daniels, Assistant Presiding Judge

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

**PUBLIC NOTICE**

*(Pursuant to Government Code section 68106 & California Rule of Court 10.620)*

**CLOSURE OF SOUTH AND EAST COURTROOMS  
AND CIVIL BUSINESS OFFICES**

Pursuant to Government Code §68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of San Diego, is providing 60 days' notice of the decision to close one independent calendar civil courtroom in its South County Division and one independent civil calendar courtroom in its East County Division, and to consolidate civil business office operations of its South and East County Divisions with those in its Central Division.

Effective November 19, 2012, the one independent calendar civil courtroom located at the South County Division, 500 3rd Avenue, Chula Vista, will be closed, one of the independent calendar civil courtrooms located in the East County Division, 250 East Main Street, El Cajon, will be closed, and the civil business offices in the East and South County Divisions will no longer accept any civil filings (including small claims), except those in Civil Harassment/Elder Abuse cases. To prepare for this, as of November 5, 2012, the East and South County Division civil business offices will not accept filings in *new* civil cases and petitions (including small claims), with the exception of Civil Harassment/Elder Abuse cases. Small claims cases will not be heard in the East and South County Divisions after December 13, 2012. The civil business offices of the East and South County Divisions will close to the public at the end of business on December 28, 2012.

This action is being taken due to unprecedented and ongoing state budget cuts. The San Diego Court has estimated that it faces a \$33 million cut in funding for FY 2012-2013, which will continue into fiscal year 2013-2014. These cuts are in addition to reductions incurred during the preceding four fiscal years. As a result, the Court is facing the most significant reduction of services in its history.

Pursuant to Government Code section §68511.7, the Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*").

For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Diego  
Attn: Michael Roddy, Court Executive Officer  
220 West Broadway, Executive Office  
San Diego, CA 92101





Chambers of  
**DAVID J. DANIELSEN**  
Presiding Judge

**The Superior Court**  
OF THE  
**State of California**  
SAN DIEGO

Mailing Address  
Post Office Box 122724  
San Diego, California 92112-2724

October 21, 2014

Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

**Subject: Notice of Intent of Closure of Business Offices / Transfer of Operations**

Dear Mr. Hoshino:

Due to the severe and ongoing reductions imposed on the California judicial branch, the Superior Court of California, County of San Diego will be consolidating its appellate operations by closing the appellate desk/operations of its business offices in its North, South and East County Divisions for certain case filings. All Civil appeals, all Family appeals, and all East and South County Division Criminal appeals (excluding North County Criminal Appeals) will be transferred to the Central Division; all filings in these cases will need to be filed at the Central Division. "Criminal" is defined as traffic/infractions, misdemeanors, and felonies. This change is being made effective January 5, 2015.

Further, Small Claims operations at the Central Division Kearny Mesa Courthouse will be transferred to the Civil Business Office in the Hall of Justice. Effective December 22, 2014, the Small Claims business office at the Kearny Mesa Courthouse will be closed and all Small Claims filings, including filings for Small Claims appeals, will need to be filed at the Central Division Civil Business Office in the Hall of Justice. All Small Claims hearings/trials will be transferred to the Central Courthouse beginning January 5, 2015.

The San Diego Superior Court budget has been reduced by \$42 million since 2007-08. We are projecting another \$6 million gap between revenues and expenses

EX. C  
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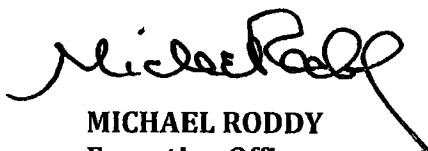
in FY 2014-15 and another \$3 million reduction in FY 2015-16 due to the impact of implementation of the Workload Allocation Funding Model (WAFM) and the failure of the State to fund local retirement and health benefits costs. To address these cuts, we have previously reduced business operating hours, reduced staff through attrition and a voluntary separation program, reduced our operating and technology expenses and implemented other wage and benefit reductions to limit the impact of our budget cuts on public access to our courts. However, with the latest round of cuts in the 2014-15 budget, we can no longer continue to operate without additional significant and permanent changes in our operations.

Pursuant to Government Code § 68106, this Court has solicited public comment in writing regarding this plan via the attached notice. A copy of this notice will be posted throughout our facilities and on our court website ([www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)), at least 60 days prior to the effective date of each change

We are available to answer any questions or concerns you may have regarding these most unfortunate, but necessary actions that will erode the public's access to our San Diego court system.

Sincerely,

  
**DAVID I. DANIELSEN**  
Presiding Judge

  
**MICHAEL RODDY**  
Executive Officer





# Superior Court of California County of San Diego

CENTRAL COURTHOUSE  
220 WEST BROADWAY  
PO BOX 122724  
SAN DIEGO CA 92112-2724

October 21, 2014

## **PUBLIC NOTICE CLOSURE OF BUSINESS OFFICES/ TRANSFER OF OPERATIONS**

Pursuant to Government Code § 68106 and Rule 10.620 of the California Rules of Court, the Superior Court of California, County of San Diego, is providing 60 days' notice that it will be: (1) consolidating its appellate filings by closing the appellate desk/operations of its business offices in its North, South and East County Divisions for certain case filings and transferring them to the Central Division; and (2) closing its Small Claims business office in the Kearny Mesa Courthouse and transferring all Small Claims operations and hearings/trials from the Kearny Mesa Courthouse to the Hall of Justice and Central Courthouse.

Effective December 22, 2014, the Small Claims business office at the Kearny Mesa Courthouse will be closed and that courthouse will no longer accept any Small Claims filings, including filings for Small Claims appeals; such filings must be made in the Civil Business Office at the Hall of Justice, 330 West Broadway, Room 241, San Diego, CA 92101. Effective January 5, 2015, all Small Claims hearings/trials will be transferred from the Kearny Mesa Courthouse and will take place in Department 22 of the Central Courthouse. No changes are being made to filings and hearings in the North County Division.

Effective January 5, 2015: all Civil appeals, all Family appeals, and all East and South County Division Criminal appeals (excluding North County Criminal appeals) will be transferred to the Central Division, and all filings related to such appeals shall be made in the Central Division, at 220 West Broadway, Room 3005, San Diego, CA 92101. "Criminal" is defined as traffic/infractions, misdemeanors, and felonies. No changes are being made to Juvenile appeals filings.

This Court finds the above actions are necessary due to the severe and ongoing cuts to the state judicial branch budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The Court estimates that it faces a \$9 million cut in funding for FY 2014-2015 and FY 2015-2016. These