


SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 06/03/2020
PLAINTIFF/PETITIONER: Robin Crest et al		Sherri R. Carter, Executive Officer / Clerk of Court By: <u>S. Bousfield</u> Deputy
DEFENDANT/RESPONDENT: Alex Padilla		
CERTIFICATE OF MAILING		CASE NUMBER: 19STCV27561

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Ruling on Submitted Matter) of 06/03/2020 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

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CA Attorney General - LA
300 South Spring Street
Los Angeles, CA 90013

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Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, DC 20024

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 06/3/2020

By: S. Bousfield
Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 38

19STCV27561

ROBIN CREST, et al. vs ALEX PADILLA

June 3, 2020

10:00 AM

Judge: Honorable Maureen Duffy-Lewis

Judicial Assistant: S. Bousfield

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter

The Court, having taken the matter under submission on 03/09/2020, now rules as follows:

Plaintiffs, as taxpayers, seek to enjoin the State from expending taxpayer funds in carrying out the illegal acts set forth in Senate Bill 826, which requires California based corporations to have at least one (and potentially up to 3) female director(s).

Defendant's arguments are that plaintiffs do not have standing - plaintiffs have not alleged Padilla is making or will make illegal expenditures; the Secretary's duties cannot form the basis for a taxpayer action; and this is discretionary conduct. Defendant also argues ripeness.

ANALYSIS

Standing - a taxpayer can bring suit against a government body in California under common law or statute. LOS ALTOS PROPERTY OWNERS ASSOCIATION V HUTCHEON (1977) 69 CAL APP 3rd 22, 25.

Plaintiffs bring suit under statute, CCP 526a which allows for a suit on the grounds of illegal expenditure. To state a claim, plaintiffs must allege they have paid taxes within a year before the filing of the action and that defendant is an officer or agent of the state and is expending taxpayer funds illegally. HERZBERG V COUNTY OF PLUMAS (2005) 133 CAL APP 4th 1, 23-4. The expending of officer's time performing unlawful or unauthorized acts is sufficient; it does not matter if the expenditure is small or that the expenditure may permit an ultimate saving of tax funds. BLAIR V PITCHESS (1971) 5 CAL 3D 258, 268.

Plaintiffs' allegations are sufficient to meet the criteria set above; this is all that is required for standing.

Defendant's arguments regarding his duties go outside of the pleading.

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This is not a case of discretionary conduct.

Ripeness - plaintiffs have alleged that the conduct has occurred. While they have not alleged that they have suffered immediate hardship, there is no such requirement.

The Demurrer - without Motion to Strike filed by Alex Padilla on 10/23/2019 is Overruled.
Answer within 20 days.

Clerk hereby gives notice. Certificate of Mailing is attached.