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CITY AND COUNTY OF SAN FRANCISCO, et al.
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION
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14 SAVE THE PLASTIC BAG COALITION,
an unincorporated association,

15 Petitioner,

16 vs.

17 CITY AND COUNTY OF SAN
FRANCISCO, a political subdivision of the
18 State of California and a municipal
corporation; SAN FRANCISCO PLANNING
19 DEPARTMENT, an agency of the City and
County of San Francisco; SAN FRANCISCO
20 DEPARTMENT OF THE ENVIRONMENT,
an agency of the City and County of San
21 Francisco; and DOES 1-100, inclusive,

22 Respondents.
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Case No. CPF-12-511978

**NOTICE OF HEARING OF RESPONDENTS'
DEMURRER TO SECOND CAUSE OF
ACTION IN WRIT PETITION AND
COMPLAINT; DEMURRER**

Hearing Date: June 28, 2012
Hearing Judge: Hon. Teri Jackson
Time: 1:30 p.m.
Place: Dept. 503

Date Action Filed: February 29, 2012
Trial Date: Not set

Attached Documents: N/A

1 **NOTICE OF HEARING OF DEMURRER TO WRIT PETITION AND COMPLAINT**

2 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on June 28, 2012, at 1:30 p.m. or as soon thereafter as counsel
4 may be heard, in Department 503 of the San Francisco Superior Court, respondent City and County of
5 San Francisco ("the City"), including its Planning Department and its Department of the Environment,
6 will, and hereby do, demur to the Second Cause of Action – entitled "Invalidation of Ordinance Based
7 on State Retail Food Code Preemption" – in the "Verified Petition for Writ of Mandate Under The
8 California Environmental Quality Act; Complaint for Invalidation of Ordinance Based On State Retail
9 Food Code Preemption; Request for Declaratory and Injunctive Relief" (hereinafter "the writ petition")
10 filed by petitioner Save The Plastic Bag Coalition on or about February 29, 2012, on the ground that
11 that cause of action fails to state facts sufficient to constitute a cause of action under law.

12 The City's demurrer will be, and is, based on this Notice of Hearing and Demurrer; the
13 Memorandum of Points and Authorities filed in support of the City's demurrer; the Request for
14 Judicial Notice filed in support of the City's demurrer, including all exhibits thereto; the City's reply
15 papers in support of its demurrer; the arguments of counsel at the hearing on the City's demurrer; the
16 records and pleadings on file in this action; and on such other matters as the Court may consider at the
17 hearing of the City's demurrer.

18 Dated: June 6, 2012

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20 DENNIS J. HERRERA
21 City Attorney
22 JAMES M. EMERY
23 WAYNE SNODGRASS
24 Deputy City Attorneys

25
26 By: 
27 WAYNE SNODGRASS

28 Attorneys for Respondents
 CITY AND COUNTY OF SAN FRANCISCO, et al.

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DEMURRER

Respondent the City and County of San Francisco ("the City"), including its Planning Department and Department of the Environment, hereby demurs to the Second Cause of Action in the "Verified Petition for Writ of Mandate Under The California Environmental Quality Act; Complaint for Invalidation of Ordinance Based On State Retail Food Code Preemption; Request for Declaratory and Injunctive Relief" (hereinafter "the writ petition") filed by petitioner Save The Plastic Bag Coalition on or about February 29, 2012. That Second Cause of Action is captioned "Invalidation of Ordinance Based on State Retail Food Code Preemption." Respondent demurs to that cause of action on the ground that that it fails to state facts sufficient to constitute a cause of action under law.

Dated: June 6, 2012

DENNIS J. HERRERA
City Attorney
JAMES M. EMERY
WAYNE SNODGRASS
Deputy City Attorneys

By: 
WAYNE SNODGRASS

Attorneys for Respondents
CITY AND COUNTY OF SAN FRANCISCO, et al.