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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN DIEGO**

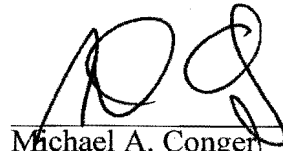
11	SAN DIEGO POLICE OFFICERS' ASSOCIATION,	)	CASE NO: 37-2009-00081659-CU-WM-CTL
12		)	
13	Plaintiff,	)	NOTICE OF RULING
14		)	
15	v.	)	
16	CITY OF SAN DIEGO, and DOES 1 to 20,	)	
17	inclusive,	)	
18		)	
19	Defendants.	)	
20		)	
21		)	
22		)	

23 PLEASE TAKE NOTICE THAT at the duly-noticed hearing in the referenced matter, the  
24 Court today confirmed its tentative ruling, attached at Exhibit 1, in its entirety.

25 Dated: April 16, 2010

**LAW OFFICE OF MICHAEL A. CONGER**

26 By:



27 Michael A. Conger  
28 Attorney for Petitioner  
San Diego Police Officers Association

# **EXHIBIT 1**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE  
TENTATIVE RULINGS - February 25, 2010**

EVENT DATE: 04/16/2010      EVENT TIME: 10:30:00 AM      DEPT.: C-68

JUDICIAL OFFICER: Judith F. Hayes

CASE NO.: 37-2009-00081659-CU-WM-CTL

CASE TITLE: SAN DIEGO POLICE OFFICERS ASSOCIATION VS. CITY OF SAN DIEGO

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Writ of Mandate

EVENT TYPE: Demurrer / Motion to Strike

CAUSAL DOCUMENT/DATE FILED: Demurrer, 10/15/2009

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The Demurrer to the First Amended Complaint for Writ of Mandate is **OVERRULED**. As amended, the complaint states sufficient facts to support a claim for a violation of the Meyers-Milias-Brown Act. The complaint no longer focuses on recovery of money or damages such that plaintiff was required to comply with the Government Tort Claims Act.

Even if plaintiff primarily sought money or damages, it appears plaintiff would be exempt from compliance with the Act under Government Code section 905(c) and 905(f). Further, the City was on notice in *Sloan* as to the claims asserted in this case. Therefore, although it was not necessary under the amended complaint, plaintiff substantially complied with the Tort Claims Act as the principles behind the Act were satisfied by that notice.

Defendant the City of San Diego is directed to Answer the First Amended Complaint within ten days.

