

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

Rene C. Davidson Courthouse

Mothers Against Murder Plaintiff/Petitioner(s) VS. California Victim Compensation Board Defendant/Respondent(s)	No. 21CV003220 Date: 01/12/2023 Time: 3:30 PM Dept: 17 Judge: Frank Roesch
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ORDER re: Hearing on Demurrer (Name Extension)

The Demurrer filed by California Victim Compensation Board on 12/12/2022 is Overruled.

Respondent’s Demurrer to Fourth Amended Petition (“FAP”) is OVERRULED.

For a party to seek a writ of mandate, the party's beneficial interest must be direct and substantial; however, where the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the petitioner need not show that he or she has any legal or special interest in the result, since it is sufficient that the petitioner is interested as a citizen in having the laws executed and the duty in question enforced.” National Asian American Coalition v. Brown (2018) 235 Cal.Rptr.3d 415.

Here, petitioner asserts a that a duty is owed by Respondent, California Victim Compensation Board (“CalVCB”) to conduct an “in-person” hearing to an applicant for victim compensation whose application is denied in whole or in part pursuant to Cal. Gov Code § 13959. Although subsection (e)(1) states that the hearing shall be informal, it nonetheless imposes a mandatory duty.

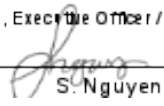
The FAP therefore alleges facts sufficient to demonstrate why its First and Second causes of action fall within the public interest exception to the beneficial interest requirement for writ relief pursuant to Code of Civil Procedure sections 1085, 1086. Petitioner need not allege actions that will or will not be taken by the board in the future – it need only to show the object of the mandate is to enforce a public duty.

The Demurrer to Fourth Amended Petition (“FAP”) is therefore OVERRULED.

Dated: 01/12/2023



Frank Roesch / Judge

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 01/17/2023 Chad Finke, Executive Officer / Clerk of the Court
PLAINTIFF/PETITIONER: Mothers Against Murder	By:  Deputy
DEFENDANT/RESPONDENT: California Victim Compensation Board	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 21CV003220

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 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 Oakland, 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.

Jeffrey Allen Rich  
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San Jose, CA 95126

Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/17/2023

By:



S. Nguyen, Deputy Clerk

**CERTIFICATE OF MAILING**