

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA APPEAL UNIT

Rene C. Davidson Courthouse 1225 Fallon Street Rm G4 Oakland, CA 94612 Phone: (510)891-6001 Appealsunit@alameda.courts.ca.gov

06/17/2024

Gene Hazzard 282 Adams Street Oakland CA 94610

Re: Appeal filed by Gene Hazzard on 05/20/2024

Trial Court Case No: 23CV039291

Appellate Case No: 24AP076966

Enclosed, please find a certified copy of Clerk's-Transcript on appeal in the above-entitled action.

Please acknowledge receipt on the enclosed copy of this letter and return to this same office.

Sincerely,

By:

A. Enciso, Deputy Clerk

I acknowledge receipt of the above-mentioned material.

Date: JUME 18 2021 Re

Received by:

SUPERIOR COURT OF CALIFORNIA Reserved for Clerk's File Stamp FILED **COUNTY OF ALAMEDA** Superior Court of California County of Alameda COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 06/17/2024 Appeals Division 1225 Fallon Street, Room G-4 Clad Firke, Executive of ficer/Clerk of the Court Oakland, CA 94612 Deputy APPELLANT: Gene Hazzard A Enciso RESPONDENT: City of Oakland CASE NUMBER: 23CV039291 CLERK'S NOTICE RE CERTIFICATION OF RECORD ON APPEAL APPEAL CASE NUMBER: 24AP076966 NOTICE OF APPEAL DATE: 05/20/2024

In accordance with the California Rules of Court, the above captioned record on appeal is hereby certified to the
☑ Appellate Division of the Superior Court ☐ Court of Appeal and is being transmitted to said court this date: 06/17/2024.

By:

A. Enciso, Deputy Clerk

CERTIFICATE OF TRANSMITTAL

I certify that on 06/17/2024 I sent a copy of this notice to the address indicated below by the following method:

FedEx- Ground

By:

A. Enciso, Deputy Clerk

To:

Gene Hazzard 282 Adams Street Oakland CA 94610

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date	Action	
07/28/2023	Complaint Filed by: Gene Hazzard (Plaintiff) As to: City of Oakland (Defendant); Libby Schaaf (Defendant); Sheng Thao (Defendant) et al.	
07/28/2023	Civil Case Cover Sheet Filed by: Gene Hazzard (Plaintiff)	
07/28/2023	Summons on Complaint Issued and Filed by: Clerk	
07/28/2023	Notice of Case Management Conference Filed by: Clerk	
07/28/2023	Notice of Case Assignment Filed by: Clerk	
07/28/2023	Case assigned to Hon. Jo-Lynne Lee in Department 15 Rene C. Davidson Courthouse	
07/28/2023	Initial Case Management Conference scheduled for 12/14/2023 at 03:00 PM in Rene C. Davidson Courthouse at Department 15	
07/28/2023	Proof of Service by Mail Filed by: Gene Hazzard (Plaintiff) After Substituted Service of Summons and Complaint?: No	
07/28/2023	Proof of Service by Mail Filed by: Gene Hazzard (Plaintiff) After Substituted Service of Summons and Complaint?: No	
07/28/2023	Proof of Service by Mail Filed by: Gene Hazzard (Plaintiff) After Substituted Service of Summons and Complaint?: No	
09/07/2023	Request for Entry of Default / Judgment Filed by: Gene Hazzard (Plaintiff) As to: City of Oakland (Defendant)	
09/19/2023	Notice of Rejection - Request for Default/Default Clerk's Judgment Filed by: Clerk	
10/11/2023	Proof of Service by Mail Certified Mail Filed by: Gene Hazzard (Plaintiff) As to: City of Oakland (Defendant); Libby Schaaf (Defendant); Sheng Thao (Defendant) et al. After Substituted Service of Summons and Complaint?: No	

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date Action

10/11/2023 Updated -- Proof of Service by Mail Certified Mail:

As To Parties changed from Carroll Fife (Defendant), Nikki
Fortunato Bas (Defendant), Rebecca Kaplan (Defendant), Noel Gallo
(Defendant), Kevin Jenkins (Defendant), City of Oakland
(Defendant), Barbara Parker (Defendant), Treva Reid (Defendant),
Courtney Ruby (Defendant), Janani Ramachandran (Defendant), Libby
Schaaf (Defendant), Sheng Thao (Defendant), Dan Kalb (Defendant),
Loren Taylor (Defendant) to Carroll Fife (Defendant), Jenny Wong
(Defendant), Nikki Fortunato Bas (Defendant), Rebecca Kaplan
(Defendant), Noel Gallo (Defendant), Kevin Jenkins (Defendant),
City of Oakland (Defendant), Barbara Parker (Defendant), Treva
Reid (Defendant), Courtney Ruby (Defendant), Janani Ramachandran
(Defendant), Libby Schaaf (Defendant), Sheng Thao (Defendant),
Dan Kalb (Defendant), Loren Taylor (Defendant)

10/11/2023 Proof of Service by Mail
Filed by: Gene Hazzard (Plaintiff)
As to: David Chiu (Defendant)
After Substituted Service of Summons and Complaint?: No

10/11/2023 Updated -- Proof of Service by Mail Certified Mail:

As To Parties changed from Carroll Fife (Defendant), Nikki
Fortunato Bas (Defendant), Rebecca Kaplan (Defendant), Noel Gallo
(Defendant), Kevin Jenkins (Defendant), City of Oakland
(Defendant), Barbara Parker (Defendant), Treva Reid (Defendant),
Courtney Ruby (Defendant), Janani Ramachandran (Defendant), Libby
Schaaf (Defendant), Sheng Thao (Defendant), Dan Kalb (Defendant),
Loren Taylor (Defendant) to Jenny Wong (Defendant)

10/11/2023 Proof of Service by Mail
Filed by: Gene Hazzard (Plaintiff)
As to: Barbara Parker (Defendant)
After Substituted Service of Summons and Complaint?: No

11/29/2023 Request for Entry of Default / Judgment
Filed by: Gene Hazzard (Plaintiff)
As to: Barbara Parker (Defendant); David Chiu (Defendant); Jenny
Wong (Defendant)

11/29/2023 Default entered as to Barbara Parker; David Chiu; Jenny Wong On the Complaint filed by Gene Hazzard on 07/28/2023

12/09/2023 Tentative Ruling Published for 12/14/2023 3:00 PM Initial Case Management Conference}

12/14/2023 Minute Order (Initial Case Management Conference)

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Date	Action
12/14/2023	Order re: Initial Case Management Conference Signed and Filed by: Court
12/14/2023	Tentative Ruling Published for 12/14/2023 3:00 PM Initial Case Management Conference}
12/15/2023	Case Management Conference scheduled for 04/30/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
12/15/2023	Initial Case Management Conference scheduled for 12/14/2023 at 03:00 PM in Rene C. Davidson Courthouse at Department 15 updated: Result Date to 12/14/2023 Result Type to Held
01/04/2024	Proof of Service by Substituted Service Filed by: Gene Hazzard (Plaintiff) As to: Barbara Parker (Defendant) Service Cost Waived: No
01/04/2024	Proof of Service by Substituted Service Filed by: Gene Hazzard (Plaintiff) As to: David Chiu (Defendant) Service Cost Waived: No
01/10/2024	Proof of Service by Substituted Service Filed by: Gene Hazzard (Plaintiff) As to: Jenny Wong (Defendant) Service Cost Waived: No
01/16/2024	Notice of Rejection - Request for Default/Default Clerk's Judgment Issued by: Clerk
01/26/2024	Demurrer Filed by: David Chiu (Defendant)
01/26/2024	Declaration of Bradley Russi In Support of Demurrer Filed by: David Chiu (Defendant)
01/26/2024	Memorandum of Points & Authorities Filed by: David Chiu (Defendant)
01/26/2024	Proof of Service (not Summons and Complaint) Filed by: David Chiu (Defendant) As to: David Chiu (Defendant)
01/26/2024	Updated Demurrer:

Result: Sustained without Leave to Amend

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date 7	Ac:	ti	on
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Result Date: 04/08/2024

- 01/26/2024 Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) scheduled for 03/14/2024 at 01:30 PM in Rene C. Davidson Courthouse at Department 15
- 02/07/2024 Demurrer
 Filed by: Jenny Wong (Defendant)
- 02/07/2024 Declaration of Demurring Party Regarding Meet and Confer Filed by: Jenny Wong (Defendant)

 As to: Gene Hazzard (Plaintiff)
- 02/07/2024 Memorandum of Points & Authorities Filed by: Jenny Wong (Defendant)
- 02/07/2024 Demurrer
 Filed by: City of Oakland (Defendant)
- 02/07/2024 Updated -- Demurrer:

 Result: Sustained without Leave to Amend

 Result Date: 04/08/2024
- 02/07/2024 Updated -- Demurrer:

 Result: Sustained without Leave to Amend
 Result Date: 04/08/2024
- 02/07/2024 Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) scheduled for 03/14/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
- 02/08/2024 Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) scheduled for 03/14/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
- 02/15/2024 Request for Judicial Notice in Opposition
 Filed by: Gene Hazzard (Plaintiff)
 Does this request require a Judge's signature?: Yes
 Is this a Request for Accommodations only?: No
- 02/15/2024 Updated -- Request for Judicial Notice in Opposition:

 Name Extension changed from to Demurrer of Defendants City of
 Oakland to for Judicial Notice in Opposition

 Document changed from Opposition (name extension) to Request
 (name extension)
- 02/15/2024 Opposition to Demurrer
 Filed by: Gene Hazzard (Plaintiff)

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Date	Action

- 02/16/2024 Proof of Substituted Service Filed by: Gene Hazzard (Plaintiff)
- 02/22/2024 Notice of Case Reassignment (Civil) Filed by: Clerk
- 03/01/2024 Case reassigned to Rene C. Davidson Courthouse in Department 15 Hon. Peter Borkoneffective 03/01/2024

 Reason: Transfer for Reassignment
- 03/07/2024 Notice of Defendant Chiu's Notice of Non-Opposition to Demurrer Filed by: David Chiu (Defendant)

 As to: David Chiu (Defendant)
- 03/07/2024 Proof of Service (not Summons and Complaint)
 Filed by: David Chiu (Defendant)
 As to: David Chiu (Defendant)
- 03/07/2024 Reply Oakland Defendants' Reply In Support of Demurrer to The Complaint
 Filed by: City of Oakland (Defendant)
- 03/13/2024 Tentative Ruling Published for 03/14/2024 1:30 PM Hearing on Demurrer to Complaint; filed by David Chiu (Defendant)}
- 03/13/2024 Tentative Ruling Published for 03/14/2024 1:30 PM Hearing on Demurrer to Complaint; filed by David Chiu (Defendant)}
- 03/13/2024 Tentative Ruling Published for 03/14/2024 3:00 PM Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant)}
- 03/13/2024 Tentative Ruling Published for 03/14/2024 1:30 PM Hearing on Demurrer to Complaint; filed by David Chiu (Defendant)}
- 03/13/2024 Tentative Ruling Published for 03/14/2024 3:00 PM Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant)}
- 03/14/2024 Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
- 03/14/2024 Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date Action

- 03/14/2024 Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
- 03/14/2024 Minute Order (Hearing on Demurrer to Complaint; filed by David Chiu (Defend...)
- 03/14/2024 Order re: Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) filed by David Chiu (Defendant) on 01/26/2024 Signed and Filed by: Court
- 03/14/2024 Minute Order (Hearing on Demurrer Demurrer to Complaint; filed by City of 0...)
- 03/14/2024 Order re: Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) filed by Gene Hazzard (Plaintiff) on 02/15/2024
 Signed and Filed by: Court
- 03/14/2024 Minute Order (Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer t...)
- 03/14/2024 Order re: Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) filed by Jenny Wong (Defendant) on 02/07/2024 Signed and Filed by: Court
- 03/14/2024 Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) scheduled for 03/14/2024 at 01:30 PM in Rene C. Davidson Courthouse at Department 15
 - $$\operatorname{Not}$$ Held Continued Court's Motion was rescheduled to 03/28/2024 03:00 PM
- 03/14/2024 Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) scheduled for 03/14/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15
 - Not Held Continued Court's Motion was rescheduled to 03/28/2024 03:00 PM
- 03/14/2024 Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) scheduled for 03/14/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

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Date Action

Not Held - Continued - Court's Motion was rescheduled to 03/28/2024 03:00 PM

- 03/15/2024 Notice of Joinder Notice of Joinder by Defendants Libby Schaff and Noel Gallo in City of Oakland's Demurrer Filed by: City of Oakland (Defendant)
 As to: Gene Hazzard (Plaintiff)
- 03/25/2024 Stipulation and Order Stipulation and [Proposed] Order Continuing
 March 28, 2024 Demurrer Hearing
 Filed and Received by: City of Oakland (Defendant)
 As to: Gene Hazzard (Plaintiff)
- 03/27/2024 Updated -- Stipulation and Order Stipulation and [Proposed] Order Continuing March 28, 2024 Demurrer Hearing:

 Status Date changed from 03/25/2024 to 03/27/2024

 Status changed from Filed and Received to Signed and Filed
- 03/27/2024 Updated -- Stipulation and Order Stipulation and [Proposed] Order Continuing March 28, 2024 Demurrer Hearing:

 Result: Granted

 Result Date: 03/27/2024
- 03/27/2024 Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

Not Held - Continued - Stipulation was rescheduled to 04/04/2024 03:00 PM

03/27/2024 Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

Not Held - Continued - Stipulation was rescheduled to 04/04/2024 03:00 PM

03/27/2024 Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) scheduled for 03/28/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

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Date Action

Not Held - Continued - Stipulation was rescheduled to 04/04/2024 03:00 PM

- 04/04/2024 Minute Order (Hearing on Demurrer Demurrer to Complaint; filed by City of O...)
- 04/04/2024 Minute Order (Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer t...)
- 04/04/2024 Minute Order (Hearing on Demurrer to Complaint; filed by David Chiu (Defend...)
- 04/05/2024 Hearing on Demurrer Demurrer to Complaint; filed by City of Oakland (Defendant) scheduled for 04/04/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15 updated:

 Result Date to 04/04/2024

 Result Type to Held Taken under Submission
- 04/05/2024 Hearing on Demurrer Defendant Auditor Jenny Wong's Demurrer to Plaintiff's Complaint; filed by Jenny Wong (Defendant) scheduled for 04/04/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15 updated:

 Result Date to 04/04/2024

 Result Type to Held Taken under Submission
- 04/05/2024 Hearing on Demurrer to Complaint; filed by David Chiu (Defendant) scheduled for 04/04/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15 updated:

 Result Date to 04/04/2024

 Result Type to Held Taken under Submission
- 04/08/2024 Updated -- Order re: Ruling on Submitted Matter filed by City of Oakland (Defendan...:

 Status Date changed from 04/09/2024 to 04/08/2024

 Name Extension changed from (Ruling on Submitted Matter filed by City of Oakland (Defendan...) to (Ruling on Submitted Matter filed by City of Oakland (Defendan...)
- 04/08/2024 Order re: Ruling on Submitted Matter filed by David Chiu (Defendant) on Entered by: Court
- 04/08/2024 Order re: Ruling on Submitted Matter filed by Jenny Wong (Defendant) on...
 Entered by: Court
- 04/08/2024 Order re: Ruling on Submitted Matter filed by City of Oakland (Defendan...

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date Action

Entered by: Court

04/09/2024 Order re: Ruling on Submitted Matter filed by City of Oakland

(Defendan...

Entered by: Court

04/12/2024 Order [Proposed] Judgment

Signed and Filed by: City of Oakland (Defendant)

As to: Gene Hazzard (Plaintiff)

04/12/2024 Updated -- Order [Proposed] Judgment:

Result: Granted

Result Date: 04/12/2024

04/12/2024 Judgment

Filed by: Clerk

04/12/2024 Court orders judgment entered on the Complaint filed by Gene

Hazzard on 07/28/2023 as follows: Plaintiff to take nothing by

virtue of the complaint.

04/12/2024 Judgment

Signed and Filed by: David Chiu (Defendant)

As to: Gene Hazzard (Plaintiff)

04/12/2024 Updated -- Judgment:

Result: Granted

Result Date: 04/12/2024

04/12/2024 Judgment

Signed and Filed by: Jenny Wong (Defendant)

As to: Gene Hazzard (Plaintiff)

04/12/2024 Updated -- Judgment:

Result: Granted

Result Date: 04/12/2024

04/15/2024 Case Management Statement

Filed by: Gene Hazzard (Plaintiff)

04/16/2024 Notice of Entry of Judgment / Dismissal / Other Order

Filed by: David Chiu (Defendant)

04/16/2024 Notice of Entry of Judgment / Dismissal / Other Order

Filed by: David Chiu (Defendant)

04/18/2024 Notice of Entry of Judgment / Dismissal / Other Order

Filed by: Jenny Wong (Defendant)

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date	Action
Date	ACLION

- 04/18/2024 Notice of Entry of Judgment / Dismissal / Other Order Filed by: City of Oakland (Defendant)
- 04/26/2024 Tentative Ruling Published for 04/30/2024 3:00 PM Case Management Conference}
- 04/29/2024 Ex Parte Application of Oppositon to Court's Tentative Ruling of April 26, 2024
 Filed by: Gene Hazzard (Plaintiff)
 As to: City of Oakland (Defendant)

Type: With Hearing

04/29/2024 Case Management Conference scheduled for 04/30/2024 at 03:00 PM in Rene C. Davidson Courthouse at Department 15

Not Held - Vacated by Court on 04/29/2024

- 04/30/2024 Updated -- Ex Parte Application of Oppositon to Court's Tentative Ruling of April 26, 2024:
 Status Date changed from 04/29/2024 to 04/30/2024
- 04/30/2024 Updated -- Ex Parte Application of Oppositon to Court's Tentative Ruling of April 26, 2024:
 Result: Denied
 Result Date: 04/30/2024
- 05/13/2024 Returned Mail EXPARTE / JUDGMENT Filed by: Clerk
- 05/20/2024 Notice of Appeal Filed Filed by:
 With Deposit: Yes
- 05/24/2024 Notice of Filing of Notice of Appeal Issued and Filed by: Clerk
- 06/05/2024 Ntc Designating Record of Appeal APP-003/103
 Filed by: Clerk
 Is Reporters Transcript on Appeals Requested?: No
- 06/05/2024 Proof of Service by Mail Filed by:
- 06/17/2024 Notice of Certification of Record on Appeal Issued and Filed by: Clerk

23CV039291 HAZZARD vs CITY OF OAKLAND, et al.

Date	Action

06/17/2024 Appellate Record Transmittal Issued and Filed by: Clerk

06/17/2024 Appellate Record Transmittal - for Parties Issued and Filed by: Clerk