

NO FEE PURSUANT TO
GOVERNMENT CODE
SECTION 6103

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

**PATRICK JAMES SMOTHERMAN
WRIGHT,**

Petitioner,

v.

**ERIC SKLAR, CALIFORNIA FISH AND
GAME COMMISSION,**

Respondent.

Case No. 37-2024-00006114-CU-MC-CTL

Reservation No. 3137471

**NOTICE OF HEARING AND DEMURRER
BY RESPONDENTS CALIFORNIA FISH
AND GAME COMMISSION AND ERIC
SKLAR TO PETITION FOR WRIT OF
MANDAMUS**

[Filed concurrently with Request for Judicial
Notice, Memorandum in Support of
Demurrer, and Declaration of Natalie E.
Collins]

Date: January 17, 2025
Time: 10:30 a.m.
Dept: C-70
Judge: The Honorable Carolyn Caietti
Trial Date: None Set
Action Filed: February 1, 2024

1 **NOTICE OF HEARING ON DEMURRER**

2 **TO PATRICK JAMES SMOTHERMAN WRIGHT, PETITIONER IN PRO PER:**

3 **PLEASE TAKE NOTICE** that on January 17, 2025 at 10:30 a.m. in Department C-70 of
4 the above-entitled Court located at 330 West Broadway, San Diego, California, 92101, the
5 Demurrer of Respondents ERIC SKLAR and the CALIFORNIA FISH AND GAME
6 COMMISSION (collectively, “Respondents”) to Petitioner PATRICK JAMES SMOTHERMAN
7 WRIGHT’S (“Petitioner”) Verified Petition for Writ of Mandate and Declaratory Relief
8 (“Petition”) will come on regularly for hearing. This demurrer is brought pursuant to Code of
9 Civil Procedure section 430.10 and California Rule of Court, Rule 3.1320.

10 Respondents demurrer on the following grounds:

- 11 1. The Petition is vague and ambiguous under Code of Civil Procedure section 430.10,
12 subdivision (f).
- 13 2. The Petition is barred by a statute of limitations and thus fails to allege facts sufficient
14 to constitute a cause of action under Code of Civil Procedure section 430.10, subdivision (e).
- 15 3. The Petition improperly names Eric Sklar as Respondent and thus fails to allege facts
16 sufficient to constitute a cause of action under Code of Civil Procedure section 430.10,
17 subdivision (e).
- 18 4. The Petition fails to allege that Petitioner has exhausted all administrative remedies
19 and, as a result, the Court lacks subject matter jurisdiction under Code of Civil Procedure section
20 430.10, subdivision (a).
- 21 5. The Petition fails to state facts sufficient to constitute a cause of action under Code of
22 Civil Procedure section 430.10, subdivision (e), insofar as Petitioner failed to verify the factual
23 allegations contained in the Petition as required by section 1086 of the Code of Civil Procedure¹.

24 This demurrer is based upon the provisions of Code of Civil Procedure section 430.10, this
25 Notice of Hearing on Demurrer and Demurrer, the Memorandum in Support of Demurrer filed
26 concurrently with this Notice of Demurrer, the declaration of Natalie Collins, and upon the files,

27 _____
28 ¹ While Petitioner represented that he had filed the verification with the Court, as of the
date of filing, Respondents were not able to confirm that the verification had been filed.

1 records, and pleadings in this action, upon such matters of which the court shall or may take
2 judicial notice, and upon such oral and documentary evidence that may be presented at the
3 hearing of this demurrer.

4 **PLEASE TAKE FURTHER NOTICE** that the Court may, in its sole discretion, issue a
5 tentative ruling in conformance with the tentative ruling procedures set forth in the California
6 Rules of Court and the San Diego County Superior Court Rules. If a tentative ruling is issued, it
7 will be made available on or after 4:00 p.m. on the day before the scheduled hearing date and may
8 be accessed on the Court's website at: www.sdcourt.ca.gov.

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Dated: May 31, 2024

Respectfully submitted,
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Attorney General of California
MICHAEL P. CAYABAN
Supervising Deputy Attorney General



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