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Response to Demurrer in Wright v. Sklar Case, 37-2024-00006114-CU-MC-CTL

Dear Ms. Collins,

Please consider this my response for your demurrer on the following grounds:

Proper Respondent: In addressing the issue of the proper respondent, it's pertinent to refer to established legal precedents. The case of *Woodland Hills Residents Assn., Inc. v. City Council (1979) 23 Cal.3d 917, 932-933* elucidates the principle that actions of a governmental entity, such as the California Fish and Game Commission, can be attributed to its officers or representatives if they are acting within their official capacity or within the scope of their authority. Mr. Sklar, as the President of the Commission, undoubtedly falls within this category, as evidenced by his direct involvement in decision-making processes related to the classification of domestic ferrets as wild animals.

I would like to direct you to this video:
<https://youtu.be/eY4oXl2Uq2k?si=xwl2f1NgABZyQola>

Specificity of Allegations: Our petition meticulously outlines the arbitrary classification of domestic ferrets as wild animals by the California Fish and Game Commission, subjecting them to prohibition. This contention finds support in legal precedent, such as *Pasadena Police Officers Ass'n v. City of Pasadena (1990) 51 Cal.3d 564, 576*, which emphasizes the importance of clarity and specificity in pleading allegations.

The specific actions challenged, including the failure to conduct thorough scientific studies prior to classification, are clearly articulated, leaving no room for ambiguity.

Statute of Limitations: Regarding the statute of limitations, legal precedents such as *Branciforte Heights, LLC v. City of Santa Cruz (2006) 138 Cal.App.4th 914, 926* establish that the applicable statute of limitations depends on the nature of the obligation sought to be enforced. As our petition pertains to a writ of mandate under California Code of Civil Procedure Section 1085, the appropriate statute of limitations should be determined accordingly. Our petition was timely filed within the applicable period, adhering to all statutory requirements.

Administrative Remedies: Contrary to assertions made by the Commission, we have diligently pursued available administrative remedies, as required by legal precedents such as *Parthemore v. Col* (2013) 221 Cal.App.4th 1372, 1379. Despite our efforts, we were informed by the Commission that such forms do not exist. This failure on the part of the Commission to provide a clear avenue for administrative relief further underscores the necessity of judicial intervention.

In light of the above, we maintain that our petition for a writ of mandate is legally sufficient. We urge the Commission to reconsider its intended demurrer, and we remain open to further discussion, ready to provide additional legal support as necessary.

Sincerely,

Patrick James Smotherman Wright