

For Opinion See [2006 WL 3544580](#) (Trial Order), [2005 WL 6013463](#) (Trial Order), [2003 WL 25315368](#) (Trial Order), [2003 WL 25315367](#) (Trial Order), [2002 WL 33966313](#) (Trial Order), [2002 WL 33966314](#) (Trial Order)

Superior Court of California.
Los Angeles County
CAPITOL PEOPLE FIRST et al., Petitioners/Plaintiffs,
v.
DEPARTMENT OF DEVELOPMENTAL SERVICES (Dos) et al., Respondents/Defendants.
No. 02-038715.
May 7, 2002.

The Honorable Ronald M. Sabraw

Demurrer by State Defendants to Petition for Writ of Mandate; Verified Complaint for Declaratory and Injunctive Relief ([c.C.P. § 430.10](#))

Bill Lockyer, Attorney General of the State of California, [James M. Humes](#), Supervising Deputy Attorney General, [Susan M. Carson](#), Deputy Attorney General, State Bar No. 135875, [Jocelyn A. Flaherty](#), Deputy Attorney General, State Bar No. 164382, 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, Telephone: (415) 703-5603, Fax:(415)703-1107, Attorneys for State Defendants DDS, Cliff Allenby, CHHSA, Grantland Johnson, DHS, Diana Bonta, DOF, B. Timothy Gage

Defendants the Department of Developmental Services (DDS) and its Director, Clifford Allenby; the California Health and Human Services Agency (CHHSA) and its Director, Grantland Johnson; the Department of Health Services(DHS) and its Director, Diana Bonta; the Department of Finance (DOF) and its Director B. Timothy Gage, and the State of California jointly and severally demur to the complaint on each of the following grounds:

Demurrer to State of California as a Defendant in the First. Second. Fourth Fifth. Sixth. Seventh and Ninth Causes of Action

1. The State of California is not a proper party from which relief may be granted. ([Code of Civ. Proc. § 430.10\(d\)](#))

Demurrer to Fifth Cause of Action (State Constitutional Rights)

2. The fifth cause of action fails to state facts sufficient to constitute a cause of action. ([Code of Civ. Proc. § 430.10\(e\)](#))

Demurrer to Sixth Cause of Action (Federal Constitutional Rights)

3. The sixth cause of action fails to state facts sufficient to constitute a cause of action. ([Code of Civ. Proc. § 430.10\(e\)](#))

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