

1 LAWYERS' COMMITTEE FOR CIVIL
2 RIGHTS OF THE SAN FRANCISCO BAY AREA

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15 **SUPERIOR COURT OF CALIFORNIA**
16 **COUNTY OF ALAMEDA**

17 Debt Collective;
18 Community Legal Services in East Palo Alto;
19 Anthony McCree; and
20 Lorena Gonzales Baes

Plaintiffs/Petitioners,

v.

21 Superior Court of California, County of San Mateo;
22 Neal I. Taniguchi, in his official capacity as Court
23 Executive Officer;
24 Hugo Borja, in his official capacity as Court
25 Commissioner;
26 Rosendo Padilla Jr., in his official capacity as Court
27 Commissioner;
28 Cristina Mazzei, in her official capacity as Court
Commissioner;
County of San Mateo;
Judicial Council of California; and
Martin Hoshino, in his official capacity as
Administrative Director of the Judicial Council

Defendants/Respondents.

Case No. 22CV006393

**STIPULATION AND [PROPOSED]
ORDER HOLDING THIS
LITIGATION IN ABEYANCE**

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1 Plaintiffs Debt Collective, Community Legal Services in East Palo Alto, Anthony McCree,
2 and Lorena Gonzales Baes (“Plaintiffs”); and Defendants Superior Court of California, County of
3 San Mateo (“San Mateo Superior Court”), Neal I. Taniguchi, in his official capacity as Court
4 Executive Officer of the San Mateo Superior Court, Hugo Borja, in his official capacity as Court
5 Commissioner of the San Mateo Superior Court, Rosendo Padilla Jr., in his official capacity as
6 Court Commissioner of the San Mateo Superior Court, Cristina Mazzei, in her official capacity as
7 Court Commissioner of the San Mateo Superior Court; (collectively, the “Court Defendants”);
8 Defendant County of San Mateo (“County Defendant”); and Defendants Judicial Council of
9 California and Martin Hoshino, in his official capacity as Administrative Director (“Judicial
10 Council Defendants”), by and through their respective counsel, hereby state and stipulate as
11 follows:

12 WHEREAS, Plaintiffs Debt Collective and Anthony McCree filed this lawsuit on February
13 2, 2022 to challenge the legality and constitutionality of San Mateo Superior Court’s imposition
14 of civil assessments under Penal Code section 1214.1 and the San Mateo Superior Court and the
15 County Defendant’s collection of civil assessments;

16 WHEREAS, civil assessments are charges that are regularly assigned in thousands of
17 traffic infraction cases in California and are a source of funding for California trial courts;

18 WHEREAS discovery in this action was served on Defendant Taniguchi on May 17, 2022
19 regarding San Mateo Superior Court’s civil assessment practices to date;

20 WHEREAS Plaintiffs filed a First Amended Complaint in this action on May 25, 2022,
21 that, *inter alia*, added two named Plaintiffs (Community Legal Services in East Palo Alto and
22 Lorena Gonzales Baes), and replaced a named Defendant (Comm’r Zorfias) with two other named
23 Defendants (Comm’rs Padilla and Mazzei);

24 WHEREAS the First Amended Complaint also added the Judicial Council Defendants to
25 this lawsuit for their alleged role in San Mateo Superior Court’s imposition and collection of civil
26 assessments;

1 WHEREAS, the parties understand that the Governor and the Legislature are presently
2 considering eliminating civil assessments and providing backfill funding to the judicial branch;¹

3 WHEREAS, without admitting any liability or wrongdoing, San Mateo Superior Court is
4 considering changes to its notices, practices, and procedures related to the imposition and
5 collection of civil assessments;

6 WHEREAS, the County of San Mateo is ending its role as the contracted collections agent
7 for San Mateo Superior Court, with respect to unpaid accounts including civil assessments,
8 effective May 25, 2022;

9 WHEREAS, effective immediately, without admitting any liability or wrongdoing, San
10 Mateo Superior Court has agreed to stop all collections efforts on all outstanding civil assessments
11 imposed in traffic infraction cases and owed to the Court—either directly or through its collections
12 agencies—until at least October 15, 2022, and will continue to evaluate whether to permanently
13 waive collections on all outstanding civil assessments;

14 WHEREAS, effective immediately, without admitting any liability or wrongdoing, San
15 Mateo Superior Court has agreed to stop imposing any new civil assessments in traffic infraction
16 cases until at least October 15, 2022;

17 WHEREAS, the parties believe it is in the interest of judicial economy to await any
18 potential action on the part of the Governor or the Legislature regarding civil assessments prior to
19 further litigation in this action;

20 NOW THEREFORE the parties, by and through their respective counsel, hereby stipulate
21 as follows:

- 22 1. The parties agree that this matter should be held in abeyance until October 15, 2022,
23 including the suspension of all deadlines in this matter until such date and time;
- 24 2. The parties hereby consent and stipulate that Plaintiffs may file a Second Amended
25 Complaint on or before November 1, 2022; *see* Cal. Code Civ. Proc. § 472(a);

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28 ¹ *See, e.g., 2022-2023 State Budget, Senate Budget Plan: Putting California’s Wealth to Work for a More Equitable Economy* (released Apr. 29, 2022), <https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/Putting%20Wealth%20to%20Work%20enate%20Budget%20Plan.pdf>, at 30 (proposing “\$100 million to eliminate civil assessment and related prior debt”).

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3. The initial case management conference in this matter shall be continued to November 30, 2022, or a subsequent date set by the Court.

4. The parties reserve all other rights, claims, and/or defenses.

The above stipulations are contingent upon the parties complying with the recitals and commitments identified above; should any party breach its commitments as expressly set forth herein, the non-breaching party reserves the right to make a subsequent motion in this Superior Court to end abeyance in this matter.

IT IS SO STIPULATED

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Dated: May 25, 2022

LAWYERS' COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA

By: /s/ Zal K. Shroff
Zal K. Shroff

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Dated: May 25, 2022

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*Counsel for San Mateo Superior Court and
Judicial Council Defendants*

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Dated: May 25, 2022

JOHN D. NIBBELIN, COUNTY ATTORNEY

By: /s/ Craig N. Baumgartner
Craig N. Baumgartner, Deputy

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Counsel for Defendant County of San Mateo

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[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

Based on the stipulation of the parties, the parties will adhere to the following schedule:

1. This matter shall be held in abeyance until October 15, 2022, including the suspension of all deadlines in this matter until such date and time, provided that the Court and County Defendants satisfy the recitals and commitments identified in the parties' stipulation on May 25, 2022;
2. Plaintiffs may file a Second Amended Complaint on or before November 1, 2022; *see* Cal. Code Civ. Proc. § 472(a);
3. The initial case management conference in this matter shall be continued to November 30, 2022, or a subsequent date set by the Court.
4. The parties reserve all other rights, claims, and/or defenses.

Dated: _____, 2022

The Honorable Frank Roesch
Judge of the Superior Court