



C A L I F O R N I A
DEPARTMENT OF JUSTICE

Rob Bonta
Attorney General

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May 3, 2024

Re: *Wright v. Sklar*, 37-2024-00006114-CU-MC-CTL

Dear Mr. Wright:

This letter commemorates our May 1, 2024 phone call, which began the meet-and-confer process regarding the California Fish and Game Commission's anticipated demurrer to your petition. On that call, we discussed the intended bases of that demurrer, which are as follows:

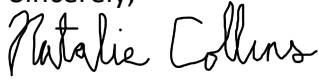
- Mr. Sklar is not the proper respondent to the petition because the petition challenges an action of the Commission and Mr. Sklar does not direct the actions of the Commission. (*Sonoma County Nuclear Free Zone v. Superior Court* (1987) 189 Cal.App.3d 167, 178 [a writ "may only issue against a respondent with a clear duty to perform a ministerial act and with a legal authority to discharge that duty"].)
- The petition is vague and ambiguous regarding the specific actions of the Commission that you are challenging. (See Code Civ. Proc., § 430.10(f).)
- The action is barred by a statute of limitations. (*Branciforte Heights, LLC v. City of Santa Cruz* (2006) 138 Cal.App.4th 914, 926 ["The statute of limitations applicable to a writ of mandamus under Code of Civil Procedure section 1085 depends upon the nature of the obligation sought to be enforced."]; see generally Code Civ. Proc., §§ 312-366.3.)
- The petition fails to allege that you have exhausted all your administrative remedies. (*Parthemore v. Col* (2013) 221 Cal.App.4th 1372, 1379 ["A complaint is vulnerable to demurrer on administrative exhaustion grounds when it fails to plead either that administrative remedies were exhausted or that a valid excuse exists for not exhausting."])

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As we discussed, the Commission currently intends to file a demurrer on these grounds unless the petition is amended to cure these deficiencies. We are available if you wish to discuss further, including if you wish to present legal support indicating that the petition is legally sufficient.

Sincerely,

A handwritten signature in black ink that reads "Natalie Collins". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Natalie Collins
Deputy Attorney General

For ROB BONTA
 Attorney General