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**NO FEE PURSUANT TO
GOVERNMENT CODE § 6103**

9 *Attorneys for Respondents California Fish and*
10 *Game Commission and Samantha Murray*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN DIEGO
13

14
15 **PATRICK JAMES SMOTHERMAN**
16 **WRIGHT,**

Petitioner,

17
18 v.

19 **CALIFORNIA FISH AND GAME**
20 **COMMISSION AND SAMANTHA**
21 **MURRAY, PRESIDENT, CALIFORNIA**
22 **FISH AND GAME COMMISSION**

Respondents.

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

**RESPONDENTS' CASE MANAGEMENT
STATEMENT**

Date: April
Dept.: C-70
Judge: The Honorable Carolyn M.
Caietti
Trial Date: None Set
Action Filed: February 1, 2024

23
24 Respondents CALIFORNIA FISH AND GAME COMMISSION ("Commission") and
25 SAMANTHA MURRAY (collectively, "Respondents"), by and through their attorneys of record,
26 file this Case Management Statement in lieu of Judicial Council Form CM-110:
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1 Description of case (Form CM-110, Item 4): This action is a petition for a writ of mandate
2 and declaratory relief under Code of Civil Procedure, section 1085 (the “Petition”). Petitioner
3 PATRICK JAMES SMOTHERMAN WRIGHT (“Petitioner”) claims that Respondents’
4 classification of ferrets as wild animals (1) is arbitrary and capricious and (2) violates Civil Code
5 section 665. The Petition seeks a writ of mandate directing Respondents to reconsider the
6 classification of ferrets as wild animals.

7 Jury or nonjury trial (Form CM-110, Item 5): Respondents seek a nonjury trial.

8 Trial Date (Form CM-110, Item 6): No trial date has been set. As detailed in the May 31,
9 2024 demurrer to the original Petition filed by the Commission and Eric Sklar, it is not clear from
10 the Petition which specific action of the Respondents the Petition seeks to challenge. As such,
11 Respondents cannot know how to respond to the Petition, including whether and how to prepare
12 an administrative record, until further clarity is provided.

13 On June 7, 2024, Petitioner filed an Amended Petition naming Samantha Murray as a
14 respondent in place of Eric Sklar. On July 8, 2024, Respondents were served with Petitioner’s
15 counsel’s Notice of Appearance in this case. Respondents’ understanding is that Petitioner’s
16 counsel is currently reviewing the record in the case. As such, the parties have submitted for
17 filing a stipulation extending Respondents’ time to respond to the Amended Petition until
18 Petitioner has either filed amended pleadings or has notified Respondents that they should
19 respond to the currently operative Amended Petition. Until that time, it is difficult to estimate
20 when the case will be ready for hearing.

21 Estimated Length of Trial (Form CM-110, Item 7): One to two (1-2) hours. These types of
22 writ matters are typically decided on the papers without live testimony.

23 Trial Representation (Form CM-110, Item 8): Respondents will be represented at the
24 hearing on Petitioner’s writ of mandate by the attorneys listed in the caption of this filing.

25 Alternative Dispute Resolution (Form CM 110-, Item 10(a)): Because resolution through
26 ADR is not feasible in this case, Counsel has not provided the ADR information package
27 identified in rule 3.221 to Respondents.
28

1 Referral to Judicial Arbitration or Civil Action Mediation (Form CM-110, Item 10(b): This
2 case is exempt from judicial arbitration under rule 3.811, subdivision (b)(1) of the California
3 Rules of Court.

4 ADR Process or Processes in Which the State Water Board and Regional Water Board are
5 Willing to Participate (Form CM-110, Item 10(c)): Because resolution through ADR is not
6 feasible in this case, Respondents are not willing at this stage to participate in the ADR process.

7 Insurance (Form CM-110, Item 11): This item is not applicable.

8 Jurisdiction (Form CM-110, Item 12): This item is not applicable.

9 Related Cases, Consolidation, and Coordination (Form CM-110, Item 12): This item is not
10 applicable.

11 Bifurcation (Form CM-110, Item 14): This item is not applicable.

12 Other Motions (Form CM-110, Item 15):

13 *Respondents' Anticipated Demurrer to Amended Petition:* As described above, the
14 Commission and Eric Sklar filed a demurrer to the original Petition on May 31, 2024, and
15 Petitioner filed an Amended Petition on June 7, 2024 naming Samantha Murray as a respondent
16 in place of Eric Sklar. The parties have stipulated to extend Respondents' time to respond to the
17 Amended Petition in order to give Petitioner's counsel sufficient time to review the record in the
18 case. If Petitioner does not file further amended pleadings, Respondents intend to file a demurrer
19 to the Amended Petition.

20 Discovery (Form CM-110, Item 16): On May 24, 2024, Petitioner served the Commission
21 and Eric Sklar with discovery requests addressed to Eric Sklar. However, on June 7, 2024,
22 Petitioner filed an Amended Petition replacing Eric Sklar as a respondent with Samantha Murray.
23 The Commission informed Petitioner that it did not believe it appropriate for Eric Sklar to
24 respond to discovery requests as he was no longer a respondent, but that it would respond to
25 discovery requests addressed to the Commission. Respondents' understanding is that Petitioner is
26 still considering whether to serve additional discovery requests.

27 Economic Litigation (Form CM-110, Item 17): This item is not applicable.

28 Other Issues (Form CM-110, Item 18): None.

1 Meet and Confer (Form CM-110, Item 19): The parties have not met and conferred on all
2 subjects required by rule 3.724 of the California Rules of Court. However, they have been in
3 contact, as reflected in the parties' stipulation extending Respondents' time to respond to the
4 Amended Complaint, and Respondents are waiting for Petitioner's counsel to complete his review
5 of the case before they file their response to the Amended Petition.

6 I am completely familiar with this case and will be fully prepared to discuss the status of
7 discovery and alternative dispute resolution, as well as other issues raised by this statement, and
8 will possess the authority to enter into stipulations on these issues at the time of the case
9 management conference, including the written authority of the party where required.
10
11

12 Dated: August 12, 2024

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 MICHAEL P. CAYABAN
16 Supervising Deputy Attorney General

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18 NATALIE E. COLLINS
19 JOSHUA M. CAPLAN
20 Deputy Attorneys General
21 *Attorneys for Respondents*
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DECLARATION OF SERVICE BY ELECTRONIC MAIL

Case Name: **Wright v. Sklar; CA Fish & Game Comm.**

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

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On **August 12, 2024**, I served the attached:

RESPONDENT'S CASE MANAGEMENT STATEMENT

by transmitting a true copy via electronic mail addressed as follows:

Steven R. Meeks

13502 N. Frontage Road, No. 392

Yuma, AZ 85367

E-mail Address: steven.r.meeks@gmail.com

Attorney for Petitioner

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **August 12, 2024**, at San Diego, California.

M. Goolsby

Declarant



Signature