

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - October 12, 2022

EVENT DATE: 10/14/2022

EVENT TIME: 01:30:00 PM

DEPT.: C-69

JUDICIAL OFFICER: Katherine Bacal

CASE NO.: 37-2022-00005335-CU-TT-CTL

CASE TITLE: SAVE THE FIELD VS. CITY OF SAN DIEGO [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Toxic Tort/Environmental

EVENT TYPE: Hearing on Petition

CAUSAL DOCUMENT/DATE FILED:

TENTATIVE RULING

According to the real party in interest Del Mar Union School District (the "School District"), there is a purportedly related case, *Save The Field v. Del Mar Union School District*, Superior Court Case No. 37-2020-00020207-CU-TT-CTL (the "Del Mar case"). See ROA # 68 [Not. of Related Case]. The Court of Appeal recently issued an unpublished decision in the Del Mar case (Court of Appeal Case No. D079480), but apparently there are pending requests to publish the decision and remittitur has not yet issued.

The School District previously argued that the appeal in the Del Mar case stayed the request for a preliminary injunction before this Court. See ROA #46. Although the Court concluded there was no automatic stay and granted the requested injunction (See ROA ## 83, 86) that does not mean the Del Mar case has no relevancy to these proceedings; indeed, if the Del Mar case is published it may contain binding authority.

Thus, the Court exercises its inherent authority over these proceedings and **CONTINUES** the hearing on petitioner Save the Field's petition for writ of mandate to December 16, 2022 at 1:30 p.m. Parties to notify the Court if there is a problem with the proposed hearing date and time.

Parties may, but are not required to, file supplemental briefs addressing only the effect, if any, of the Del Mar decision. Supplemental briefs are limited to five pages and must be filed/served five court days before the next hearing.