

1 Thomas P. Mazzucco – 139758
TMazzucco@mpbf.com
2 Christopher R. Ulrich – 271288
CUlrich@mpbf.com
3 Nicholas C. Larson – 275870
NLarson@mpbf.com
4 Miguel Mendez-Pintado – 323372
MMendezpintado@mpbf.com
5 MURPHY, PEARSON, BRADLEY & FEENEY
580 California Street, Suite 1100
6 San Francisco, CA 94104
Telephone: (415) 788-1900
7 Facsimile: (415) 393-8087
8 Attorneys for Petitioner
SHERIFF CHRISTINA CORPUS
9

FILED
SAN MATEO COUNTY
JAN 23 2025
Clerk of the Superior Court
DEPUTY CLERK

10 **COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN MATEO**
12

13 SHERIFF CHRISTINA CORPUS, an individual,
14 Petitioner,
15 v.
16 COUNTY OF SAN MATEO BOARD OF
SUPERVISORS; MARK CHURCH, in his
17 official capacity as CHIEF ELECTIONS
OFFICER & ASSESSOR, and DOES 1-10,
18 Respondent.
19

Case No.: 25-CIV-00244
**PETITIONER'S EX PARTE
APPLICATION TO ADVANCE THE CASE
MANAGEMENT CONFERENCE, AND TO
SET BRIEFING AND TRIAL SCHEDULES
IN ADVANCE OF THE MARCH 4, 2025,
ELECTION; ALSO TO ADD THE
COUNTY OF SAN MATEO AS A
RESPONDENT; DECLARATION**
Date: January 23, 2025
Time: 1:30 p.m.
Dept: 28
Judge: Nicole S. Healy

21
22 **INTRODUCTION**

23 By this application, Petitioner Sheriff Corpus requests for the court to advance the case
24 management conference to January 23, 2025, which is the date of this application, and to set briefing
25 and trial schedules in advance of the March 4, 2025, election, such that the court can grant the requested
26 relief. Petitioner further requests the court designate the County as a respondent.
27
28

7

1 STATEMENT OF FACTS

2 On December 3, 2024, the San Mateo Board of Supervisors voted to advance a proposed charter
3 amendment to the March 4, 2025, election. The proposed amendment is now titled Measure A, and it is
4 the only item on the March 4 ballot for San Mateo.

5 On January 10, 2025, Sheriff Christina Corpus filed a petition for writ and mandate and complaint
6 for injunctive relief (“Complaint”), and the specific relief she requested was the cancelation of the March
7 4, election, or at the very least, a refusal to count the votes and certify the elections. (Declaration of
8 Christopher R. Ulrich (“Ulrich Decl.”).) By mistake, Petitioner, through counsel, identified the County
9 as a respondent in the body of the complaint and pled facts against the County, but failed to include the
10 County as a respondent in the caption. (Ulrich Decl.) The County is named in the captions for the other
11 documents, including a memorandum of points and authorities and other related documents in support
12 of her complaint. (Ulrich Decl.)

13 As stated in Sheriff Corpus’ Complaint, because Measure A would be a substantive change to
14 the county charter, it may only be voted on at general statewide elections, which occur in November of
15 even numbered years. Thus, the March election is invalid and ineffective. Sheriff Corpus additionally
16 argued that Board violated her rights and its quasi-adjudicative function when it voted to advance
17 Measure A to the ballot.

18 On January 14, 2025, the court assigned Sheriff Corpus’ case to Judge Nicole S. Healy, in
19 Department 28, and set March 19, 2025, as the case management conference and trial setting date.

20 On January 16, 2025, Petitioner’s counsel sent San Mateo County Attorney Notice and
21 Acknowledgement of Receipt (POS-015) for the Board of Supervisors and Mr. Church. (Ulrich Decl.)
22 As of the time of this drafting, the County has not returned signed copies. (Ulrich Decl.)

23 NOTICE

24 Consistent with the rules of court, Petitioner gave notice to Respondents of Petitioner’s intention
25 to apply ex parte for this relief. (Ulrich Decl.) On January 17, 2025, Petitioner’s counsel emailed San
26 Mateo County Attorney, John Nibbelin, and described the substance of this application. (Ulrich Decl.)
27 Mr. Nibbelin directed Petitioner’s counsel to the law firm of Olson Remcho, which the County retained

1 to defend the Board of Supervisors against this lawsuit. (Ulrich Decl.) Petitioner's counsel spoke to
2 Andrew Werbrock and Robin Johansen, and provided them with a description of the relief requested and
3 of the date, time, and location of the application. (Ulrich Decl.)

4 At the time of the meet and confer, I explained Petitioner had plead a case against the County of
5 San Mateo, but because of a clerical error, the County was left off the caption of the complaint, and for
6 that reason. (Ulrich Decl.) The parties did not agree on a solution. (Ulrich Decl.)

7 ANALYSIS

8 **A. THE COURT SHOULD GRANT PETITIONER'S EX PARTE APPLICATION TO 9 ADVANCE THE CASE MANAGEMENT CONFERENCE, AND TO SET BRIEFING 10 AND TRIAL SCHEDULES IN ADVANCE OF THE MARCH 4, 2025, ELECTION**

11 Pursuant to California Rules of Court, Rule 3.1200 et seq., and local rule 3.500, Petitioner makes
12 this ex parte application. The court has the authority to advance the case management conference to the
13 date of this application, and to set the requested schedule, and the court should exercise that authority to
14 expedite this case so that it may be resolved before the March 4, 2025, election.

15 Petitioner's complaint has two bases for relief which can be tried simultaneously or on separate
16 paths. They are: (1) the election was improperly calendared for March 4, 2025, and (2) the biased actions
17 by two supervisors violated Sheriff Corpus' rights, and will continue to do so.

18 **Petitioner proposes a trial date of February 24, 2025**, which allows for the following briefing
19 schedule on a noticed motion basis: the opening brief due on January 29, opposition due February 7, and
20 reply February 14. Basis for relief number one is a pure question of law, and should be resolved on the
21 papers according to the proposed schedule. Basis number two is a mixed question of law and fact, and
22 resolution on the papers in the short time left is unlikely. To that end, Petitioner proposes briefing the
23 legal issues according to the proposed schedule, and providing evidence in court beginning February 24.
24 The evidence will likely include already made public statements by supervisors, and perhaps other
25 written documentation, if available.

26 **B. THE COURT SHOULD DESIGNATE THE COUNTY AS A RESPONDENT**

27 The Complaint and other documents made clear that the County itself is named as a respondent
28 to this action. However, by mistake, Petitioner's counsel left the County out of the caption of the

1 complaint. Petitioner now requests the court exercise its inherent authority, and designate the County as
2 a respondent.

3 **CONCLUSION**

4 DATED: January 22, 2025

MURPHY, PEARSON, BRADLEY & FEENEY

6
7 By 

8 Christopher R. Ulrich
9 Attorneys for Petitioner
10 SHERIFF CHRISTINA CORPUS
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF CHRISTOPHER R. ULRICH

I, Christopher R. Ulrich,

I am an attorney duly licensed to practice in all courts of the State of California, and am Director with the law firm of Murphy, Pearson, Bradley & Feeney, attorneys of record for Petitioner herein. I have personal knowledge of the information set forth herein below, unless noted as based on information and belief, all of which is true and correct of my own personal knowledge, and if called upon to testify, I could and would competently testify thereto.

1. On January 10, 2025, Sheriff Christina Corpus filed a petition for writ and mandate and complaint for injunctive relief (“Complaint”), and the specific relief she requested was the cancelation of the March 4, election, or at the very least, a refusal to count the votes and certify the elections.

2. By mistake, Petitioner, through counsel, identified the County as a respondent in the body of the complaint and pled facts against the County, but failed to include the County as a respondent in the caption.

3. The County is named in the captions for the other documents, including a memorandum of points and authorities and other related documents in support of her complaint. (Ulrich Decl.)

4. On January 16, 2025, I counsel sent San Mateo County Attorney Notice and Acknowledgement of Receipt (POS-015) for the Board of Supervisors and Mr. Church.

5. As of the time of this drafting, the County has not returned signed copies.

6. Consistent with the rules of court, Petitioner gave notice to Respondents of Petitioner’s intention to apply ex parte for this relief.

7. On January 17, 2025, I emailed San Mateo County Attorney, John Nibbelin, and described the substance of this application.

8. Mr. Nibbelin directed me counsel to the law firm of Olson Remcho, which the County retained to defend the Board of Supervisors against this lawsuit.

9. I then spoke to Andrew Werbrock and Robin Johansen, and provided them with a description of the relief requested and of the date, time, and location of the application.

10. I did not get an answer one way or another as to whether they oppose this request.

1 11. At the time of the meet and confer, I explained Petitioner had plead a case against the
2 County of San Mateo, but because of a clerical error, the County was left off the caption of the complaint,
3 and for that reason.

4 12. The parties did not agree on a solution.

5 I declare under penalty of perjury that the foregoing is true. Executed in San Francisco,
6 California, on January 22, 2025.

7
8 

9 _____
Christopher R. Ulrich

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I, Jennifer M. Cuellar, declare:

3 I am a citizen of the United States, am over the age of eighteen years, and am not a party to or
4 interested in the within entitled cause. My business address is 580 California Street, Suite 1100, San
5 Francisco, California 94104.

6 On January 23, 2025, I served the following document(s) on the parties in the within action:

7 **PETITIONER'S EX PARTE APPLICATION TO ADVANCE THE CASE MANAGEMENT
8 CONFERENCE, AND TO SET BRIEFING AND TRIAL SCHEDULES IN ADVANCE OF
9 THE MARCH 4, 2025, ELECTION; ALSO TO ADD THE COUNTY OF SAN MATEO AS A
RESPONDENT; DECLARATION**

10 11 12 X	VIA MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as shown below.
13 14	VIA E-MAIL: I attached the above-described document(s) to an e-mail message, and invoked the send command to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is JCuellar@MPBF.com.

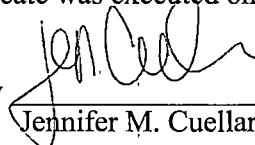
15 Andrew H. Werbrock
16 Robin B Johansen
Olson Remcho, LLP
17 1901 Harrison St, Ste 1550
Oakland, CA 94612-3597
18 Email: awerbrock@olsonremcho.com
Email: RJohansen@olsonremcho.com
19 Phone: 510-346-6200
Fax: 510-346-6201

Attorney For Respondent
County of San Mateo & San Mateo Board of
Supervisors

20 John Nibbelin
21 Craig Baumgartner
San Mateo County Counsel's Office
22 500 County Ctr # 4F1
Redwood City, CA 94063-1664
23 Email: jnibbelin@smcgov.org
Email: cbaumgartner@smcgov.org
24 Phone: 650-363-4250
Fax: 650-363-4034

Attorney For Respondent
Mark Church

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is
26 a true and correct statement and that this Certificate was executed on January 23, 2025.

27
28 By 
Jennifer M. Cuellar