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12 *Exempt from filing fees pursuant to Government Code § 6103*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SAN MATEO**

15 SHERIFF CHRISTINA CORPUS,
16 Petitioner,
17 v.
18 COUNTY OF SAN MATEO BOARD OF
19 SUPERVISORS; COUNTY EXECUTIVE
20 MIKE CALLAGY; ASSISTANT CLERK TO
21 THE BOARD SUKHMANI S. PUREWAL; and
22 DOES 1-10,
23 Respondents.

Case No.: 25-CIV-04319
**MOTION TO STAY/ENJOIN
ENFORCEMENT OF REMOVAL TO
PRESERVE STATUS QUO PENDING
JUDICIAL REVIEW**
Hearing Date: September 23, 2025
Time: 1:30 p.m.
Dept: 11
Judge: Hon. Nina Shapirshteyn

1 **TABLE OF CONTENTS**

2 **Page**

3 I. INTRODUCTION AND REQUESTED RELIEF 6

4 II. BACKGROUND 7

5 A. Dec. 2023–Oct. 2024 — Escalating Conflict and Board’s Prejudgment. 7

6 B. Nov.–Dec. 2024 — Board Moves to Remove the Sheriff. 7

7 C. Mar.–June 2025 — Section 412.5 Adopted; Removal Initiated. 8

8 D. June–Sept. 2025 — Flawed Process and Completed Hearing. 9

9 III. LEGAL STANDARD 11

10 A. Preliminary Injunction (CCP § 526). 11

11 B. Stay of Administrative Decision (CCP § 1094.5(g)). 12

12 C. Trial Court Authority to Stay Judgments or Orders (CCP § 918) 12

13 D. Stay to Preserve Jurisdiction and Prevent Mootness (CCP § 187). 13

14 E. Authority to Revisit Prior Interim Orders. 13

15 IV. ARGUMENT 14

16 A. Due Process Applies Because the Board Is Acting Quasi-Judicially. 14

17 B. Courts May Act to Prevent Irreparable Harm Before It Occurs. 14

18 C. The Balance of Harms and Controlling Authority Require Preserving the Status
19 Quo. 16

20 D. Courts May Enjoin a Board of Supervisors. 18

21 E. Exhaustion Does Not Bar Relief; Alternatively, It Will Be Complete at the Vote. 19

22 F. Petitioner Incorporates Her Previously Filed Constitutional Arguments. 20

23 V. CONCLUSION 20

24

25

26

27

28

TABLE OF AUTHORITIES

Page

CASES

1

2

3

4 *Alpha Media Resort Investment Cases*

5 (2019) 39 Cal.App.5th 1121 13

6 *Alta Loma School Dist. v. San Bernardino County Committee on School District Reorganization*

7 (1981) 124 Cal.App.3d 542.....6, 12, 20

8 *Avant! Corp. v. Superior Court*

9 (2000) 79 Cal.App.4th 876 13

10 *Briley v. City of West Covina*

11 (2021) 66 Cal.App.5th 119 19

12 *Butt v. State of California*

13 (1992) 4 Cal.4th 668 12

14 *Carey v. Piphus*

15 (1978) 435 U.S. 247 15

16 *Clements v. Airport Auth. of Washoe County*

17 (9th Cir. 1995) 69 F.3d 321..... 15

18 *Coachella Valley Mosquito & Vector Control Dist. v. Cal. PERB*

19 (2005) 35 Cal.4th 1072 19

20 Code of Civil Procedure

21 § 918..... 11, 13, 20

22 *Costa Mesa City Employees Assn. v. City of Costa Mesa*

23 (2012) 209 Cal.App.4th 298 12

24 *Daly v. San Bernardino County Bd. of Supervisors*

25 (2021) 11 Cal.5th 10306, 11, 12, 16, 17, 18, 20, 21

26 *Donahue Schriber Realty Group, Inc. v. Nu Creation Outreach*

27 (2014) 232 Cal.App.4th 1171 12, 15

28 *Elrod v. Burns*

 (1976) 427 U.S. 347 15

Even Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC

 (2015) 61 Cal.4th 830 14

Fuller v. Superior Court

 (2001) 87 Cal.App.4th 299 13

Hillman v. Britton

 (1980) 111 Cal.App.3d 810..... 15

Immigrant Defenders Law Center v. Noem

 (9th Cir. 2025) 145 F.4th 972 17, 19

TABLE OF AUTHORITIES
(continued)

Page

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

IT Corp. v. County of Imperial
(1983) 35 Cal.3d 63 12

KCSFVI, LLC v. Florin County Water Dist.
(2021) 64 Cal.App.5th 1015 19

Love v. State Dept. of Education
(2018) 29 Cal.App.5th 980 10

Mae M. v. Komrosky
(2025) 111 Cal.App.5th 198 15

Melendres v. Arpaio
(9th Cir. 2015) 695 F.3d 990..... 15

Minick v. City of Petaluma
(2016) 3 Cal.App.5th 15 13

Nasha v. City of Los Angeles
(2004) 125 Cal.App.4th 470 14

Nken v. Holder
(2009) 556 U.S. 418..... 6, 17, 19

*OTO, L.L.C. v. Kho**
(2019) 8 Cal.5th 111 6, 12, 13

Penrod v. County of San Bernardino
(2005) 126 Cal.App.4th 185 19, 20

People v. Padilla-Martel
(2022) 78 Cal.App.5th 139 18

Perry v. Brown
(9th Cir. 2012) 667 F.3d 1078..... 14

Perry v. Kia Motors America, Inc.
(2023) 91 Cal.App.5th 1088 10

Petrovich Development Co., LLC v. City of Sacramento
(2020) 48 Cal.App.5th 963 14

Pinela v. Neiman Marcus Group, Inc.
(2015) 238 Cal.App.4th 227 14

Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors
(1968) 263 Cal.App.2d 41..... 6, 18, 19, 20

San Ysidro Irrigation District v. Superior Court of San Diego County
(1961) 56 Cal.2d 708 18

Save Civita Because Sudberry Won't v. City of San Diego
(2021) 72 Cal.App.5th 957 14

TABLE OF AUTHORITIES
(continued)

Page

1

2

3 *Schweiker v. McClure*

4 (1982) 456 U.S. 188 15

5 *St. Paul Fire and Marine Insurance Co. v. AmerisourceBergen Corp.*

6 (2021) 67 Cal.App.5th 1 13, 16

7 *Standard Microsystems Corp. v. Winbond Electronics Corp.*

8 (2009) 179 Cal.App.4th 868 14

9 *State of California v. Superior Court (Veta)*

10 (1974) 12 Cal.3d 237 6, 19

STATUTES

11 Code of Civil Procedure

12 § 1008 11

13 Code of Civil Procedure

14 § 1094.5 6, 12

15 Code of Civil Procedure

16 § 1094.5(g) 11, 12

17 Code of Civil Procedure

18 § 187 11, 13

19 Code of Civil Procedure

20 § 923 20

21 Government Code

22 § 31000.6 8

OTHER AUTHORITIES

23 San Bernardino County Charter

24 § 13.0404(b) 20

25 San Mateo County Charter

26 § 412.5 7, 8, 9, 10, 15, 16, 17, 19, 20

RULES

27 California Rules of Professional Conduct

28 rule 3.3 10

California Rules of Professional Conduct

rule 3.4 10

1 **I. INTRODUCTION AND REQUESTED RELIEF**

2 Sheriff Christina Corpus (or “Petitioner”) seeks narrowly tailored relief to preserve this Court’s
3 jurisdiction and prevent nullification of judicial review. Under its self-drafted removal procedures, The
4 County of San Mateo Board of Supervisors (“Board” or “County”) may hold a final removal vote with
5 less than 24 hours’ notice after the hearing officer issues an advisory opinion. Under Section IV.(2)(C)
6 of the adopted removal procedures, such removal becomes “effective immediately and final.” (See
7 Matthew J. Frauenfeld Declaration (“MJF Decl.”), Exhibit (“Ex.”) A.) No buffer exists for judicial
8 review before the Sheriff is ousted from office. The hearing officer’s advisory opinion could issue as
9 soon as this week, and the Board could act immediately thereafter. Without interim relief, the Board
10 could remove an elected constitutional officer before this Court can decide her pending constitutional
11 challenges—rendering judicial review moot and extinguishing this Court’s jurisdiction.

12 This Court previously denied Sheriff Corpus’s June 27, 2025, Ex Parte Application for a
13 TRO/OSC solely on exhaustion grounds, without reaching the merits. Sheriff Corpus preserves her
14 position that exhaustion of administrative remedies is not required for facial constitutional challenges.
15 (*State of California v. Superior Court (Veta)* (1974) 12 Cal.3d 237, 251). But even assuming arguendo
16 that exhaustion is required, it will be complete the moment the Board votes, which constitutes the final
17 administrative decision under Code of Civil Procedure § 1094.5 (see *Alta Loma School Dist. v. San*
18 *Bernardino County Committee on School District Reorganization* (1981) 124 Cal.App.3d 542, 554).

19 A stay does not compel action or interfere with decision making; it merely suspends the
20 enforceability of an order while judicial review proceeds (*Nken v. Holder* (2009) 556 U.S. 418, 428–
21 429). Here, staying enforcement of any final removal vote by the Board would simply prevent a removal
22 from taking effect until this Court determines its legality. California courts have recognized their
23 authority to issue such stays to preserve jurisdiction, prevent mootness, and maintain the status quo (*Daly*
24 *v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030, 1044–1046; *OTO, L.L.C. v. Kho**
25 (2019) 8 Cal.5th 111, 141). Courts have also enjoined boards of supervisors when their actions threatened
26 to violate constitutional or statutory limits (*Sacramento Newspaper Guild v. Sacramento County Bd. of*
27 *Supervisors* (1968) 263 Cal.App.2d 41, 46–47). As *Daly* held, preserving the status quo requires leaving
28 an official in office while legal challenges to the validity of their removal are adjudicated.

1 A temporary stay or injunction will avoid waste of judicial and public resources by preventing
2 premature removal and irreparable harm, preserve this Court’s jurisdiction, and ensure meaningful
3 judicial review of the constitutionality of San Mateo County Charter § 412.5 and the Board’s removal
4 procedures.

5 **II. BACKGROUND**

6 This action challenges the constitutionality of San Mateo County Charter § 412.5, which took
7 effect April 18, 2025, and the Sheriff Removal Procedures adopted on May 6, 2025, by the Board.

8 **A. Dec. 2023–Oct. 2024 — Escalating Conflict and Board’s Prejudgment.**

9 In December 2023, the County of San Mateo Board of Supervisors approved amendments to the
10 MOUs with the San Mateo County Deputy Sheriffs’ Association and the Organization of Sheriff’s
11 Sergeants to create a temporary “double overtime” pay policy. Sheriff Corpus opposed the plan, warning
12 it had no guardrails—no cap on costs and no requirement that officers work in critical posts to qualify—
13 and was unfunded. County Executive Mike Callagy and Supervisor Ray Mueller assured her the County
14 would establish a separate account to fund the overtime so it would not burden the San Mateo County
15 Sheriff’s Office budget.

16 No such funding was provided. By June 2024, the double overtime policy had produced over \$50
17 million in overtime costs in a single year without any dedicated funding, creating a massive budget
18 overrun. When the Board allowed the policy to expire on June 22, 2024, law enforcement unions turned
19 against Sheriff Corpus and began pressuring the Board to take action against her.

20 In July 2024, the County claims it retained retired Judge LaDoris Cordell to investigate allegations
21 against the Sheriff’s Office and her Chief of Staff, Victor Aenlle. Cordell spent several months preparing
22 a report that became the stated basis for the Board’s pursuit of her removal, even as the San Mateo
23 County Counsel’s Office was still serving as the Sheriff’s legal counsel.

24 **B. Nov.–Dec. 2024 — Board Moves to Remove the Sheriff.**

25 On November 12, 2024, the County announced Cordell’s report and a Nov. 13 special meeting to
26 consider “a call for the Sheriff’s immediate resignation” and a charter amendment to allow her removal.
27 The next day, the Supervisors passed a no confidence resolution, called on her to resign, referred the
28 Cordell report to law enforcement, and directed staff to draft an amendment to give them the power to

1 remove the elected sheriff. The release stated that Supervisors Noelia Corzo and Ray Mueller highlighted
2 the report and supporting exhibits, and it quoted Cordell.

3 On Nov. 19, 2024, the Board introduced an ordinance to place the removal amendment on the
4 March 4, 2025, ballot as Measure A, and on Dec. 3, 2024, formally adopted it.

5 At the time, the San Mateo County Counsel’s Office was still serving as legal counsel to Sheriff
6 Christina Corpus, creating a conflict under Government Code § 31000.6, which bars County Counsel
7 from representing the Board in any matter to remove a county officer they also represent. This meant the
8 same office that was duty-bound to represent the Sheriff was simultaneously advising the Board on how
9 to remove her from office.

10 On Dec. 13, 2024, County Counsel John D. Nibbelin formally retained Murphy, Pearson, Bradley
11 & Feeney as separate counsel for the Sheriff under § 31000.6, acknowledging the conflict.

12 As detailed in Petitioner’s June 27, 2025 Ex Parte Application, Supervisors Noelia Corzo and Ray
13 Mueller made repeated public statements between November and December 2024 declaring Sheriff
14 Corpus unfit for office, asserting she had lied, caused harm, and must resign, and stating that whoever
15 replaced her would need to “clean her mess.” They did so before any evidence had been presented and
16 while relying entirely on the unsworn Cordell report—which has since been shown to have significant
17 credibility issues and the County’s own counsel called “irrelevant” during the removal hearing. None of
18 Cordell’s witnesses were placed under oath, even though Supervisor Corzo herself emphasized in her
19 statements that it was critical for Sheriff Corpus to testify under oath. Having publicly prejudged the
20 case, Corzo and Mueller then drafted and adopted rules giving themselves the power to sit in judgment
21 on the very charges they had already announced as true.

22 **C. Mar.–June 2025 — Section 412.5 Adopted; Removal Initiated.**

23 On March 4, 2025, Measure A election was held and approved by voters as an amendment to San
24 Mateo County Charter § 412.5.

25 On May 6, 2025, the Board adopted Sheriff Removal Procedures, but the version later published
26 omitted key amendments discussed at the meeting, including Supervisor Speier’s motion that the pre-
27 removal conference officer be a retired judge, creating discrepancies between what the Board approved
28 and what was enacted.

1 After the Cordell report was widely criticized for serious credibility issues—including unsworn
2 interviews, factual errors, and bias—the Board retained the law firm Keker, Van Nest & Peters (“Keker”)
3 as outside counsel to conduct a new investigation and prepare any charges. According to the Notice of
4 Intent (“NOI”), Keker “conducted its own investigation,” interviewed over 40 current and former
5 personnel, and “prepared [the] Notice of Intent” pursuant to the Board’s new removal procedures. This
6 investigation formed the stated basis for the Board’s charges in the removal proceedings.

7 On June 5, 2025, the Board adopted the Notice of Intent to Remove Sheriff Christina Corpus,
8 formally initiating removal proceedings.

9 On June 9, 2025, Sheriff Corpus filed this action, Petition for Writ of Mandate and Complaint for
10 Declaratory and Injunctive Relief, alleging that Section 412.5 and the Removal Procedures are
11 unconstitutional, deny due process, violate the Public Safety Officers Procedural Bill of Rights Act, are
12 retroactive in violation of the Ex post facto clauses, and operate as a Bill of attainder.

13 **D. June–Sept. 2025 — Flawed Process and Completed Hearing.**

14 On June 11, 2025, the Board’s pre-hearing officer Chief Probation Officer Keene conducted a
15 perfunctory “pre-removal conference” that admitted no evidence or testimony. On June 17, 2025, Chief
16 Keene issued a one-page “rubber stamp” recommendation, adopting the charges without any factual or
17 legal findings. On June 24, 2025, the Board voted to approve Keene’s recommendation without
18 reviewing the hearing record.

19 The Board labeled the next phase a “removal hearing appeal,” even though no evidence had been
20 admitted and no findings made at the pre-removal conference. The pre-hearing recommendation had no
21 bearing on the hearing, but the label falsely suggested Sheriff Christina Corpus would get multiple layers
22 of review rather than a single evidentiary hearing. On June 27, 2025, she submitted a formal appeal letter
23 requesting a removal hearing and incorporating her prior statements and procedural challenges.

24 Also on June 27, 2025, Sheriff Corpus submitted an Ex Parte Application for a TRO/OSC and writ
25 petition seeking to enjoin the removal proceedings. Counsel from Keker appeared for Board. The Court
26 denied the application without hearing argument, ruling solely on exhaustion grounds and without
27 addressing the merits. The ruling adopted the County’s position that exhaustion was a prerequisite, even
28 though the County cited no authority requiring exhaustion of facial constitutional challenges, and failed

1 to address controlling precedent holding that exhaustion is not required for facial constitutional
2 challenges or where the tribunal lacks jurisdiction to decide them. Under California Rules of Professional
3 Conduct rule 3.3 (candor to the tribunal) and California Rules of Professional Conduct rule 3.4 (fairness
4 to opposing counsel), attorneys—as officers of the court—must disclose directly contrary legal authority.
5 (*Love v. State Dept. of Education* (2018) 29 Cal.App.5th 980, 985, 985, review denied, (Feb. 13, 2019)
6 [“Plaintiffs’ failure to cite or even acknowledge the seminal cases directly on point and counter to their
7 argument in their opening brief violates counsel’s duty to the court. Attorneys are officers of the court
8 and have an ethical obligation to advise the court of legal authority that is directly contrary to a claim
9 being pressed”]; *Perry v. Kia Motors America, Inc.* (2023) 91 Cal.App.5th 1088, 1095–1096 [“Honesty
10 in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives,
11 a serious offense.”]) The controlling standard applies regardless of whether it was cited in the initial
12 application, and the Court may consider the County’s omission in now applying the correct legal rule.

13 That same day, Sheriff Corpus noticed an appeal from the order denying the June 27 application.
14 On July 1, 2025, she filed a motion for reconsideration citing the controlling authorities showing
15 exhaustion is not required. She then filed an application for an expedited briefing schedule. On July 11,
16 2025, to eliminate any doubt about this Court’s jurisdiction to hear the reconsideration motion, she
17 voluntarily dismissed the appeal¹ without prejudice. This Court acknowledged the dismissal, denied
18 expedited briefing, and set the reconsideration hearing for August 14, 2025.

19 On July 25, 2025, to further preserve her constitutional objections and in an effort to exhaust any
20 arguably available administrative remedies, Sheriff Corpus also filed a Motion to Dismiss in the
21 underlying San Mateo County Charter § 412.5 removal proceedings (ADRS Case No. 25-4038-JCE).
22 That motion asserted that the Removal Procedures were structurally unconstitutional and violated her
23 rights to due process, impartial adjudication, and fair notice.

24 Hearing Officer James Emerson denied the motion, expressly ruling that he “does not have
25 jurisdiction over the collateral challenges to Section 412.5 of the County Charter and the Removal
26 Procedures,” (MJF Decl., Ex. B)

27 On August 13, 2025, this Court issued a tentative order denying reconsideration, holding that

28 ¹ The Court’s website currently incorrectly lists this matter as on appeal.

1 Petitioner’s failure to cite controlling legal authority before the June 27 order did not qualify as “new
2 law” under Code of Civil Procedure § 1008, though it did not dispute the underlying facts. The Order
3 was signed August 25, 2025, and filed September 11, 2025.

4 A ten-day evidentiary hearing in front of Hearing Officer James Emerson concluded August 29,
5 2025. Post-hearing briefs were submitted to Hearing Officer Emerson on September 12, 2025.

6 The Removal Procedures have no restriction on how quickly the Hearing Officer can issue his
7 advisory opinion or how soon after the advisory opinion is issued that the Board can hold a final vote.
8 Hearing Officer Emerson may issue his advisory opinion as early as Monday, September 15, 2025. Under
9 the Brown Act, the Board may schedule a vote with 24 hours’ notice.

10 Under Section IV.(2)(C) of the Removal Procedures, the Board can hold a four-fifths Board vote
11 to remove the Sheriff that makes removal “effective immediately and final” with no buffer for judicial
12 review.

13 On September 10, 2025, this Court set this motion for hearing on September 23, 2025 at 1:30 pm.

14 **III. LEGAL STANDARD**

15 California law provides multiple, overlapping sources of authority empowering this Court to
16 maintain the status quo while it adjudicates the Sheriff’s constitutional claims. The Court may issue a
17 preliminary injunction under Code of Civil Procedure § 526, stay an administrative decision under Code
18 of Civil Procedure § 1094.5(g), stay enforcement of any judgment or order under Code of Civil
19 Procedure § 918, and exercise its inherent equitable power under Code of Civil Procedure § 187 to
20 prevent mootness and preserve jurisdiction. These authorities are cumulative and complementary: each
21 allows the Court to temporarily halt enforcement of a removal order after the Board’s vote that would
22 otherwise immediately and irreversibly strip an elected constitutional officer of her office before judicial
23 review is complete. The California Supreme Court has confirmed that preserving the status quo in this
24 context is critical: in *Daly*, the Court held that a trial court order affecting an elected official’s title to
25 office must be stayed to prevent the premature ouster of the official before judicial review is completed.
26 (*Daly*, supra, 11 Cal.5th at 1044–1046.)

27 **A. Preliminary Injunction (CCP § 526).**

28 Courts may enjoin conduct likely to cause irreparable harm pending resolution of an action.

1 Relevant factors are (1) likelihood of success, and (2) balance of harms. (*IT Corp. v. County of Imperial*
2 (1983) 35 Cal.3d 63, 69.) The greater the showing on one factor, the less is required on the other. (*Butt*
3 *v. State of California* (1992) 4 Cal.4th 668, 678.) The second factor includes “the inadequacy of other
4 remedies, the degree of irreparable harm, and the necessity of preserving the status quo.” (*Donahue*
5 *Schriber Realty Group, Inc. v. Nu Creation Outreach* (2014) 232 Cal.App.4th 1171.)

6 California law does not require a party to endure the harm they seek to prevent before obtaining
7 injunctive relief: “plaintiffs are not required to wait until they have suffered actual harm before they
8 apply for an injunction, but may seek injunctive relief against the threatened infringement of their rights.”
9 (*Costa Mesa City Employees Assn. v. City of Costa Mesa* (2012) 209 Cal.App.4th 298, 305.)

10 **B. Stay of Administrative Decision (CCP § 1094.5(g)).**

11 The court may stay the operation of the administrative decision pending judgment on application
12 under CCP § 1094.5(g). Exhaustion is complete upon the Board’s vote, which is “the final administrative
13 decision” under the Removal Procedures and Code of Civil Procedure § 1094.5. (*Alta Loma School Dist.*
14 *v. San Bernardino County Committee on School District Reorganization* (1981) 124 Cal.App.3d 542,
15 554.)

16 **C. Trial Court Authority to Stay Judgments or Orders (CCP § 918)**

17 Even apart from § 1094.5, trial courts have explicit statutory authority under CCP § 918(a) to “stay
18 the enforcement of any judgment or order” for a limited period. This power exists whether or not an
19 appeal has been taken and is designed to preserve the status quo and prevent irreparable harm while
20 judicial review is ongoing. The California Supreme Court has confirmed courts have “inherent power,
21 in [their] discretion, to stay proceedings when such a stay will accommodate the ends of justice.” (*OTO,*
22 *L.L.C. v. Kho* (2019) 8 Cal.5th 111, 141; *Daly*, 11 Cal.5th 1030, 1044–1046.)

23 Even if no statute provides for an automatic stay, California courts have long recognized that trial
24 courts possess broad inherent authority to stay proceedings to preserve the status quo and prevent
25 injustice. (*Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030, 1044–1046 [citing
26 Code of Civil Procedure § 918, § 923]; *OTO, L.L.C. v. Kho* (2019) 8 Cal.5th 111, 141 [court has “inherent
27 power, in its discretion, to stay proceedings when such a stay will accommodate the ends of justice”].)

28 Here, the Court must stay any final removal order issued by the Board to preserve the status quo

1 until the legal challenges have been resolved. Removing Sheriff Corpus upsets the status quo and is
2 directly contradictory to the California Supreme Court’s holding in *Daly*.

3 **D. Stay to Preserve Jurisdiction and Prevent Mootness (CCP § 187).**

4 Courts also have inherent equitable power under Code of Civil Procedure § 187 to preserve
5 jurisdiction and prevent mootness. Section 187 provides that when jurisdiction is conferred on a court,
6 “all the means necessary to carry it into effect are also given,” and if no specific procedure is provided,
7 the court may adopt “any suitable process or mode of proceeding” consistent with the Code’s spirit. This
8 broad authority includes staying enforcement of actions that would otherwise nullify pending judicial
9 review.

10 In exercising this authority, courts may stay proceedings “when the interests of justice seem to
11 require such action.” (*Alpha Media Resort Investment Cases* (2019) 39 Cal.App.5th 1121, 1131–1132
12 [affirming the authority of trial courts to issue stays], quoting *Avant! Corp. v. Superior Court* (2000) 79
13 Cal.App.4th 876, 885–886; *Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 305–306.) A stay is
14 appropriate where it will “serve the ends of justice” and avoid “potentially unjust outcomes.” (*St. Paul*
15 *Fire and Marine Insurance Co. v. AmerisourceBergen Corp.* (2021) 67 Cal.App.5th 1, 11.)

16 Even if no statute provides for an automatic stay, California courts have long recognized that trial
17 courts possess broad inherent authority to stay proceedings to preserve the status quo and prevent
18 injustice.

19 **E. Authority to Revisit Prior Interim Orders.**

20 Even if the Court views its June 27, 2025 order as rejecting interim relief, it retains broad inherent
21 authority to revisit interim rulings and grant relief inconsistent with prior orders when warranted by
22 justice. “Trial courts always have discretion to revisit interim orders in service of the paramount goal of
23 fair and accurate decision making.” (*Minick v. City of Petaluma* (2016) 3 Cal.App.5th 15, 34.)

24 This discretion applies even without a change in law: “a trial court may exercise its inherent
25 jurisdiction to reconsider an interim ruling” as a case progresses and circumstances change. (*Pinela v.*
26 *Neiman Marcus Group, Inc.* (2015) 238 Cal.App.4th 227, 237; *Perry v. Brown* (9th Cir. 2012) 667 F.3d
27 1078, 1086.) As *Standard Microsystems Corp. v. Winbond Electronics Corp.* (2009) 179 Cal.App.4th
28 868 explains, “merely asking the court to grant relief that is inconsistent with a prior order, whether by

1 the same or a different judge, is not a ‘motion for reconsideration,’” and a court may grant such relief
2 where the later motion “rests on a different legal theory, different statutory basis, or new facts.”
3 (*Standard Microsystems, supra*, 179 Cal.App.4th at 890–891, disapproved on other grounds by *Even*
4 *Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC* (2015) 61 Cal.4th 830.)

5 This principle confirms that the Court is not bound by its prior June 27 order and may grant the
6 requested stay or injunction to preserve the status quo pending review.

7 **IV. ARGUMENT**

8 **A. Due Process Applies Because the Board Is Acting Quasi-Judicially.**

9 The Board is not legislating general policy. It is adjudicating charges against one identified
10 individual, Sheriff Corpus, by applying alleged facts to a specific case to impose an individualized
11 sanction. Such proceedings are quasi-judicial, not legislative. Quasi-legislative acts are not subject to
12 procedural due process, but quasi-judicial acts must comply with due process safeguards regardless of
13 the form they take. (*Save Civita Because Sudberry Won’t v. City of San Diego* (2021) 72 Cal.App.5th
14 957, 983.)

15 Due process requires neutral decisionmakers. When acting in an adjudicatory capacity, “the
16 decisionmaker must be neutral and unbiased.” (*Petrovich Development Co., LLC v. City of Sacramento*
17 (2020) 48 Cal.App.5th 963, 973; see also *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 483
18 [bias renders adjudication invalid].)

19 Here, two Supervisors—Noelia Corzo and Ray Mueller—publicly declared that Sheriff Corpus
20 was unfit, had lied, caused harm, and must resign, before any evidence was taken. The Board also
21 combined investigative, charging, rulemaking, and adjudicative functions in one body. The Board is
22 unquestionably acting in a quasi-judicial capacity: applying facts to a specific case to make
23 determinations. These undisputed prejudgments and structural conflicts render the process
24 constitutionally defective and justify judicial intervention.

25 **B. Courts May Act to Prevent Irreparable Harm Before It Occurs.**

26 Removal under San Mateo County Charter § 412.5 would cause immediate and irreparable harm.
27 Two of the five Board members—Noelia Corzo and Ray Mueller—have repeatedly and publicly
28 declared since November 2024 that Christina Corpus is corrupt, dishonest, and must be removed. Their

1 prejudgment taints the entire process.

2 A proceeding tainted by bias cannot satisfy due process, and the resulting harm is inherently
3 irreparable. (*Clements v. Airport Auth. of Washoe County* (9th Cir. 1995) 69 F.3d 321, 333 [“a biased
4 proceeding is not a procedurally adequate one”]; *Schweiker v. McClure* (1982) 456 U.S. 188, 195 [“due
5 process demands impartiality on the part of those who function in judicial or quasi-judicial capacities”].)
6 Any juror who had made such statements would be stricken for cause; yet Corzo and Mueller will vote
7 on whether to remove Sheriff Corpus from elected office. Their continued participation renders the
8 proceedings constitutionally defective and ensures that any removal will be irreparably tainted.

9 “Irreparable harm” in this context does not mean damage “beyond the possibility of repair,” but
10 refers to wrongs “of a repeated and continuing character” and to the comparative equities at stake.
11 (*Donahue Schriber, supra*, 232 Cal.App.4th at 1184.) Courts have granted injunctions where
12 constitutional violations threatened even intangible injuries such as loss of goodwill or chilled speech.
13 (*Hillman v. Britton* (1980) 111 Cal.App.3d 810, 826 [reversing denial of injunction because “in light of
14 the constitutional rights repressed it is clear that appellants will suffer irreparable harm if the injunction
15 does not issue”]; *Mae M. v. Komrosky* (2025) 111 Cal.App.5th 198, 221–222 [finding irreparable harm
16 from constitutional violations and reversing denial of injunction].)

17 Violations of constitutional rights—especially the right to an impartial tribunal—are presumed to
18 cause irreparable harm. “[I]t is well established that the deprivation of constitutional rights
19 ‘unquestionably constitutes irreparable injury.’” (*Elrod v. Burns* (1976) 427 U.S. 347, 373 [plurality
20 opn.].) Likewise, “the violation of a party’s constitutional rights is itself the irreparable harm.”
21 (*Melendres v. Arpaio* (9th Cir. 2015) 695 F.3d 990, 1002.) As the U.S. Supreme Court has held, “the
22 right to procedural due process is ‘absolute’ in the sense that it does not depend upon the merits of a
23 claimant’s substantive assertions ... [and] its denial is an injury in itself.” (*Carey v. Piphus* (1978) 435
24 U.S. 247, 266.) Once a biased adjudication occurs, the damage to public confidence and to the
25 individual’s reputation cannot be undone—even if the decision is later reversed.

26 The same is true here. If the Board proceeds to vote while two biased adjudicators participate,
27 Sheriff Corpus will suffer irreparable constitutional injury. That harm cannot be cured after the fact and
28 compels this Court’s intervention now to prevent enforcement of a final removal order.

1 Applying these principles, the balance of harms overwhelmingly favors Sheriff Corpus. Removal
2 under § 412.5 would be effective immediately and final, inflicting reputational stigma, destabilizing the
3 Sheriff’s Office, and undermining public trust—harms that could not be undone even if she were later
4 reinstated. By contrast, maintaining the status quo imposes minimal burden on the Board and simply
5 allows judicial review to occur before any irreversible action. This is precisely the scenario where
6 injunctions are issued to prevent “potentially unjust outcomes” (*St. Paul Fire & Marine Insurance Co.*
7 *v. AmerisourceBergen Corp.* (2021) 67 Cal.App.5th 1, 11)) and to preserve the status quo while
8 constitutional claims are adjudicated.

9 Removal under San Mateo County Charter § 412.5 would cause permanent reputational and
10 institutional harm that no later ruling could undo. It would destabilize the San Mateo County Sheriff’s
11 Office and erode public confidence, while forcing duplicative litigation if the removal were later
12 invalidated. Because the harm is certain, imminent, and irreparable, this Court may and should act to
13 preemptively stay enforcement of a final removal order.

14 **C. The Balance of Harms and Controlling Authority Require Preserving the Status Quo.**

15 The balance of equities overwhelmingly favors maintaining Sheriff Christina Corpus in office
16 during judicial review, and controlling precedent—especially *Daly*—confirms this Court’s authority to
17 stay any removal action to prevent mootness and preserve its jurisdiction and the status quo.

18 The County has shown no harm from allowing Sheriff Corpus to remain in office while this Court
19 reviews the constitutionality of San Mateo County Charter § 412.5. The evidence shows that under her
20 leadership, crime is down and staffing is up (MJF Decl., Ex. C), and the San Mateo County Sheriff’s
21 Office remains fully operational and staffing is up.

22 By contrast, removal under § 412.5 would be “effective immediately and final,” inflicting
23 permanent reputational and institutional harm that no later ruling could undo. It would destabilize the
24 Sheriff’s Office, erode public confidence, and force duplicative litigation if the removal is later
25 invalidated. The County has already spent \$4,446,755 on the Measure A special election alone (MJF
26 Decl., Ex. D), in addition to large sums on outside counsel—magnifying the public cost of a flawed and
27 potentially void process. Maintaining the status quo imposes no comparable burden on the County, while
28 premature removal would irreparably damage both Sheriff Corpus’s reputation and public trust in county

1 government.

2 The *Daly* decision confirms that courts must preserve the status quo to prevent wrongful ouster
3 and mootness when public officials face removal. *Daly* held that orders requiring removal and
4 replacement of officeholders are mandatory in effect and must be stayed pending review because such
5 orders are “capable of producing the same injuries from the premature enforcement of a determination
6 which may later be found to have been wrong.” (*Id.* at 1045.) *Daly* further explained that if removal
7 proceeds without a stay, the litigation will be “rendered moot before appellate review can be obtained.”
8 (*Id.* at 1045–1046.)

9 That reasoning applies with full force here. A vote under San Mateo County Charter § 412.5 would
10 remove Sheriff Corpus immediately and finally, stripping her of office before this Court can rule. That
11 would nullify judicial review and permanently reduce public confidence.

12 A stay is not an order directing the conduct of a party; it merely suspends the legal effect of an
13 order until its validity is adjudicated. “In its accepted legal sense, an injunction is a judicial process or
14 mandate operating in *personam*...directed at someone, and governs that party’s conduct. A stay, by
15 contrast, achieves this result by temporarily suspending the source of authority to act—the order or
16 judgment in question—not by directing an actor’s conduct. A stay simply suspend[s] judicial alteration
17 of the status quo.” (*Immigrant Defenders Law Center v. Noem* (9th Cir. 2025) 145 F.4th 972, 990,
18 quoting *Nken v. Holder* (2009) 556 U.S. 418, 428–429).

19 A stay does not compel or forbid conduct; it temporarily suspends the enforceability of an order
20 or judgment to prevent alteration of the status quo while review is pending. (*Nken*, 556 U.S. 418, 428–
21 429 [“a stay simply suspend[s] judicial alteration of the status quo”]; see also *Immigrant Defenders Law*
22 *Center v. Noem* (9th Cir. 2025) 145 F.4th 972, 990 [“a stay operates upon the judicial proceeding itself
23 ... temporarily divesting an order of enforceability”].)

24 Framed properly, the requested order would stay enforcement of any Board removal vote until
25 judicial review is complete, just as *Daly* requires. This Court would not be directing the Board’s
26 legislative functions; it would simply suspend the effectiveness of any removal action to preserve its
27 jurisdiction. A temporary stay will maintain the status quo and preserve this Court’s jurisdiction—
28 precisely the course *Daly* directs.

1 Significantly, this Court’s June 27 Order denying Petitioner’s application rested solely on
2 exhaustion, noting “the fact that Petitioner will remain in office as sheriff cuts against any argument that
3 she will suffer irreparable harm by exhausting administrative remedies.” (MJF Decl., Ex. E, at p. 3:17-
4 18.) By holding that no irreparable harm existed because the petitioner “will remain in office as sheriff,”
5 this Court necessarily recognized that removal from office would cut towards irreparable harm.

6 Preserving the status quo, as required under *Daly*, imposes no comparable harm on the County,
7 while premature removal would irreparably damage both Sheriff Corpus’s reputation and public trust.

8 **D. Courts May Enjoin a Board of Supervisors.**

9 California courts have long recognized their authority to restrain unlawful actions of local
10 legislative bodies, including boards of supervisors, even while those bodies exercise governmental
11 powers. “Courts of equity do interfere, and are justified in their interference, in cases where municipal
12 corporations or inferior boards or tribunals are acting, or proposing to act, in excess of their jurisdiction,
13 and without authority. (*San Ysidro Irrigation District v. Superior Court of San Diego County* (1961) 56
14 Cal.2d 708, 720.) The absence of precedent does not bar relief; “the fact that a remedy has not been
15 ordered before does not mean it is not allowed.” (*People v. Padilla-Martel* (2022) 78 Cal.App.5th 139,
16 154.)

17 In *Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors* (1968) 263 Cal.App.2d
18 41, the Superior Court issued a preliminary injunction prohibiting the Sacramento Board of Supervisors
19 from holding closed meetings in violation of the Brown Act.

20 The California Court of Appeal affirmed, holding that a board of supervisors “actually performs
21 legislative, executive and even quasi-judicial functions” and is not immune from judicial restraint when
22 it violates the law. (*Id.* at 46–47.) While the court narrowed the scope of the injunction to avoid
23 unnecessarily impeding lawful legislative activity, it made clear that courts may enjoin boards when
24 necessary to prevent irreparable harm or secure compliance with statutory and constitutional mandates.
25 (*Id.* at 71–72.)

26 Here, the Board is acting in a quasi-judicial capacity to adjudicate charges against Sheriff Corpus,
27 and this Court has the same equitable power recognized in *Sacramento Newspaper Guild* to restrain
28 unlawful action pending judicial review.

1 **E. Exhaustion Does Not Bar Relief; Alternatively, It Will Be Complete at the Vote.**

2 Exhaustion of administrative remedies does not bar this Court from staying enforcement to
3 preserve its jurisdiction. Courts may act to prevent mootness even where merits review must await
4 exhaustion. A stay is not a ruling on the merits—it merely suspends enforcement to prevent premature
5 action from nullifying judicial review. (*Nken v. Holder* (2009) 556 U.S. 418, 428–429 [a stay “simply
6 suspend[s] judicial alteration of the status quo”]; *Immigrant Defenders Law Center v. Noem* (9th Cir.
7 2025) 145 F.4th 972, 990 [a stay “temporarily divests an order of enforceability”].)

8 Importantly, the Board is not an administrative agency. It is a legislative body acting quasi-
9 judicially and has retained final authority. Controlling law does not require exhaustion for stays based
10 on facial constitutional challenges, or when the tribunal lacks jurisdiction to decide them or the process
11 is futile. “[W]hen an administrative agency is not the appropriate forum in which to challenge the
12 constitutionality of the basic statute under which it operates, there seems little reason to require a litigant
13 to raise the constitutional issue in proceedings before the agency as a condition of raising the issue in the
14 courts.” (*State of California v. Superior Court (Veta)* (1974) 12 Cal.3d 237; see also *Coachella Valley*
15 *Mosquito & Vector Control Dist. v. Cal. PERB* (2005) 35 Cal.4th 1072, 1081–1082; *Briley v. City of*
16 *West Covina* (2021) 66 Cal.App.5th 119, 128–129; *KCSFV I, LLC v. Florin County Water Dist.* (2021)
17 64 Cal.App.5th 1015.) Here, the hearing officer expressly disclaimed jurisdiction to consider
18 constitutional challenges to the San Mateo County Charter § 412.5 framework or the Removal
19 Procedures, confirming that no adequate administrative forum exists.

20 Moreover, *Penrod* confirms that exhaustion is not required to challenge the facial validity of a
21 removal framework. There, the Court of Appeal reached the merits of a pre-enforcement constitutional
22 challenge to a sheriff-removal charter provision, despite no final removal decision or administrative
23 record. The court upheld the amendment because it incorporated a limiting clause in San Bernardino
24 County Charter § 13.0404(b), which required that removal be “an extraordinary act” permitted only in
25 “the most egregious of circumstances” and only when “the interests of the citizens of the County cannot
26 be reasonably served by any other means,” including proof of “irreparable harm” to the County. (*Penrod*,
27 at 192, 196–197.)

28 By contrast, San Mateo County Charter § 412.5 removed this limiting clause entirely, authorizing

1 removal for any alleged “cause” without requiring extraordinary circumstances or irreparable harm. This
2 stripped-down language has never been upheld as constitutional, and unlike in *Penrod*, it has never been
3 subjected to judicial review. That untested and overbroad framework makes judicial review essential.

4 Even if exhaustion were required, it will be complete the moment the Board votes to remove
5 Sheriff Corpus, because that vote constitutes the “final administrative decision” subject to judicial
6 review. (*Alta Loma School Dist. v. San Bernardino County Committee on School District Reorganization*
7 (1981) 124 Cal.App.3d 542, 554.) A stay now will prevent the County from mooted this Court’s
8 jurisdiction by executing the removal before judicial review can occur.

9 **F. Petitioner Incorporates Her Previously Filed Constitutional Arguments.**

10 Petitioner incorporates by reference all arguments raised in her prior filings in this matter,
11 including but not limited to her June 27, 2025 Ex Parte Application, and her July 25, 2025 Motion to
12 Dismiss filed in the administrative removal proceedings (ADRS Case No. 25-4038-JCE), which was
13 filed as Exhibit B to her August 7, 2025 Supplemental Declaration in support of her Motion for
14 Reconsideration in this action. These filings are part of the record in this action and are incorporated
15 herein as if fully set forth, including arguments regarding the framework’s structural and constitutional
16 defects which support Petitioner’s showing of likely success on the merits.

17 **V. CONCLUSION**

18 This Court has discretion to craft interim relief that preserves its jurisdiction while minimizing
19 disruption to County operations. It may (1) issue a stay under its inherent equitable powers and CCP §
20 918, CCP § 923; and *Daly, supra*, suspending the Board’s quasi-judicial enforcement of any removal
21 order, or (2) issue a narrowly tailored injunction prohibiting enforcement of any removal decision,
22 consistent with *Sacramento Newspaper*.


23 Under *Daly*, courts must preserve the status quo to prevent wrongful ouster and mootness. The
24 Board’s framework makes removal “effective immediately and final,” leaving no time for judicial
25 review. Allowing removal to proceed would irreversibly disrupt the Sheriff’s Office, erode public
26 confidence, and nullify this Court’s jurisdiction. A stay or injunction will preserve the status quo and
27 prevent premature, potentially void action until this Court determines the framework’s constitutionality.

28

1 DATED: September 15, 2025

MURPHY, PEARSON, BRADLEY & FEENEY

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By: 

Matthew J. Frauenfeld
Attorneys for Petitioner
SHERIFF CHRISTINA CORPUS

1 **CERTIFICATE OF SERVICE**

2 I, Nancy Davidson, 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 550 California Street, 14th Floor, San
5 Francisco, California 94104.

6 On September 15, 2025, I served the following document(s) on the parties in the within action:


7 **MOTION TO STAY/ENJOIN ENFORCEMENT OF REMOVAL TO PRESERVE STATUS**
8 **QUO PENDING JUDICIAL REVIEW**

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>XX VIA E-MAIL: I attached the above-described document(s) to an e-mail message to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is NDavidson@mpbf.com.</p>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on September 15, 2025.

By 
Nancy Davidson