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*EXEMPT FROM FILING FEES
[GOVERNMENT CODE § 6103]*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN MATEO
12

13 SHERIFF CHRISTINA CORPUS,

14 Petitioner,

15 v.

16 COUNTY OF SAN MATEO BOARD OF
SUPERVISORS; COUNTY EXECUTIVE
17 MIKE CALLAGY; ASSISTANT CLERK TO
THE BOARD SUKHMANI S. PUREWAL;
18 and DOES 1-10,

19 Respondents.
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Case No. 25-CIV-04319

**RESPONDENTS' OPPOSITION TO
PETITIONER'S MOTION TO STAY**

Date: September 23, 2025
Time: 1:30 p.m.
Dept.: 11
Judge: Hon Judge Shapirshteyn

Date Filed: June 9, 2025

Trial Date: Not yet set

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1 **I. INTRODUCTION**

2 At the September 10, 2025 case management conference, the Court called for
3 supplemental briefing on a narrow issue:

4 I think that I need to see some briefing on this. And, you know, obviously, this is
5 not going to be directed at the merits, but be limited to a temporary stay of the
6 removal. ***And I want to know whether I have the authority to do that before the
vote, or at what stage do I have authority to do that.***

7 Declaration of Travis Silva in Support of Respondents’ Opposition (“Silva Decl”), Ex. A (9/10/25
8 CMC transcript) (“Tr.”) at 17:25-18:3 (emphasis added). The Sheriff’s counsel understood the
9 narrow issue that the Court wanted briefed. *Id.* at 22:4-8. (“THE COURT: What is the briefing
10 for? MR. FRAUENFELD: What you mentioned previously about your power to issue a stay
11 prior to enforcement of the final vote.”).

12 As Respondents explain below, the answer to the Court’s question is simple. This Court
13 lacks jurisdiction to issue a temporary stay (or any kind of relief) at any time before the Board
14 takes final action to remove Petitioner from office. California case after California case holds
15 that courts cannot review administrative action before it is final, and this Court so held in its June
16 27, 2025 Order. *See* Silva Decl., Ex. G, *Corpus v. County Board of Supervisors, et al.*, Case No.
17 25-CIV-04319 (June 27, 2025) (“the June 27 Order”). Indeed, for all the ink Petitioner spills in
18 her brief, she fails to cite even a single case where a court granted any kind of relief—a temporary
19 stay or otherwise—before an agency undertook final action, much less a case where a court
20 granted relief conditioned on a specific final administrative action. Petitioner asks this Court to
21 be the first ever in California to do so.

22 Given that the Court cannot issue relief now, before the Board takes final action, the Court
23 and parties should consider how the Court should manage the request for a stay and/or TRO that
24 Petitioner has promised to file if the Board of Supervisors does take final action to remove her.
25 Respondents have a proposal for structuring such proceedings, whereby the County would agree
26 to wait for at least 14 days after the Board’s final action to fill the vacancy caused by Petitioner’s
27 removal, to allow the parties time to brief and the Court to resolve Petitioner’s request for
28 extraordinary emergency relief. As explained below, after the Board has taken final action (if

1 indeed it does take final action), the Court would have jurisdiction under section 1094.5(g)¹ to
2 issue a temporary stay of final agency action pending the Court’s final resolution of the merits of
3 this writ proceeding. Such a temporary stay would not be automatic. Petitioner would need to
4 establish a likelihood of success on the merits, demonstrate irreparable harm, and show that the
5 public interest favors injunctive relief before a stay could be granted. While Respondents contend
6 that Petitioner will be unable to make any, let alone all three, of those showings, Respondents
7 acknowledge that the Court would have jurisdiction to consider Petitioner’s arguments at that
8 point, after the administrative decision is final, and the County is prepared to not to fill the post-
9 removal vacancy for at least 14 days to the Court time to consider Petitioner’s forthcoming stay
10 request.

11 Accordingly, there is no action for the Court to take at this time. To the extent that
12 Petitioner is now asking the Court to issue a stay or other form of interim relief, that request
13 should be denied.² The proper time for Petitioner to seek interim relief is after there is a final
14 administrative decision ripe for review.

15 **II. PROCEDURAL HISTORY**

16 **A. The underlying administrative proceedings**

17 Respondents will not belabor facts well known to the Court. On March 4, 2025, County
18 residents, by an 84% to 16% vote, added section 412.5 to the San Mateo County Charter (“section
19 412.5”). Section 412.5 authorizes the Board of Supervisors (“Board”) to remove the Sheriff for
20 “cause,” it defines “cause,” and it authorizes the Board to enact procedures governing any
21 removal proceeding.

22 On June 5, 2025, the Board, following removal procedures that it adopted pursuant to
23 section 412.5, approved a Notice of Intent to Remove Sheriff Corpus (“NOI”). *See* Silva Decl.,

24 _____
25 ¹ Unless otherwise stated, statutory citations refer to the Code of Civil Procedure.

26 ² Despite the Court’s clear direction at the September 10, 2025 status conference that the parties
27 were to provide supplemental briefing on a narrow jurisdictional issue, Petitioner filed a brief
28 captioned as though it was filed in support of a motion. But Petitioner did not have leave to file a
motion, and she in fact did not file any motion. Because no motion is pending, there is no relief
that the Court can grant. *See* Cal. R. Ct. 3.1112(a) (requiring notice of motion and motion); Cal.
R. Ct. 3.1110(a) (notice of motion must specify “nature of the order being sought”).

1 Ex. B (removal procedures), § I.1, 2. On June 11, the Sheriff had a Pre-Removal Conference with
2 Chief Probation Officer, John Keene, where she was able to respond to the NOI. *Id.*, § I.3. After
3 hearing Petitioner, Chief Keene recommended the Sheriff’s removal to the Board. After the
4 Board received Chief Keene’s recommendation, it approved a Final Notice of Decision to
5 Remove the Sheriff. *See id.*, § I.3(D), 4.

6 At that point in the process, the Board’s removal procedures provide the Sheriff the right
7 to an administrative removal hearing before a neutral hearing officer. *Id.*, § I.5. The Sheriff
8 requested a removal hearing. Petitioner agreed to select the Honorable James C. Emerson, a
9 retired judge of the Superior Court (Santa Clara), as the hearing officer. *Id.*, § II.1. After holding
10 pre-hearing conferences and issuing various pre-hearing rulings, Judge Emerson conducted a ten-
11 day evidentiary hearing between August 18 and 29. *Id.*, § III.1-2. Thirty-six witnesses testified,
12 and Petitioner used 31 hours, 6 minutes to present her defense, to the 20 hours, 26 minutes the
13 County used to present the removal case. Now that the Removal Hearing has concluded, Judge
14 Emerson has 45 days from the conclusion of the hearing to issue a written opinion as to whether
15 cause exists to remove Petitioner. *Id.*, § III.3. The Board’s removal procedures require that the
16 Board review Judge Emerson’s opinion and the administrative record, and then decide what, if
17 any, final action to take regarding Petitioner’s potential removal. *Id.*, § IV.

18 **B. Petitioner lost her four previous TRO and preliminary injunction requests.**

19 State court. Petitioner initiated this action on June 9, 2025. On June 9, Petitioner lodged
20 an ex parte TRO application in Department 28. Judge Healy heard the application and issued an
21 oral order denying relief. That oral order is not reflected on the docket. Petitioner filed a second
22 ex parte TRO application in this Department on June 27. The Court issued a written order
23 denying the TRO. June 27 Order at 2. The Court later denied Petitioner’s motion for
24 reconsideration of the June 27 Order. *Corpus v. County Board of Supervisors, et al.*, No. 25-CIV-
25 04319, at 2 (Aug. 25, 2025) (“the August 25 Order”).³

26 Federal court. On July 15, 2025, having failed to obtain her desired injunctive relief in
27

28 ³ The August 25 Order is signed as of that date and was filed on September 11.

1 state court, Plaintiff filed a complaint in federal court. Petitioner’s federal claims mirror the
2 claims in this case. On July 23, 2025, Petitioner moved for a preliminary injunction in the federal
3 case. The federal court denied the preliminary injunction for failure to show irreparable harm and
4 because the court was “skeptical” of the merits of Petitioner’s case. Silva Decl., Ex. C (federal PI
5 order). Petitioner is moving forward with the federal case; she filed an amended complaint on
6 September 15. Silva Decl., Ex. D (amended complaint).

7 **III. ARGUMENT**

8 **A. The Court lacks jurisdiction until the Board issues a final order.**

9 Section 1094.5(a) authorizes courts to review “the validity of any final administrative
10 order or decision made as the result of a proceeding in which by law a hearing is required to be
11 given, evidence is required to be taken, and discretion in the determination of facts is vested in the
12 inferior tribunal.” Thus, by its plain text, section 1094.5 grants jurisdiction only to review “final”
13 orders. Moreover, section 1094.5 is the exclusive vehicle by which courts can review the types of
14 agency actions described by the statute. Because the removal procedures provide for an
15 administrative process, Petitioner must initially “only proceed administratively” and “thereafter
16 may only challenge the results of any administrative outcome through administrative mandamus
17 (Code Civ. Proc., § 1094.5) or such other means as the statutory scheme may specify[.]”
18 *Villanueva v. Fid. Nat’l Title Co.*, 11 Cal. 5th 104, 126 n.12 (2021).⁴

19 It is on the basis of this and similar authority that the Court issued its June 27 Order and
20 the related August 25 Order denying reconsideration of the June 27 Order. The June 27 Order
21 correctly ruled that the “Board has not yet rendered a ‘final decision’ with ‘direct and immediate
22 impact’ on Petitioner, meaning that judicial review is premature.” June 27 Order at 2 (quoting
23 *Santa Barbara Cnty. Flower & Nursery Growers Assn v. Cnty. of Santa Barbara*, 121 Cal. App.
24 4th 864, 875 (2004)). Petitioner has presented no reason for the Court to revisit its prior ruling
25 that Petitioner’s claims are unripe. Indeed, in the September 10 case management conference, the
26 Court reiterated that it is “too late” for Petitioner to make yet another collateral attack on the June

27 ⁴ Section 412.5 of the County Charter provides for no alternative form of judicial review other
28 than section 1094.5.

1 27 Order. Tr. at 13:17-19. The Court also noted there is still no action it can take “immediately
2 because there hasn’t been any decision. Again, yes, what if the decision is favorable?” *Id.* at 9:1-
3 3.

4 Petitioner’s September 16 brief suggests that, notwithstanding the fact that her petition is
5 not ripe, the Court has authority to issue interim relief before the Board takes final administrative
6 action. This is wrong. First, section 1094.5 provides for no such remedy. As Respondents
7 explain below, section 1094.5(g) authorizes courts to issue temporary stays of final agency
8 actions. But the statute contains no provision for stays before an agency acts, and so the Court
9 lacks statutory jurisdiction to enter such a stay. *Gikas v. Zolin*, 6 Cal. 4th 841, 852 (1993)
10 (“*Expressio unius est exclusio alterius*. The expression of some things in a statute necessarily
11 means the exclusion of other things not expressed.”). Indeed, any such order would be
12 inconsistent with the case law. *E.g.*, *Alta Loma Sch. Dist. v. San Bernardino Cnty. Com. on Sch.*
13 *Dist. Reorganization*, 124 Cal. App. 3d 542, 554 (1981) (“intermediate or interlocutory action of
14 an administrative agency” not ripe for judicial review). Second, because section 1094.5 is the
15 exclusive means of judicial review, *see Villanueva*, 11 Cal. 5th at 126, Petitioner’s citations to
16 other statutes authorizing injunctions in different types of cases are of no relevance here. MPA at
17 11-13. The fact that a court can require a Board of Supervisors to comply with the Brown Act,
18 MPA at 18, has nothing to do with this case. Petitioner fails to cite any case applying any of
19 those statutes to an administrative writ proceeding. Third, as the movant seeking extraordinary
20 relief, it falls to Petitioner to show that the law authorizes the type of order she seeks. But she
21 cites no case—not a single instance—in which a California court has ever issued a conditional “if
22 an agency does such-and-such a thing, it will be enjoined” order. That fact illustrates the
23 unprecedented and unsupported nature of Petitioner’s request that the Court stay an
24 administrative action that has not even yet occurred.

25 Petitioner heavily relies on *Daly v. San Bernardino County Bd. of Supervisors*, 11 Cal.5th
26 1030 (2021), but that case has no application here. *Daly* was not a section 1094.5 case, and it is
27 not about ripeness or administrative exhaustion. The *Daly* petitioners alleged that a county board
28 of supervisors violated the Brown Act when it relied on outside-of-the-meeting communications

1 to fill a vacant board seat. The trial court granted relief and entered an order ousting the newly
2 seated supervisor. The new supervisor sought a stay in the appellate court, which was denied.
3 The new supervisor then sought Supreme Court review, arguing that under section 916 she was
4 entitled to an automatic stay *upon appeal to the Court of Appeal*. The Supreme Court granted
5 review to refine the distinction between mandatory injunctions (which are stayed pending appeal)
6 and prohibitory injunctions (which are not). *Id.* at 1039-40. The Supreme Court eventually ruled
7 that the trial court’s order was mandatory, and so under section 916 it was automatically stayed
8 pending appeal, which had the effect of leaving the newly appointed supervisor in her position
9 during the pendency of the litigation. Thus, *Daly* is a case about appellate procedure, as section
10 916 is about the relationship between trial courts and appellate courts, not the relationship
11 between courts and agencies. *Daly* does not “require[] leaving an official in office while legal
12 challenges to the validity of their removal are adjudicated,” MPA at 6, nor is it about
13 “preserv[ing] the status quo to prevent wrongful ouster,” *id.* at 17.

14 While jurisdictional defects doom Petitioner’s request, there are notable practical
15 problems, as well. As the County explains below, at the point where the court gains jurisdiction,
16 a stay will not be automatic. Petitioner’s request for a stay will be governed by the standard test:
17 an analysis of the likelihood of success on the merits, a showing of irreparable harm, and
18 consideration of the public interest. *See infra*, p. 11. Indeed, even Petitioner agrees that the Court
19 must assess the likelihood of success. MPA at 11-12. The Court cannot analyze the likelihood of
20 success without Judge Emerson’s opinion and the Board’s final action, which will include the
21 Board’s “rationale in support of its vote.” *Silva Decl.*, Ex. B (removal procedures), § IV.2.C.
22 Neither of these documents exists at this point.

23 **B. Once the Board takes final action, the Court will have jurisdiction to consider**
24 **whether a stay is appropriate, after assessing the likelihood of success,**
25 **irreparable harm, and the public interest.**

26 **1. Section 1094.5(g) does not provide for an automatic stay.**

27 Section 1094.5 permits a court to stay final administrative orders pending final judgment
28 in the writ proceeding. § 1094.5(g). But an interim stay is not automatic. As Petitioner

1 acknowledges, MPA 11-12, “the question whether a preliminary injunction should be granted
2 involves two interrelated factors: (1) the likelihood that the plaintiff will prevail on the merits,
3 and (2) the relative balance of harms that is likely to result from the granting or denial of interim
4 injunctive relief.” *White v. Davis*, 30 Cal. 4th 528, 554 (2003) (citing *IT Corp. v. County of*
5 *Imperial*, 35 Cal.3d 63, 69-70 (1983)). “To obtain a preliminary injunction, a plaintiff ordinarily
6 is required to present evidence of the irreparable injury or interim harm that it will suffer if an
7 injunction is not issued pending an adjudication of the merits.” *Id.* The standard applies in writ
8 cases. *Common Cause v. Bd. of Supervisors*, 49 Cal. 3d 432, 441 (1989) (applying standard in
9 § 1085 writ case).

10 Petitioner concedes that there is no statutory authority for her request for an automatic
11 stay, when she writes: “Even if no statute provides for an automatic stay, California courts have
12 long recognized that trial courts possess broad inherent authority to stay proceedings . . .” MPA
13 at 12. As to Petitioner’s latter contention about inherent authority, it, too lacks, support. To
14 bolster her sweeping claim, Petitioner offers only two cases, *Daly* and *OTO, L.L.C. v. Kho*, 8 Cal.
15 5th 111 (2019). As Respondents explain above, *Daly* is about appellate procedure and has
16 nothing to do with a trial court’s “inherent” jurisdiction, *see supra*, p. 9-10, and *OTO* is a case
17 about arbitration.

18 **2. To facilitate an orderly resolution of Petitioner’s anticipated stay**
19 **request, the County will wait at least 14 days before filling any vacancy**
20 **caused by a removal.**

21 Given that the Court cannot issue relief now, before the Board takes final action, the most
22 salient issue is how to structure briefing on the merits of the promised motion for a stay. The
23 County Charter requires that, if there is a vacancy in the office of the Sheriff, the Board must act
24 to fill that vacancy within 30 days by appointing a successor or calling an election. County
25 Charter, § 415. To facilitate the orderly resolution of Petitioner’s anticipated stay motion
26 following a potential final vote to remove Petitioner by the Board, the County agrees that in the
27 event that the Board takes final action to remove Petitioner from office, the County will, for at
28 least 14 days, forebear from taking final action to fill the ensuing vacancy, appoint a successor, or
call a special election. This 14-day period will permit the Court and the parties to arrive at a

1 reasonable procedure for briefing and resolving the stay request.⁵

2 **3. Petitioner will not be able to meet the standard for a stay.**

3 The Court lacks jurisdiction to order a stay now, and the Court specifically told Petitioner
4 not to brief the merits of her request for interim relief. Tr. at 17:25-18:3. Yet, Petitioner devoted
5 the bulk of her brief to arguing her legal theories and to discussing her theories of harm and the
6 public interest.⁶ Respondents do not believe that those issues are presently before the Court (in
7 addition to the fact that the Court lacks jurisdiction to order a stay at this time), so Respondents
8 reply only in brief.

9 **a. No likelihood of success on the merits.**

10 Petitioner has never shown that she can show a likelihood of success on her scattershot
11 claims:

- 12 • Petitioner’s lead argument is a due process challenge. During the June proceedings in this
13 Court, and again in the federal action, Respondents have noted the cascade of authorities
14 showing that Petitioner has no due process rights here.⁷ Petitioner has never
15 acknowledged, let alone rebutted, this authority.
- 16 • After considering Petitioner’s preliminary injunction on the merits, the federal court stated
17 that it was “skeptical that Corpus will ever be able to prevail on her claims that the

18 ⁵ Respondents conferred with Petitioner about this 14-day period and asked Petitioner to stipulate
19 to withdraw her request for a pre-final action stay, with the understanding that Respondents
20 would work to have the stay request resolved within 14 days of any final action on removal.
Petitioner refused. Silva Decl., Ex. F (meet-and-confer correspondence).

21 ⁶ Petitioner also purported to incorporate her June 27 ex parte submission, including an oversized
22 41-page brief, into her September 15 brief. This is an improper attempt to evade page limits.
23 Courts do not consider arguments incorporated by reference from briefings in the same or other
proceedings. *See Soukup v. L. Offs. of Herbert Hafif*, 39 Cal. 4th 260, 295 (2006) (declining to
consider arguments incorporated by reference from briefs filed previously).

24 ⁷ *See Snowden v. Hughes*, 321 U.S. 1, 7 (1944) (holding that “an unlawful denial by state action
25 of a right to state political office is not a denial of a right of property or of liberty secured by the
due process clause”); *Nicolopoulos v. City of Lawndale*, 91 Cal. App. 4th 1221, 1228 n.3 (2001)
26 (“[I]t is doubtful that appellant had a property interest in his elective office that is protected by the
federal Constitution.”); *Rabkin v. Dean*, 856 F. Supp. 543, 549 (N.D. Cal. 1994) (asserting that
27 elected officials are not “employees” in the traditional sense, and hence do not hold a property
interest in their positions); *Fouts v. Warren City Council*, 97 F.4th 459, 469 (6th Cir. 2024), *cert.*
28 *denied*, 220 L. Ed. 2d 142 (Oct. 15, 2024) (“Longstanding . . . federal law confirm[s] that there is
no property interest in holding public office.”).

1 removal process violates her federal constitutional rights.” Silva Decl., Ex. C (federal PI
2 order). Even if this Court were willing to revisit Petitioner’s request for a stay at this stage
3 based on federal claims—which Respondents will contend is improper given Petitioner’s
4 blatant forum-shopping efforts—the federal court got it right when it preliminarily
5 rejected Petitioner’s federal claims.

- 6 • Petitioner’s bias arguments will fail because cases like *Petrovich Dev. Co., LLC v. City of*
7 *Sacramento*, 48 Cal. App. 5th 963, 973 (2020), are factually distinguishable and, to the
8 extent that two supervisors’ comments from 2024 board meetings are relevant here (and
9 they are not), those comments were made in the course of the supervisors exercising
10 oversight over Petitioner, as they are statutorily required to do. Gov’t Code § 25303.
- 11 • Petitioner suggests that section 412.5 somehow violates California law but fails to
12 acknowledge that *Penrod v. County of San Bernardino*, 126 Cal. App. 4th 185 (2005),
13 sustained the state constitutionality of a substantively identical provision of another
14 county’s charter, foreclosing this argument.
- 15 • Petitioner’s initial papers (from June) argue a variety of legal theories, including
16 violations of the ex post facto clause, the bill of attainder clause, and the Peace Officers’
17 Bill of Rights Act. Those theories failed to obtain her relief in federal court and Petitioner
18 appears to abandon them now by failing to mention them in her brief.

19 **b. No irreparable harm**

20 Petitioner’s current complaint centers on the fact that if the Board takes final action to
21 remove her, that final action will go into effect immediately. But Petitioner never explains how
22 this fact gives rise to irreparable harm, as the law requires her to show. *White*, 30 Cal. 4th at 554.
23 In fact, there is no possibility of irreparable harm here. In resolving Petitioner’s federal
24 preliminary injunction motion, the federal court ruled:

25 [T]he Court is skeptical that Corpus will ever be able to prevail on her claims that
26 the removal process violates her federal constitutional rights. But even if there
27 were serious questions going to the merits of her claims, the Court would decline
28 to take the extraordinary step of interfering with an ongoing local government
process, particularly given that Corpus could (if she were somehow able to prevail)
get most of the relief she seeks in this lawsuit after the fact.”

1 Silva Decl., Ex. C (federal PI order). Judge Chhabria was indeed correct. This Court could
2 remedy a removal if it is deemed unlawful. Remedies include vacatur of the underlying
3 administrative action, § 1094.5(f), and backpay, *Sampson v. Murray*, 415 U.S. 61, 89, 90 (1974)
4 (“[T]emporary loss of income, ultimately to be recovered, does not usually constitute irreparable
5 injury.”). Not a single one of Petitioner’s federal cases stops an administrative process in its
6 tracks.

7 Petitioner makes related, hyperbolic arguments about mootness and a final administrative
8 action “extinguishing this Court’s jurisdiction.” MPA at 6, 16. Petitioner never explains what
9 she means by this, and indeed she has the law backwards. *Before* the Board acts, her claim is
10 unripe and so consequently the Court lacks jurisdiction. *See supra*, p. 8. *After* the Board acts,
11 Petitioner’s claim will be ripe and so, regardless of whether a stay is in place, the Court will have
12 jurisdiction to assess Petitioner’s arguments about the legality of the County’s action.

13 **c. A stay is not in the public interest**

14 Assessment of the public interest must include the Board’s reasons for removing
15 Petitioner from office (if that is what it ultimately does), and, because the Board has not yet acted,
16 those reasons are not yet available. But it is notable that, among the nearly twenty bases for
17 removal that the County pressed before Judge Emerson, are these allegations:

- 18 • Petitioner violated the Government, Penal, and Labor Codes by ordering the arrest of the
19 President of the deputy sheriff’s union as retaliation for protected labor activity.
- 20 • Petitioner failed to investigate allegations of officer misconduct, including allegations of
21 abuse of jail inmates, and did not impose discipline on deputies who she favored.
- 22 • Petitioner abused public office by employing an unqualified close personal friend in an
23 executive position he was unqualified to hold despite repeated warnings from County
24 officials.

25 Looking to the public interest more broadly, the public interest would not be served by permitting
26 Petitioner to remain in office. For instance, the Sheriff is supposed to employ three Assistant
27 Sheriffs who help to run the Sheriff’s Office. For most of 2025, she had none and right now she
28 only has one. The County has been sued multiple times over the Sheriff’s conduct. Each of these

1 issues militates against staying any final action that the Board might take to remove the Sheriff.
2 Against these arguments, Petitioner offers only her own press release about crime statistics. *See*
3 MPA at 16.

4 Petitioner’s blatant forum-shopping is another reason that the public interest militates
5 against a stay. Petitioner is unnecessarily consuming judicial resources by proceeding
6 simultaneously in state and federal court. This conduct is undoubtedly tactical. Petitioner tried to
7 get the federal court to intervene in this local matter by arguing that “entrusting San Mateo
8 [Superior] to protect adequately Plaintiff’s federal constitutional rights would be misguided” and
9 that she had “tried to vindicate her federal rights in San Mateo County Superior Court but has
10 been rebuffed each time. For whatever reason, the court in San Mateo has decided to close its
11 doors to her, which has compelled Plaintiff to seek relief from this Court.” Silva Decl., Ex. E
12 (federal PI reply brief) at 6-7. As Petitioner’s prior statements show, at one time Petitioner
13 clearly preferred to obtain federal review of the underlying removal proceedings. Yet, after the
14 federal court strongly rejected her claims and refused to issue a preliminary injunction, Petitioner
15 has returned to this Court to once again seek a stay, a strategy undoubtedly informed by her
16 merits loss in federal court. To reward those litigation choices would be to encourage duplicative
17 litigation.

18 **IV. CONCLUSION**

19 This Court should deny Petitioner’s motion.

20 Dated: September 19, 2025

21 KEKER, VAN NEST & PETERS LLP

22 By: 

23 JAN NIELSEN LITTLE
24 ANDREW F. DAWSON
25 TRAVIS SILVA

26 Attorneys for Respondent
27 COUNTY OF SAN MATEO BOARD OF
28 SUPERVISORS; COUNTY EXECUTIVE
MIKE CALLAGY; ASSISTANT CLERK
TO THE BOARD SUKHMANI S.
PUREWAL

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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Kecker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On September 19, 2025, I served the following document(s):

RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION TO STAY

DECLARATION OF TRAVIS SILVA IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION TO STAY

by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.


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Executed on September 19, 2025, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Barbara Palomo