

1 The People of the State of California, On the relation of CHARLES  
2 WAGNER.

3 Plaintiffs,

Case No.

4 v.

5 JACK HALPIN

6 Defendant.

7 Response of Jack Halpin to show cause pursuant to plaintiffs NOTICE  
8 OF APPLICATION FOR SUIT IN QUO WARRANTO, OR LEAVE  
9 TO SUE IN QUO WARRANTO

10 [1] Cal. Code Reg. Re. Section 2]

11 Comes now the Hon. Jack Halpin, who admits and denies the allegations  
12 of said Application as follows:

13 1. I deny generally and specifically the allegations contained in  
14 paragraphs a, b, c, d, e, f, and g of the Application.

15 2 I deny the allegations contained in paragraphs 1 through 29 of the  
16 verified statement of facts in support of the quo warranto complaint on  
17 information and belief.

18  
19 3. I reserve the right to make objections and a motion to strike some or  
20 all of the material attached to plaintiff's voluminous pleadings.

21 4. I am informed and believe that the Administrative Office of the Courts  
22 (hereafter AOC) has filed a letter with the Attorney-General indicating  
23 the Application is moot based on an order issued by the Chief Justice on  
24 December 18, 2012. The AOC requested that I concur that the matter  
25 was moot. I indicated that I was willing to concur that such an order had  
26 been issued but that I was unwilling to concur it was valid. The AOC  
27 refused to include my statement in its proposed filing.

28 5. On December 11, 2012 plaintiff filed a motion to disqualify me in the  
29 underlying case pursuant to C.C.P. Section 170.1 (*Wagner v. Tarkington*,  
30 Shasta County Superior Court No. 151423). By operation of law the  
31 motion was granted as of the close of business on December 21, 2012

1 and therefor the application is moot..

2 6. If the application is denied on the ground it is moot I request that as to  
3 Jack Halpin the application is deemed moot only by virtue of the C.C.P.  
4 Section 170.1 disqualification.

5 7. I am informed and believe that the AOC is a necessary party to the  
6 complaint. If either of plaintiff's requests are granted (Complaint filed  
7 by the Attorney General or complaint filed by plaintiff) I request that the  
8 AOC be named as a defendant. It is apparent from the proposed  
9 pleadings that I could not provide all the relief sought by the plaintiff. It  
10 is also clear that there are many agent/principal issues between Jack  
11 Halpin and the AOC. The propose complaint can not be resolved without  
12 factual and legal determinations that would be binding on both the AOC  
13 and Jack Halpin.

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct and that this  
16 answer was executed this 24<sup>th</sup> day of December 2012 at Redding,  
17 California.

18   
\_\_\_\_\_  
Jack Halpin