

1
2
3
4
5
6
7
8
9
10
11
12

**BEFORE THE ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA**

The People of the State of California, On the
Relation of CHARLES WAGNER,

Plaintiffs,

v.

JACK HALPIN,

Defendant

**NOTICE OF APPLICATION
FOR SUIT IN QUO WARRANTO, OR
LEAVE TO SUE
IN QUO WARRANTO**
[11 Cal. Code Reg. § 2]

13
14
15

TO: JACK HALPIN
Superior Court of the State of California, County of Shasta
1500 Court Street
Redding, CA 96001

16
17
18
19
20
21

PLEASE TAKE NOTICE that Relator CHARLES WAGNER (hereafter "Relator") by and through his attorney, BARBARA A. KAUFFMAN, ESQ., is submitting to the Attorney General of the State of California an application requesting a *quo warranto* suit by the Attorney General, or for leave to sue *in quo warranto* against proposed defendant JACK HALPIN (hereafter "Halpin"), who wrongly purports to hold office as a Judge of the Superior Court, Shasta County, California, and to preside over a suit in which Relator is a party.

22
23

Such application seeks judgment as follows:

24
25

a. That Jack Halpin does not hold office as Judge of the Superior Court and does not have the authority to preside over Relator's Shasta County dissolution proceeding;

26
27
28

b. That Jack Halpin does not hold office as Judge of the Superior Court and does not have the authority to preside over any case to which he was assigned pursuant to assignment orders that have specified dates which have passed;

1
2 c. That the practice of issuing successive “temporary” orders assigning retired judges for
3 time periods or under circumstances that thwart the Constitutional requirement that judges stand
4 for election be declared an abuse of discretion and unconstitutional;

5 d. That the practice of issuing orders assigning retired judges which by their terms purport
6 to extend the period of assignment for an indefinite or permanent period of time, or attach a matter
7 to a retired judge rather than a court, be declared unlawful and an abuse of discretion;

8 e. That the practice of utilizing retired assigned judges in a manner which is neither
9 temporary nor consistent with the California Constitution nor responsive to genuinely
10 exigent/extraordinary circumstances be declared an abuse of discretion and unconstitutional;

11 f. For reasonable costs of suit;

12 g. For such other relief as may be deemed just and proper.

13 Said application is brought pursuant to §§ 803 and 809 of the California Code of Civil
14 Procedure. Such application is procedurally governed by California Code of Regulations, Title 11,
15 §§ 1-11.

16 As required by 11 Cal. Code Reg. § 2(a) and (b), Relator’s application consists of the
17 following: an original Verified Quo Warranto Complaint, together with one copy thereof; a
18 Verified Statement of Facts; and a Memorandum of Points and Authorities showing why the
19 proposed proceeding should be brought in the name of the people, and supporting the contention
20 of Relator that a public office or franchise is usurped, intruded into or unlawfully held or exercised
21 by the Proposed Defendant. Relator’s application also includes the Declaration of Barbara
22 Kauffman in Support of Quo Warranto Complaint. Copies of all such documents are enclosed
23 herewith. Proof of service of such copies upon the Proposed Defendant is also being submitted
24 with the application, pursuant to 11 Cal. Code Reg. § 2(d).

25 **PLEASE TAKE FURTHER NOTICE** that, pursuant to 11 Cal. Code Reg. § 2(c),
26 Proposed Defendant may, within the period provided in 11 Cal. Code Reg. § 3 (see below), show
27 cause, if any he have, why “leave to sue” should not be granted in accordance with the application
28 therefor.

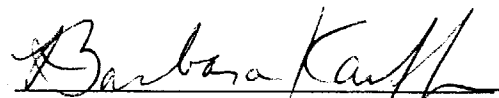
1 Pursuant to 11 Cal. Code Reg. § 3, Proposed Defendant is allowed fifteen (15) days after
2 service, within which to appear and show cause in accordance with the provisions of § 2(c), as
3 stated above, if the notice be served within the county in which the proceeding is to be brought,
4 and twenty (20) days if served elsewhere. A shorter time may and will be prescribed by the
5 Attorney General in special cases or upon a showing of good cause therefor. An extension of the
6 period for appearance herein limited may be granted by stipulation between the Relator and the
7 Proposed Defendant if filed with the Attorney General, and may be granted by the Attorney
8 General upon a showing of good cause therefor. Any statement of facts filed by the Proposed
9 Defendant must be verified in like manner as the proposed complaint submitted with the
10 application.

11 Pursuant to 11 Cal. Code Reg. § 4, if Proposed Defendant appears as described above,
12 Relator shall then be allowed ten (10) days (or such further time as may be granted by stipulation
13 filed with the Attorney General, or upon a showing of good cause therefor), in which to reply to
14 the showing thus made by Proposed Defendant.

15 Proof or admission of service must accompany all papers submitted to the Attorney
16 General under 11 Cal. Code Regs. §§ 2, 3 and 4.

17 Please refer to California Code of Regulations, Title 11, §§ 1-11, for any further
18 information on the relevant procedures.

19
20 Dated: December 6, 2012


21 BARBARA A. KAUFFMAN, ESQ.
22 Attorney for Relator Charles Wagner
23 204 West Lake Street, Suite D
24 Mount Shasta, CA 96067
25 Tel: (530) 926-3700
26 Fax: (999) 283-1951
27 E-mail: bkfamlaw@sbcglobal.net
28