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8 Retirement System; the Board of Administration of
California Public Employees’ Retirement System, in
9 its Official Capacity; the Judges’ Retirement System;
the Judges’ Retirement System II*

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County of Los Angeles
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David W. Slayton,
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

14 **MARYANNE GILLIARD, individually and
on behalf of a class of similarly situated
15 persons,**

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF
19 HUMAN RESOURCES, ET AL.,**

20 Defendants.

Case No. 24STCP02837

**REPLY IN SUPPORT OF DEFENDANTS
STATE CONTROLLER AND
CALPERS’S DEMURRER**

Date: March 10, 2025
Time: 1:45 P.M.
Dept: 1
Judge: The Honorable Lawrence P. Riff
Action Filed: September 3, 2024

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22 Plaintiff’s response to defendants’¹ demurrer leaves nothing for the Court to decide.
23 Plaintiff “concede[s] that the demurrer should be sustained.” (*Kaiser Engineers, Inc. v. Grinnell
24 Fire Protection Systems Co.* (1985) 173 Cal.App.3d 1050, 1053, fn. 2.) The Court accordingly
25 should sustain the demurrer on defendants’ first ground—that there is no present duty alleged

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27 ¹“Defendants” refers to Malia Cohen, in her official capacity as the Controller of the State of
28 California, the California Public Employees’ Retirement System, the Judges Retirement System,
the Judges Retirement System II, and the Board of Administration of CalPERS in its official
capacity as the administrator of JRS and JRS II.

1 against defendants—without leave to amend.² (See, e.g., *Gentlemen’s Supply v. Temecula Towne*
2 (Super. Ct., Riverside County, 2020, No. MCC1901366) 2020 WL 13523204, at *1; *Hutson v.*
3 *Raffle* (Super. Ct., Alameda County, 2009, No. RG08426918) 2009 WL 8728683, at *1.) And
4 because defendants’ first ground for demurrer is dispositive of the claims asserted against them,
5 the Court need not reach the other two grounds raised in their demurrer. (*Berg & Berg*
6 *Enterprises, LLC v. Boyle* (2009) 178 Cal.App.4th 1020, 1044, fn. 26.)

7
8 Dated: February 18, 2025

Respectfully submitted,

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18 *her Official Capacity; California Public*
19 *Employees’ Retirement System; the Board of*
20 *Administration of California Public*
21 *Employees’ Retirement System, in its*
22 *Official Capacity; the Judges’ Retirement*
23 *System; the Judges’ Retirement System II*

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27
28 ² It is unfortunate that defendants and the Court were required to expend time and resources to resolve a claim that never should have been brought in the first place.

DECLARATION OF SERVICE

Case Name: **Gilliard, Maryanne v. CA Dept. of Human Resources, et al.**

Case No.: **24STCP02837**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Sacramento, CA 95814.

On February 18, 2025, I served the attached **REPLY IN SUPPORT OF DEFENDANTS STATE CONTROLLER AND CALPERS'S DEMURRER** on the following parties in this action by File & Serve Xpress, as follows:

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CalHR and CalHR Director

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 18, 2025, at Sacramento, California.

Kyle Nicholson
Declarant

/s/ Kyle Nicholson
Signature