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JENNIFER E. CHOI, State Bar #184058
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Attorneys for Defendant
MAYOR LONDON BREED and
DIRECTOR SHIREEN MCSPADDEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

RAMONA MAYON,
Plaintiff,
vs.

MAYOR LONDON BREED AND
DIRECTOR SHIREEN MCSPADDEN OF
DEPT OF HOMELESSNESS AND
SUPPORTIVE HOUSING OF CITY AND
COUNTY OF SAN FRANCISCO, ONLY IN
THEIR OFFICIAL CAPACITY, AND DOES
1-50,
Defendants.

Case No. CGC-24-611907

**DECLARATION OF ZUZANA S. IKELS IN
SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S COMPLAINT AND
ENTRY OF JUDGMENT**

Hearing Date: August 20, 2024
Time: 9:30 a.m.
Place: Dept. 302

Date Action Filed: January 26, 2024
Trial Date: Not Set.

I, ZUZANA S. IKELS, declare as follows:

1. I am a Deputy City Attorney for the City and County of San Francisco. I am counsel of record for Defendants Mayor London Breed And Director Shireen McSpadden of Dept Of Homelessness and Supportive Housing Of City and County Of San Francisco (collectively, the "City Defendants") in this action. I am admitted to practice law in California and to appear before this

1 Court. I have personal knowledge of the facts in this declaration, and if called upon to testify, I could
2 and would testify truthfully to the facts contained herein.

3 2. Plaintiff Ramona Mayon is representing herself in pro per in this action. She filed her
4 Complaint on January 26, 2024, and served the summons on the Mayor and the City, albeit not on Ms.
5 McSpadden, on January 30, 2024. Plaintiff indicated that she mailed a copy of the Complaint on
6 Director McSpadden, but there is no record of personal service or basis for substitution service by U.S.
7 Mail.

8 3. In order to meet and confer before filing the demurrer for failure to state a claim upon
9 which relief can be granted and failure to comply with the Government Claims Act, which is set forth
10 in my declarations in support of the demurrers filed with the Court, on February 16, 2023, I called Ms.
11 Mayon at the number listed on the pleadings, which was disconnected, and then emailed her at the
12 email address listed in the pleadings. On February 20, 2024, I also sent a letter to Ms. Mayon's address
13 provided on the pleadings. Ms. Mayon responded on February 26, 2024 by email, responding to the
14 meet and confer communications in writing.

15 4. The City filed a Demurrer to the Complaint, Ms. Mayon filed an Opposition, and the
16 City filed a Reply Brief. On March 26, 2024, the Court issued a tentative ruling taking the motion off
17 calendar, and ordering Plaintiff to engage in a meet and confer by phone or in person, and holding the
18 City Defendants should file an amended responsive pleading, thereafter, by April 24, 2024. On the
19 same day, I wrote to Ms. Mayon and the next day, March 27, 2024, Ms. Mayon and I spoke for nearly
20 two hours discussing the arguments in the demurrer, the opposition, and the reply.

21 5. On April 24, 2024, the City Defendants filed and served, by email and U.S. mail, their
22 Amended Demurrer to Plaintiff's Complaint. Plaintiff did not file or serve an Opposition, which was
23 due on May 15, 2024. The Court's Docket also reflects that no Opposition was filed with the Court.
24 We then filed a statement of non-opposition with the Court.

25 6. Attached as **Exhibit A** is a true and correct copy of the Court's May 29, 2024 Order
26 sustaining the City Defendants' Demurrer with leave to amend (the "Order Sustaining Demurrer").

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1 7. Attached hereto as **Exhibit B** is a true and correct copy of City Defendants' Notice of
2 Entry of Order, attaching the Order Sustaining Demurrer, served on Plaintiff and filed with the Court
3 on May 30, 2024 .

4 8. Plaintiff did not file an amended complaint before the expiration of the 10 days, as set
5 forth in the Rules of Court, Rule 3.1320(g), which would have been, at the latest, June 15, 2024, nor
6 did she contact me, or anyone at my office, indicating she planned to file an amended pleading.

7 9. As of the date of this declaration, which is more than a month and a half since the Court
8 sustained the demurrer, Plaintiff has still not filed or served an amended complaint. There is no
9 indication that Plaintiff filed an amended complaint, based upon my review of the Court's Docket.
10 Likewise, I have not received any communications or service from Plaintiff of an amended pleading,
11 or plan to file an amended pleading. My office has not been served with any amended pleading.

12 10. I informed Ms. Mayon that I would be making an *ex parte* application for dismissal of
13 the action and entry of judgment. Specifically, on Wednesday, July 10, 2024, at 9:00 a.m., I called and
14 emailed Ms. Mayon, notifying her that I would be seeking dismissal of Plaintiff's Complaint and entry
15 of judgment through an *ex parte* application on July 11, 2024 at 11:00 a.m. in Department 302. She
16 wrote back and indicated she would not oppose and did not plan to file an amended pleading or pursue
17 this action. A true and correct copy of our email exchange is attached as **Exhibit C**.

18 11. At the July 11, 2024 hearing on the application to dismiss, the Court instructed me to
19 file a formal noticed motion, because Plaintiff was a pro per litigant.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed July 22, 2024 at San Francisco, California.

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23 _____
24 ZUZANA S. IKELS
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Exhibit A

#14

1 DAVID CHIU, State Bar #189542
City Attorney
2 JENNIFER E. CHOI, State Bar #184058
Chief Trial Deputy
3 ZUZANA S. IKELS, State Bar # 208671
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E-Mail: Zuzana.Ikels@sfcityatty.org

FILED
Superior Court of California
County of San Francisco

MAY 29 2024

CLERK OF THE SUPERIOR COURT
By Victor Pa Ponce Deputy

8 Attorneys for Defendants
MAYOR LONDON BREED,
9 DIRECTOR SHIREEN MCSPADDEN and
CITY AND COUNTY OF SAN FRANCISCO

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN FRANCISCO
13 UNLIMITED JURISDICTION

14 RAMONA MAYON,
15 Plaintiff,
16 vs.

17 MAYOR LONDON BREED AND
18 DIRECTOR SHIREEN MCSPADDEN OF
DEPT OF HOMELESSNESS AND
19 SUPPORTIVE HOUSING OF CITY AND
COUNTY OF SAN FRANCISCO, ONLY IN
20 THEIR OFFICIAL CAPACITY, AND DOES
1-50,
21 Defendants.

Case No. CGC-24-611907

**ORDER SUSTAINING DEFENDANTS'
AMENDED DEMURRER TO COMPLAINT**

Hearing Date: May 29, 2024
Time: 9:30 a.m.
Place: Dept. 302

Date Action Filed: January 26, 2024
Trial Date: Not Set.

1 DEFENDANTS MAYOR LONDON BREED, DIRECTOR SHIREEN MCSPADDEN, CITY
2 AND COUNTY OF SAN FRANCISCO'S DEMURRER to COMPLAINT, Defendants' amended
3 demurrer to plaintiff's complaint is sustained with leave to amend. This demurrer was filed April 24,
4 2024. Plaintiff filed no opposition to this demurrer.

5 Dated:

5/29/24

6 Ul
7 JUDGE OF THE SUPERIOR COURT

8 RICHARD ULMER
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Exhibit B

1 DAVID CHIU, State Bar #189542
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2 JENNIFER E. CHOI, State Bar #184058
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7

8 Attorneys for Defendant
MAYOR LONDON BREED and
9 DIRECTOR SHIREEN MCSPADDEN

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION
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14 RAMONA MAYON,
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24 Defendants.
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Case No. CGC-24-611907

NOTICE OF ENTRY OF ORDER

Date Action Filed: January 26, 2024
Trial Date: Not Set.

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
05/30/2024
Clerk of the Court
BY: YOLANDA TABO
Deputy Clerk

1 On May 29, 2024, the Honorable Richard Ulmer, Judge of the Superior Court, executed the
2 Order Sustaining Defendants' Amended Demurrer to Complaint. The Order was filed with the Court
3 on May 29, 2024.

4 A true and correct copy of that Order is attached hereto as Exhibit A.

5 Dated: May 30, 2024

6 DAVID CHIU
7 City Attorney
8 JENNIFER E. CHOI
9 Chief Trial Deputy
10 ZUZANA S. IKELS
11 Deputy City Attorney

12 By: /s/ Zuzana S. Ikels
13 ZUZANA S. IKELS

14 Attorneys for Defendant(s)
15 MAYOR LONDON BREED,
16 DIRECTOR SHIREEN MCSPADDEN
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PROOF OF SERVICE

I, KASSY ADAMS, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On May 30, 2024, I served the following document(s):

NOTICE OF ENTRY OF ORDER

on the following persons at the locations specified:

Ramona Mayon
1559 Sloat Blvd, Suite B-Box 175,
San Francisco, California 94132
ramonamayon@yahoo.com
telephone: 415-595-6308

Plaintiff in Pro Per

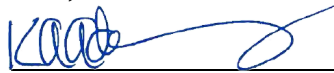
in the manner indicated below:

☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

☒ **BY ELECTRONIC MAIL:** I caused a copy of such document to be transmitted *via* electronic mail in portable document format ("PDF") Adobe Acrobat from the electronic address: kassy.adams@sfcityatty.org.

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

Executed May 30, 2024, at San Francisco, California.



KASSY ADAMS

EXHIBIT A

#14

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FILED
Superior Court of California
County of San Francisco

MAY 29 2024

CLERK OF THE SUPERIOR COURT
By Victor Pa Ponce Deputy

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Exhibit C

Ikels, Zuzana (CAT)

From: Ramona Mayon <ramonamayon@yahoo.com>
Sent: Wednesday, July 10, 2024 9:13 AM
To: Ikels, Zuzana (CAT)
Cc: Adams, Kassy (CAT)
Subject: Re: Mayon v. Breed/CCSF et al

Yes, of course. Y'all go right ahead. That paper was just my way of giving your office a heads up in case they wanted to fix anything. I've filed my HUD complaint on June 26 and Urban Alchemy just keeps piling it on. regarding the retaliation since May 8. The grievance process is now complete with HSH. Next I serve the Controller with administrative claims. Then it's off to the races, as they say.

Ramona

On Wednesday, July 10, 2024 at 09:05:13 AM PDT, Ikels, Zuzana (CAT) <zuzana.ikels@sfcityatty.org> wrote:

Dear Ms. Mayon,

As you know, the Court sustained our demurrer to the complaint. No opposition was filed to our demurrer, moreover. The deadline to file an amended complaint by plaintiff expired on June 15, 2024 and I understand, based on the record, the case is over.

Accordingly, we will file an ex parte application to dismiss the action, pursuant Rule of Court, Rule 3.1320 and C.C.P. Section 581. The hearing will be at 11:00 a.m. in Department 302 for tomorrow. Per the Court's requirements, ex parte hearings are by courtcall.

Thank you and have a nice day,

Zuzana



Zuzana S. Ikels
Deputy City Attorney
Office of City Attorney David Chiu
(415) 355-3307

www.sfcityattorney.org