1 2 3 4 5 6 7 8	Stanley Shen, S.B.N. 263404 SHEN LAW FIRM 2037 Irving Street, Suite 206 San Francisco, California 94122 Telephone: (415) 661-6700 Facsimile: (415) 373-3707 Email: stanley@shenlawfirm.com  CHRISTINE A. LINNENBACH Attorney At Law Christine A. Linnenbach, Esq. (State Bar No. 201297) 236 West Portal Avenue, No. 771 San Francisco, CA. 94127 Telephone: (415) 637-7171 Facsimile: (415) 723-7487 E-mail: christine@christinelinnenbach.com	FILED Superior Court of California, County of San Francisco  08/29/2022 Clerk of the Court BY: KAREN VALDES Deputy Clerk
10	Attorneys for Petitioners	CPF-22-517855
11	LEANNA LOUIE and LEANNA LOUIE	
12	FOR D4 SUPERVISOR 2022	
13	SUPERIOR COURT OF THE ST	CATE OF CALIFORNIA
14	COUNTY OF SAN FRANCISCO	
15		
16 17	LEANNA LOUIE AND LEANNA LOUIE FOR D4 SUPERVISOR 2022,	Case No. [Unlimited Jurisdiction]
18	Petitioners,	VERIFIED PETITION FOR
19	vs.	WRIT OF MANDATE REINSTATING LEANNA LOUIE ON THE NOVEMBER
20	JOHN ARNTZ, Director of the San Francisco Department of Elections; CITY AND COUNTY	2022 BALLOT
21	OF SAN FRANCISCO; and DOES 1-10,	(California Elections Code section 13314; California Code of Civil
22	Respondents.	Procedure sections 1085 et seq.)
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24	respondents.	CALENDAR PREFERENCE REOUIRED BY STATUTE
	respondents.	CALENDAR PREFERENCE REQUIRED BY STATUTE (ELEC. CODE § 13314(a)(3))
24	respondents.	REQUIRED BY STATUTE

#### INTRODUCTION

- 1. Petitioners/Plaintiffs LEANNA LOUIE and LEANNA LOUIE FOR D4 SUPERVISOR (collectively, "Petitioners") bring this action to challenge Director of Department of Elections John Arntz's unlawful action of removing LEANNA LOUIE from the November 8, 2022 consolidated General Election Ballot, despite the fact that LEANNA LOUIE had been certified by the Department of Elections as a proper candidate on June 3, 2022 by the Department of Elections ("DOE") for the City and County of San Francisco (the "City" or "San Francisco").
- 2. Petitioners assert the actions of the Director were invalid and that he has a ministerial duty to place Leanna Louie's name on the November 2022 Ballot. The removal of Leanna Louie from the Ballot was illegal.
- 3. The City skipped indispensable procedures for removing Leanna Louie from the ballot and failed to timely remove her by the mandatory removal date of June 27, 2022. Director John Arntz's action of removing Leanna Louie from the ballot has no force and effect.
- 4. Additionally, the absence of Leanna Louie from the ballot denies thousands of voters and supporters the opportunity to vote for her in the November 2022 elections and her rights have been violated as she has been alienated from the ballot.
- 5. It is especially important to avoid voter confusion and Leanna Louie has been raising money, engaging in campaigning activities in detrimental reliance on the June 3, 2022 certification by the DOE.
- 6. Petitioners have no plain, speedy and adequate remedy at law to challenge the legality of Director Arntz's Action, and therefore bring this Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief ("Petition").

### **PARTIES**

- 7. Petitioner/Plaintiff LEANNA LOUIE is a resident, duly registered voter, and taxpayer in the City and County of San Francisco.
- 8. Petitioner/Plaintiff LEANNA LUIE FOR D4 SUPERVISOR ("LLFORD4") is a registered FPPC approved campaign.
- 9. Respondent/Defendant JOHN ARNTZ ("Arntz") is San Francisco's Director of Elections. As such, he is the official responsible for printing the voter information pamphlets and ballots that will be distributed to the voters and which will contain an invalid ballot measure unless this Court intervenes to protect the voters. Petitioners are required to name Arntz as a Respondent, and Arntz is sued herein in his official capacity only.
- 10. Respondent/Defendant CITY AND COUNTY OF SAN FRANCISCO is a municipal government governed by the laws of the State of California, and the City and County of San Francisco Charter ("San Francisco Charter") and laws of the San Francisco.
- 11. The true identities and capacities of Respondent Does 1 through 10 are unknown to Petitioners at this time. Petitioners are informed and believe, and based upon such information and belief allege, that each of the fictitiously named respondents is in some manner responsible for the actions described in this Petition. When the true identities and capacities of these respondents have been determined, Petitioners will seek leave to amend this Petition to insert such identities and capacities.

#### **VENUE**

12. Venue for this action lies within the City and County of San Francisco pursuant to Code of Civil Procedure sections 393(b) and 394.

# **JURISDICTION**

13. Petitioners bring this action as a petition for writ of mandate pursuant to California Elections Code section 13314 and California Code of Civil Procedure sections 1085 et seq., and as a Complaint for Injunctive and Declaratory Relief pursuant to Code of Civil Procedure sections 526 and 1060.

#### **TIMELINESS**

14. This action is being brought in a timely manner. Petitioners are informed and believe, and on that basis allege, that the ballot materials will be printed on or about September 9, 2022.

Accordingly, after the matter is briefed on shortened time, the expedited issuance of a writ or other appropriate relief will not interfere with the printing of official election materials.

## FIRST CAUSE OF ACTION

Elections Code Writ of Mandate Preventing the Director of Elections from Excluding Leanna Louie from being listed as a candidate on the Ballot (Elections Code Section 13314) (Against All Respondents and Defendants)

- 15. Petitioners re-allege and incorporate herein by this reference Paragraphs 1 14 of this Petition as set forth herein in full.
- 16. Based on the foregoing allegations, Petitioners are entitled to a writ of mandate pursuant to Election Code §13314 ordering Respondents Arntz and Department of Elections, City and County of San Francisco, and their agents to reinstate Petitioner Leanna Louie on the November 8, 2022 ballot for her run for the District 4 Board of Supervisor seat.

### SECOND CAUSE OF ACTION

Traditional Writ of Mandate Preventing the Director of Elections from Printing the Ballot absent Leanna Louie's name (Code of Civil Procedure § 1085, et seq.) (Against Respondents and Defendants)

- 17. Petitioners re-allege and incorporate herein by this reference Paragraphs1-16 of this Petition as set forth herein in full.
- 18. Based on the foregoing allegations, Petitioners are entitled to a traditional writ of mandate ordering Respondents Arntz and Department of Elections, City and County of San Francisco, and their agents to reinstate Petitioner Leanna Louie on the November 8, 2022 ballot for her run for the District 4 Board of Supervisor seat.

## THIRD CAUSE OF ACTION

- Injunctive Relief Enjoining the Director of Elections from Printing the Ballot absent Leanna Louise name on the Ballot (Code of Civil Procedure section 525, et seq.)

  (Against Respondents and Defendants)
- 19. Petitioners re-allege and incorporate herein by this reference Paragraphs 1—18 of this Petition as set forth herein in full.
- 20. Based on the foregoing allegations regarding injunctive relief, Petitioners are entitled to a temporary restraining order, preliminary injunction and permanent injunction prohibiting Arntz and Department of Elections, City and County of San Francisco, and their agents from omitting Petitioner Leanna Louie on the November 8, 2022 ballot for her run for the District 4 Board of Supervisor seat.

### FOURTH CAUSE OF ACTION

Declaratory Relief (Against Respondents and Defendants)

- 21. Petitioners re-allege and incorporate herein by this reference Paragraphs 1—20 of this Petition as set forth herein in full.
- 22. An actual and present controversy exists between Petitioners and Respondents. As shown herein, Petitioners contend that Respondents have violated their due process rights to participate in the public election process under the Administrative Code. Respondents believe and contend that Leanna Louie is properly removed from the November 8, 2022 ballot. A judicial determination and declaration as to the legality of the removal of Leanna Louie's name from the ballot is necessary and appropriate to determine the respective rights and duties of the parties.

# **PRAYER**

WHEREFORE, Petitioners pray:

- That this Court issue a writ of mandate pursuant to Elections Code section 13314 prohibiting Respondents from excluding Leanna Louie from being listed as candidate for the Board of Supervisors District Four on the November 8, 2022 ballot;
- 2. That this Court issue a writ of mandate pursuant to Code of Civil Procedure sections 1085 et seq. requiring Director Arntz to include Petitioner Leanna Louie on the November 8, 2022 ballot;
- 3. That this Court issue a writ directing the Director of Elections to rescind his determination or find it injunctive relief pursuant to Code of Civil Procedure section 526 restraining Arntz and all persons acting pursuant to his direction and control from taking any action or spending any public funds to exclude Leanna Louie from being listed as a candidate for District Four Supervisor on the November 8, 2022 ballot;
- 4. That this Court issue a judicial determination and declaration as to the legality of the

1	removal of Leanna Louie's name from the ballot as necessary and appropriate to determine the		
2	respective rights and duties of the parties;		
3	5 Far and of this proposed in or and		
4	5. For costs of this proceeding; and		
5	6. For such other and further relief as this Court may deem just and proper.		
6	Respectfully submitted,		
7	Dated: August 29, 2022 STANLEY SHEN		
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11	CHRISTINE A. LINNENBACH		
12	CHRISTINE A. LINNENDACII		
13	By /s/ Christine A. Linnenbach		
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# VERIFICATION

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury undewr the laws of the State of California that the foregoing is true and correct.

Executed on 8/29/2022 in San Francisco, California.

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Leanna Wharie

Leanna Louie for D4 Supervisor 2022