

SUSANA ALCALA WOOD, City Attorney (156366)
ARDELL JOHNSON, Assistant City Attorney (95340)
MAREN CLOUSE, Chief Deputy City Attorney (228726)
JULIA VAN ROO, Sr. Deputy City Attorney (274169)
Office of the City Attorney
200 East Santa Clara Street, 16th Floor
San José, California 95113-1905
Telephone Number: (408) 535-1900
Facsimile Number: (408) 998-3131
E-Mail Address: cao.main@sanjoseca.gov

Attorneys for Defendants

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
UNLIMITED JURISDICTION

SERVICES, IMMIGRANT RIGHTS &
EDUCATION NETWORK, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.

Defendants.

Case Number: 25CV480254

**DEFENDANTS' NOTICE OF
DEMURRER AND DEMURRER TO
COMPLAINT**

Date: August 6, 2026

Time: 9:00 AM

Dept. 10

Judge Hon. Jeffrey El-Hajj

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 6, 2026 at 9:00 a.m., or as soon thereafter as counsel may be heard in Department 10 of the Superior Court of the State of California for the County of Santa Clara, located at 191 N. First Street, San José, California, 95113, Defendants City of San José, Paul Joseph, and Matt Mahan ("Defendants") will and hereby do demur under Section 430.10(e) of the Code of Civil Procedure to the complaint filed on November 18, 2025 ("Complaint") by Plaintiffs Services, Immigration Rights & Education Network ("SIREN") and Council on American-Islamic Relations ("CAIR") (collectively "Plaintiffs").

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1 Defendants demur to Plaintiffs' entire Complaint, and separately to each cause of action
2 contained therein, pursuant to California Code of Civil Procedure ("CCP") section 430.10 upon the
3 following grounds:

4 First Cause of Action: Violation of Cal. Const. Article I, Section 13

5 Plaintiffs fail to allege facts sufficient to constitute a cause of action against Defendants
6 pursuant to CCP section 430.10(e).

7 Second Cause of Action: Violation of Cal. Const. Article I, Section 1

8 Plaintiffs fail to allege facts sufficient to constitute a cause of action against Defendants
9 pursuant to CCP section 430.10(e).

10 Third Cause of Action: Taxpayer Action under Code of Civ. Proc. § 526a

11 Plaintiffs fail to allege facts sufficient to constitute a cause of action against Defendants
12 pursuant to CCP section 430.10(e).

13 The demurrer shall be made upon the Complaint, Amended Notice of Demurrer, the
14 Memorandum of Points and Authorities, the Declaration of Julia Van Roo, the Request for Judicial
15 Notice, and such oral argument and additional evidence as may be presented to the Court at the
16 hearing of this demurrer.

17 Defendants pray that: (1) this Demurrer be sustained without leave to amend and Plaintiffs
18 take nothing by their Complaint; (2) judgment for costs of suit; and (3) for such other and further
19 relief as the Court deems just and proper.

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23 Dated: January 16, 2026

Respectfully submitted,

SUSANA ALCALA WOOD, City Attorney

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25 By: 

JULIA VAN ROO

Sr. Deputy City Attorney

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27 Attorneys for Defendants
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PROOF OF SERVICE

CASE NAME: Services, Immigrant Rights & Education Network et al vs Paul Joseph et al

CASE NO.: 25CV480254

I, the undersigned declare as follows:

I am over 18 years of age and not a party to this action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred.

On January 16, 2026, I caused to be served the within:

**DEFENDANTS' NOTICE OF DEMURRER AND DEMURRER TO COMPLAINT
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS'
DEMURRER TO COMPLAINT**

**DECLARATION OF VAN ROO IN SUPPORT OF DEFENDANTS' DEMURRER TO
COMPLAINT**

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' DEMURRER TO
COMPLAINT**

☒ by ELECTRONIC TRANSMISSION, with a copy of this declaration, to an electronic address listed below.

I further declare that the electronic transmission was sent on January 16, 2026, and that the City of San Jose, City Attorney's electronic address is CAO.Main@sanjoseca.gov.

The above-described transmission was reported as sent by a transmission report available for printing from the computer.

Addressed as follows:

Jennifer Pinsof Electronic Frontier Foundation 85 Eddy Street San Francisco, CA 94109 Phone: 415-436-9333 jpinfof@eff.org <i>Attorneys for Plaintiffs, Services, Immigrant Rights & Education Network; Council on American-Islamic Relations, California</i>	Nicholas Hidalgo ACLU Foundation of Northern California 39 Drumm Street San Francisco, CA 94111 Phone: 415-621-2493 nhidalgo@aclunc.org <i>Attorneys for Plaintiffs, Services, Immigrant Rights & Education Network; Council on American-Islamic Relations, California</i>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 16, 2026, at San Jose, California.

/s/ Mary Sheridan
Mary Sheridan