

1 JEFFREY PETER DE LA ROSA

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Jeffrey Peter de la Rosa,
6 Petitioner in *pro per*

7
8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES- CENTRAL DISTRICT**

10
11 JEFFREY PETER DE LA ROSA,

12 Petitioner

13 vs.

14
15 BOARD OF ANIMAL SERVICES,
16 DEPARTMENT OF ANIMAL SERVICES;
17 CITY OF LOS ANGELES.

18 Respondents
19

Case No.: BS104874

AMENDED NOTICE
RE: EX PARTE APPLICATION FOR
ORDER TO SHOW CAUSE RE:
CONTEMPT

Appearance Date: March 16, 2009
TIME: 8:30 a.m.
Dept.: 85
Judge: Hon. James C. Chalfant

20 NOTICE

21
22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE THAT PETITIONER JEFFREY PETER DE LA
24 ROSA (“Petitioner”) will appear *ex parte* on Monday March 16, 2009 at 8:30 a.m. in
25 Department 85 of the Los Angeles Superior Court, Stanley Mosk Courthouse located at
26 111 N Hill Street, Los Angeles, California 90012 and will make application to the Court
27 for an ORDER TO SHOW CAUSE RE: CONTEMPT to Respondents City of Los
28

1 Angeles; and Department of Animal Services; and Board of Commissioners which shall
2 order Respondents to show cause before the Honorable Court , at a specific date and
3 time , why they should not be found to be in contempt for their willful disobedience of
4 the Peremptory Writ of Administrative Mandate (“Writ”) issued under seal of the Court
5 on November 20, 2008 which was duly served upon the Secretary of the Board of
6 Commissioners on November 28, 2008.¹

7 The Application for an Order to Show Cause Re: Contempt is based on this
8 Notice; the Memorandum of Points and Authorities in support of the Application and the
9 Exhibits attached thereto; the Affidavits of Contempt (2) of Jeffrey Peter de la Rosa and
10 former Commissioner Marie Atake; the Court’s October 9, 2008 tentative ruling, which
11 was adopted as the final ruling in this matter; the Judgment granting the Writ entered
12 November 12, 2008; the Writ issued November 20, 2008; the Proof of Service of the
13 Writ on Respondent filed December 11, 2008 and all papers and materials heretofore
14 filed with the court in this matter.

15 Grounds for an Order to Show Cause Re: Contempt are that Respondents and
16 their employees, and each of them, have shown their contempt for this Honorable Court
17 since as early as November 21, 2008 by their willful refusal and failure to obey and
18 comply with the Writ or to ensure that the Writ be obeyed. The Writ, which was
19 prepared personally by Counsel for City Todd Tak Shing Leung, commanded
20 Respondents to “immediately” set aside Department’s 12/9/05 decision to revoke
21 Petitioner’s license for his dog Maeve; and to set aside the March 28, 2006 affirmation
22 of that decision by the Board which was made final and mailed to Petitioner on June 8,
23 2006. Contrary to the orders set forth in the Writ, Respondents, and each of them, have
24 failed and/or refused to obey the Writ and have not set aside the decision; but have
25 instead, announced their intention to commence new proceedings against Petitioner to
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27
28 ¹ Petitioner previously noticed Respondents of an earlier ex parte appearance but was
unable to make that appearance due to unforeseen events.

1 again revoke the license of Petitioner's dog, Maeve for the purpose of rendering a new
2 decision BEFORE they have complied with the Writ.

3 //

4 The repeated, continuing and willful interference with the business of this Court
5 by attorneys for Respondent; and Respondents' willful, malicious and continuing
6 disobedience of the Court's Order are clear grounds for Contempt under C.C.P. section
7 1209(a) which provides in pertinent part:

8 (a) The following acts or omissions in respect to a court
9 of justice, or proceedings therein, are contempt of the
10 authority of the court:

11 (1-3 omitted)

12 4. Abuse of the process or proceedings of the court, or
13 falsely pretending to act under authority of an order or
14 process of the court;²

15 5. Disobedience of any lawful judgment, order, or process
16 of the court; (AND) (6-10 omitted)

17 11. Disobedience by an inferior tribunal, magistrate, or
18 officer, of the lawful judgment, order, or process of a
19 superior court, or proceeding in an action or special
20 proceeding contrary to law, after such action or special
21 proceeding is removed from the jurisdiction of such
22 inferior tribunal, magistrate, or officer.

23 DATED: March 13, 2009

24 _____
25 JEFFREY PETER DE LA ROSA
26 Petitioner, *in pro per*

27 _____
28 ² The Application will specifically request the Order to Show Cause Re: Contempt to name, individually, Edward Boks, General Manager; and Linda Barth, Assistant General Manager; and Ross Pool, Board Secretary who as least twice have violated C.C.P. section 1209(a) (4) by their communications to Petitioner which they made, or authorized to be made, while "pretending to act under authority of an order or process of the court."