

PROPOSED TENTATIVE

Defendant Lompoc Unified School District's demurrer is scheduled for hearing on September 11, 2024. On August 29, 2024, in lieu of opposition, and presumably pursuant to Code of Civil Procedure section 472, subdivision (a), plaintiff Marilyn Mercer filed a first amended complaint, which supersedes the initial complaint. On September 3, 2024, defendant Lompoc Unified School District filed a reply, styled "Notice of None-Receipt of Opposition To Defendant Lompoc Unified School District's Demurrer To Plaintiff's Complaint and Filing of First Amended Complaint[.]" in which defendant observes that plaintiff did not file opposition but filed a first amended complaint. Defendant does not object to the viability, the timeliness, and/or the legal impact of the first amended pleading on its demurrer, which has now been rendered moot. As no objection has been advanced, the court takes the demurrer off calendar, and no appearance is necessary. If a party wishes to appear for oral argument nevertheless, the party must comply with the notice requirements outlined in Santa Barbara County Superior Court, Local Rules, rule 1301 and California Rules of Court, rule 3.1308, meaning the party must notify all others and the court by 4:00 p.m. on the court day before the hearing of the party's intention to appear.