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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED CIVIL JURISDICTION

756 PAGE STREET, LLC, a California Limited Liability Company, Petitioner, vs. CITY & COUNTY OF SAN FRANCISCO; SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD; and DOES 1 through 25 inclusive, Respondents. DIZON-ROSS, LOVE, SCHWARTZ, ROSENBERG, GREGORY J. GURREN, RISE LEANN GURREN, CHELSEA ROSE FISCHBACH, JASON NATHANIEL HUSBY, LEAH OLSON, PAULINE BABCOCK, LINDSEY LAVONNE ANDERSON, ARTHUR NELSON, and CELICIA NELSON, Real-Parties-in-Interest	Case No.: CPF-18-516334 **[PROPOSED] ORDER GRANTING PETITIONER'S MOTION FOR A WRIT OF ADMINISTRATIVE MANDAMUS**

Petitioner's motion for a writ of administrative mandamus was tentatively ruled

upon by department 501 of the above-entitled court, the Honorable Charles F. Haines, presiding, on July 7, 2020, and neither party contested the court's tentative ruling. The court therefore having considered the motion, and the opposition thereto, and good cause appearing therefor;

IT IS HEREBY ORDERED:

1. Petitioner's motion is **GRANTED**. Administrative Law Judge abused discretion by dismissing the action with prejudice. The record shows that Petitioner took reasonable steps to inform the Rent Board of his condition before the hearing by leaving a voicemail. This information was in the Rent Board's possession at the time of the dismissal, and became known to the Administrative Law Judge 5 minutes after oral dismissal and two weeks before the written order. The Order dismissing the Petition mentions the fact that the Petitioner failed to provide any verification of his illness. Nowhere in the record does it show that Petitioner was informed that verification was required or what kind of verification was required for the sudden onset of the illness to be provided on the morning of the hearing by 9:20 a.m. Administrative Law Judge had three less drastic measures to choose from and was reasonably apprised of the fact that Petitioner did not abandon the action by virtue of a representative/witness being present at the hearing.

Dated: July 8, 2020

Hon. Charles F. Haines
Judge of the Superior Court