SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Sandoval vs. Riverside County

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: **CVRI2502556**

I certify that I am not a party to this cause. I certify that that the following document(s), dated , was transmitted electronically by an Orange County Superior Court email server on October 1, 2025, at 10:57:26 AM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MINUTE ORDER

Orange County Superior Court, Department: CX101

COURT CONVENED AT:	10:47 AM	**ON:**	10/01/2025
JUDGE PRESIDING:	William D. Claster, Assigned	**CLERK:**	G. Hernandez
BAILIFF/COURT ATTENDANT:	None	**REPORTER:**	None

AND THE FOLLOWING PROCEEDINGS WERE HAD:

CVRI2502556 **Sandoval vs. Riverside County, et al.**

EVENT TYPE: UNDER SUBMISSION RULING

APPEARANCES: NO APPEARANCES

DEMURRER OF COUNTY DEFENDANTS TO FIRST AMENDED COMPLAINT
DEMURRER OF THE RIVERSIDE SUPERIOR COURT TO THE FAC
REQUEST FOR A STAY AND LIMITS ON DISCOVERY

The Court, having taken the above-entitled matters under submission on 09/25/2025 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now issues its ruling. The Court's ruling is attached hereto and incorporated herein by reference.

ORIGINAL

SANDOVAL v. RIVERSIDE COUNTY CVRI2502556

DEMURRER OF COUNTY DEFENDANTS TO FIRST AMENDED COMPLAINT

The demurrer of Defendants County of Riverside, Riverside County Sheriff's Office and Sheriff Chad Bianco (collectively "County Defendants") is OVERRULED. The County Defendants shall file their answer by October 14, 2025.

Plaintiffs' Request for Judicial Notice (ROA 118) is DENIED as to Exhibit 1 and GRANTED as to Exhibits 2-8.

I. OVERVIEW OF FIRST AMENDED COMPLAINT (FAC)

Plaintiffs Oscar Melendres Sandoval et al's First Amended Complaint challenges Defendants' policy of pre-arraignment cash bail and the alleged practice of unnecessarily delaying a criminal defendant's arraignment for up to six days. Plaintiffs contend that application of the Riverside Superior Court's pre-arraignment bail schedule results in the jailing of many arrested individuals not because they are a danger to public safety or unlikely to appear for their arraignment, but because they are unable to pay the required bail amount. Citing *In re Humphrey* (2021) 11 Cal. 5th 135, they assert that pretrial detention that depends on the wealth of the arrestee is unconstitutional under both the California and U.S. Constitutions. They also cite both constitutions, as well as various Penal Code provisions, in support of their claims based on unnecessary prolonged detention without a bail hearing.

Causes of Action (COAs) 1-4 of the FAC pertain to claims of cash-based pre-arraignment jailing and are brought against the County Defendants. COAs 1 and 2 also name the Riverside Superior Court (RSC) as a defendant. The 2d COA is a Taxpayer claim pursuant to CCP § 526a brought by the "Clergy Plaintiffs" (Rabbi

David Lazar and Reverend Jane Quandt). The Clergy Plaintiffs also bring the 3d COA seeking a writ of mandate.

The unnecessary prolonged detention claims are COAs 5-11, with COAs 6 and 9 being taxpayer claims brought by the Clergy Plaintiffs. The County Defendants are named in all COAs, and the Superior Court is named in COAs 5-6 and 8-9.

II. RELEVANT CALIFORNIA STATUTES

While the setting of bail generally is understood as a way to ensure that an arrestee appears in court, the California Constitution and Penal Code specify that the safety of the public and of crime victims are permissible - indeed, the primary - considerations in determining bail. (Cal. Const., art. I, § 28; Pen. Code, § 1275.) The California Constitution also provides that a person must be released on bail by sufficient sureties except in specified cases such as capital crimes and certain serious and/or violent felonies. (Cal. Const., art. I, § 12.)

Penal Code § 1269b(c) specifies that the Superior Court judges sitting in each California county create and adopt, on a yearly basis, bail schedules for all felony and misdemeanor criminal offenses for which bail may be posted. Among other things, § 1269b(f)(2) recognizes $0 bail as an "amount" of bail for certain arrests dealing with abortions. Penal Code §§ 1269c provides for raising or lowering scheduled bail in certain circumstances. Section 1270 describes considerations for releasing an arrestee on his or her own recognizance (OR), and § 1270.1 allows for adjusting bail or an OR release following a hearing before a magistrate or judge.

Penal Code § 825 (which is found in Chapter 4 of the Code entitled "The Warrant of Arrest") states: "Except as provided in paragraph (2) [dealing with times when the court in which the magistrate sits is not in session], the defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any

event, within 48 hours after his or her arrest, excluding Sundays and holidays." Penal Code § 849(a) (found in Chapter 5 dealing with Arrests) provides: "When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before the magistrate." Penal Code § 859 provides that a person charged with a felony shall be arraigned "without unnecessary delay."

III. CAUSES OF ACTION BASED ON CASH-BASED PRE-ARRAIGNMENT JAILING

A. Overview of Allegations

The FAC alleges that the County Defendants jail arrested individuals who are booked into custody for up to six days until arraignment if they do not pay the bail amount that is assigned, either by the bail schedule for warrantless arrests or in equivalent amounts on arrest warrants issued by the Riverside County Superior Court, without any regard to arrestees' ability to pay. See FAC ¶¶ 85-117. It is further alleged that "conditioning individuals' freedom on their access to cash does nothing to assure future appearance at court or protect the community." Id. ¶ 5; see also *id*. ¶¶ 118-130. To the contrary, it is alleged that cash-based jailing actively undermines public safety. Id. ¶ 129 (quoting California court's finding that "secured money bail causes more crime than would be the case were the money bail schedules no longer enforced"). Plaintiffs assert: "Because Defendants' use of pre-arraignment secured money bail infringes on the right to pretrial liberty and the right against wealth-based detention, it is unconstitutional unless the government can prove that secured money bail is the least restrictive means to advance a compelling governmental interest." *Id*. ¶ 118. Plaintiffs seek declaratory and injunctive relief as well as a writ of mandate based on these allegations.

B. The County Defendants Are Proper Defendants

The County Defendants argue that the Superior Court establishes the pre-arraignment bail schedule and that they are obligated by law to adhere to that schedule, "leaving no room for discretion." (Demurrer p. 5) Citing *Welchen v. County of Sacramento* (E.D. Cal. 2018) 343 F. Supp. 3d 924 and *Buffin v. California* (9th Cir. 2022) 23 F. 4th 951, they contend that this lack of discretion mandates the dismissal of COAs 1-4 against them.

Plaintiffs cite a number of cases in which courts have approved naming government officials who are tasked with enforcing allegedly illegal or unconstitutional laws. In *Serrano v. Priest* (1976) 18 Cal. 3d 728, 752 the California Supreme Court stated: "[I]t is the general and long-established rule that in actions for declaratory and injunctive relief challenging the constitutionality of state statutes, state officers with statewide administrative functions under the challenged statute are the proper parties defendant." Similar pronouncements are found in *McKay Jewelers v. Bowron* (1942) 19 Cal. 2d 595, 598-99 and *Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal. App. 3d 245, 263. Indeed, in both the *Welchen* and *Buffin* cases, the respective county sheriffs were named as defendants.

In their Reply, the County Defendants argue that no reported case has directly addressed this issue in the context of a challenge to cash-based bail prior to arraignment. While this may be true, the above-quoted principle set forth in *Serrano v. Priest* and other cases is applicable here given that Plaintiffs seek to enjoin enforcement of allegedly unconstitutional pre-arraignment practices.

C. Plaintiffs Have Adequately Alleged the Unconstitutionality of Cash-Based Pre-Arraignment Jailing

The County Defendants next argue that the statutory scheme of bail schedules set forth in Penal Code § 1269b "does not on its face violate the due process clause" (citing *People v. Accredited Sur. & Cas. Co.* (2021) 65 Cal. App. 5th 122, 130). They also allege that "California courts have consistently held that setting bail is important in ensuring the criminal defendant's attendance at court proceedings." (Demurrer p. 7) As to the California Supreme Court's holding in *In re Humphrey, supra*, the County Defendants contend that ruling is limited to *post*-arraignment bail which involves a different constitutional analysis.

The County Defendants' reliance on *People v. Accredited Surety, supra*, is misplaced. That case was decided in the context of determining rights surrounding the forfeiture of bail bonds and has no application to the constitutional principles being challenged in the present case. Indeed, as stated by the *Accredited Surety* court: "Stated another way, Surety's argument does not extend to cases where the amount of bail is set by the trial court and is subject to the principles set forth in *In re Humphrey, supra*, 11 Cal.5th 135, 276 Cal.Rptr.3d 232, 482 P.3d 1008." *Accredited Surety, supra* p. 129.

And although it is true that *In re Humphrey* was decided in the post-arraignment context, Plaintiffs allege that its principles are equally applicable to pre-arraignment. Importantly, the Supreme Court premised its analysis with the statement that "The common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional." *In re Humphrey, supra* p. 143. Applying strict scrutiny review to both due process and equal protection claims, the Court held that "pre-trial detention is impermissible unless no less restrictive conditions of release can adequately vindicate the state's compelling interests." *Id*. at pp. 151-152.

The FAC alleges that the policy of conditioning arrestees' pre-arraignment liberty on the payment of cash bail is not necessary to advancing any compelling interest, and that less restrictive alternatives that are at least equally effective in promoting public safety and court appearances exist. FAC ¶¶ 118-130. Based on these

allegations and because the County Defendants fail at the pleading stage to demonstrate that strict scrutiny analysis should not be applied to the application and enforcement of the pre-arraignment bail schedule, their demurrer on this basis is overruled.

IV. CAUSES OF ACTION BASED ON PROLONGED DETENTION

Plaintiffs' prolonged detention claims involve both statutory and constitutional components. COAs 5-7 allege that the failure to provide them with a prompt arraignment violates Penal Code §§ 825. 849 and 859. The FAC alleges that the arrestees must wait up to 6 calendar days to be arraigned and that the delays in not arraigning them sooner are "unnecessary." E.g., FAC ¶ 254. COAs 8-11 assert that the failure to provide arrestees with prompt bail hearings also violates state and federal due process requirements.

The County Defendants' demurrer focuses on Penal Code § 825 which provides in pertinent part that arrestees must be arraigned "without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays." They contend that under this statute any arraignment that occurs within the 48-hour window (or the extended period when the court is not in session) is permissible as a matter of law. In support of this position, they cite *People v. Johnson* (1978) 85 Cal. App. 3d 684. There the court found that an arrestee who alleged an unreasonable delay in arraignment without any facts in support of this allegation was properly arraigned within the 48-hour time limit: "Where a delay within the 48-hour period occurs *in order to evaluate a case* the delay is not unnecessary." *Id*. at 689 (emphasis added).

Contrary to Defendants' argument, the foregoing pronouncement does not mean that all arraignments that occur within 48 hours automatically comply with § 825. What it does mean is that a "case evaluation" that takes this long does not amount to unnecessary delay. Indeed, the California Supreme Court in *People v.*

Pettingill (1978) 21 Cal. 3d 231, 243 rejected the concept that a 48-hour delay always qualifies as "necessary": "Indeed, we have further stressed that section 825 does not authorize even a two-day detention in all cases, 'but, instead, places a limit upon what may be considered a necessary delay, *and a detention of less than two days, if unreasonable under the circumstances, is in violation of the statute*.' (*Dragna* v. *White* (1955) 45 Cal.2d 469, 473)." (emphasis added)

Plaintiffs contend throughout the FAC that § 825 is "systematically" violated by virtue of arrestees not being given a prompt arraignment "for two to three court days after arrest, even though such delay is not necessary." FAC ¶ 254. Plaintiffs likewise assert that the County has a "standard practice" of keeping arrestees jailed for "several days without arraignment" (FAC ¶ 136), and that this practice is unconstitutional. FAC ¶ 257. At the pleading stage, this is enough to set forth a valid claim.

The County Defendants' argument that § 825 only applies to arrests based on a warrant and that warrantless arrests must be evaluated under § 849 (which does not include a 48-hour outer limit) does not change this result. Section 849 also requires that arraignments take place without "unnecessary delay." The allegations of the FAC are sufficient to encompass both warrantless and warranted arrests based on the same theory of unnecessary delay regardless of the 48-hour limitation.

The County Defendants' points and authorities in support of their demurrer do not set forth separate arguments regarding the due process theories of COAs 8-11. Plaintiffs contend that the due process clauses of the state and federal constitutions are violated when arraignments are unnecessarily delayed. E.g., FAC ¶¶ 288-291. Plaintiffs allege that they have "a fundamental right to pretrial bodily liberty" (FAC ¶ 151), and that "[t]he delays are unnecessary and are not the least restrictive means available to the government to secure court attendance or ensure public safety." FAC ¶ 158. Because the County Defendants do not provide

any reasoned argument as to why this claim should not go forward, the demurrer fails.

V. THE ATTORNEY GENERAL IS NOT A NECESSARY PARTY

The County Defendants argue that the Attorney General is a necessary party inasmuch as Plaintiffs challenge the constitutionality of Penal Code § 825. In support of this argument these Defendants cite *Serrano v. Priest, supra* at p. 752 as follows: "[I]t is the general and long-established rule that in actions for declaratory and injunctive relief challenging the constitutionality of state statutes, state officers with statewide administrative functions under the challenged statute are the proper parties defendant."

This argument fails for two reasons. First, Plaintiffs disagree with the premise that they contend § 825 is unconstitutional. Indeed, they rely on the "without unnecessary delay" language of this statute throughout the FAC. Second, even if the constitutionality of § 825 was at issue, the statement in *Serrano* about "proper parties defendant" does not make the Attorney General a *necessary* party under the joinder standards of CCP § 389.

V. CONCLUSION

For all of the foregoing reasons, the County Defendants' demurrer to the FAC is overruled.

DEMURRER OF THE RIVERSIDE SUPERIOR COURT TO THE FAC

The demurrer of the Riverside Superior Court ("RSC") is OVERRULED. RSC shall file its answer by October 14, 2025.

RSC's unopposed Request for Judicial Notice (ROA 106) is GRANTED. Plaintiffs' Request for Judicial Notice (ROA 118) is DENIED as to Exhibit 1 and GRANTED as to Exhibits 2-8.

I. OVERVIEW OF FIRST AMENDED COMPLAINT (FAC)

Plaintiffs Oscar Melendres Sandoval et al.'s First Amended Complaint challenges Defendants' policy of pre-arraignment cash bail and the alleged practice of unnecessarily delaying a criminal defendant's arraignment for up to six days. Plaintiffs contend that application of the Riverside Superior Court's pre-arraignment bail schedule results in the jailing of many arrested individuals not because they are a danger to public safety or unlikely to appear for their arraignment, but because they are unable to pay the required bail amount. Citing *In re Humphrey* (2021) 11 Cal.5th 135, they assert that pretrial detention that depends on the wealth of the arrestee is unconstitutional under both the California and U.S. Constitutions. They also cite both constitutions, as well as various Penal Code provisions, in support of their claims based on unnecessary prolonged detention without a bail hearing.

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While the setting of bail generally is understood as a way to ensure that an arrestee appears in court, the California Constitution and Penal Code specify that the safety of the public and of crime victims are permissible - indeed, the primary - considerations in determining bail. (Cal. Const., art. I, § 28; Pen. Code, § 1275.) The California Constitution also provides that a person must be released on bail by sufficient sureties except in specified cases such as capital crimes and certain serious and/or violent felonies. (Cal. Const., art. I, § 12.)

Penal Code § 1269b(c) specifies that the Superior Court judges sitting in each California county create and adopt, on a yearly basis, bail schedules for all felony and misdemeanor criminal offenses for which bail may be posted. Among other things, § 1269b(f)(2) recognizes $0 bail as an "amount" of bail for certain arrests dealing with abortions. Penal Code §§ 1269c provides for raising or lowering scheduled bail in certain circumstances. Section 1270 describes considerations for releasing an arrestee on his or her own recognizance (OR), and § 1270.1 allows for adjusting bail or an OR release following a hearing before a magistrate or judge.

Penal Code § 825 (which is found in Chapter 4 of the Code entitled "The Warrant of Arrest") states: "Except as provided in paragraph (2) [dealing with times when the court in which the magistrate sits is not in session], the defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays." Penal Code § 849(a) (found in Chapter 5 dealing with Arrests) provides: "When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before the magistrate." Penal Code § 859 provides that a person charged with a felony shall be arraigned "without unnecessary delay."

III. GLOBAL ARGUMENTS

RSC makes several arguments that go to Plaintiffs' entire FAC.

A. *Ford* as a Complete Bar

RSC argues *Ford v. Superior Court* (1986) 188 Cal.App.3d 737 bars Plaintiffs' claims. The Court disagrees.

By way of background, *Ford* followed an earlier case, *Armstrong*, which involved documents pertaining to the Church of Scientology. The final judgment in *Armstrong* provided that any documents that had been admitted into evidence at trial, unless specifically sealed, would be released to the public. The plaintiffs in *Ford* were persons named in the documents. They filed a separate action seeking to enjoin the public release of the documents. (*Id.*, at pp. 739-740.)

The appellate court rejected the plaintiffs' effort. "The complaint states no cause of action. In reality, it seeks to have one department of the superior court review and restrain the judicial act of another department of the superior court. That cannot be done." (*Id.*, at p. 741.) "One department of the superior court cannot enjoin, restrain, or otherwise interfere with the judicial act of another department of the superior court." (*Id.*, at p. 742.)

Here, Plaintiffs challenge (1) RSC's pre-arraignment bail schedule and (2) an alleged practice of failing to conduct arraignments until the last statutory day possible, even if an arraignment could be conducted earlier. Neither of these is a "judicial" act like the final judgment at issue in *Ford*. As alleged, there is no application of judicial discretion to a particular set of facts and laws. Rather, the

bail schedule was created outside the context of any judicial proceeding pursuant to a statute requiring superior courts to set bail schedules. Similarly, RSC allegedly has a uniform common practice of holding arraignments on the last possible day—not as a matter of discretion in any individual arraignment, but uniformly in all cases.

Raju v. Superior Court (2023) 92 Cal.App.5th 1222 (rev. granted, S281001), explains why *Ford* is inapposite. (The California Supreme Court has allowed *Raju* to be cited for its persuasive value pending review. See 312 Cal.Rptr.3d 821 (Mem.).) In *Raju*, the plaintiffs challenged "courtwide decisions regarding allocation of judges, courtrooms, and other resources, as well as the creation and circulation to criminal departments of a 'script' to be utilized in resolving speedy trial motions in lieu of compliance with statutorily mandated procedural requirements." (*Raju*, *supra*, 92 Cal.App.5th at p. 1235.) This challenge would not "threaten to improperly upset individual, fact-specific, discretionary decisions on speedy trial motions (to continue a trial beyond its statutory 'last day' or to dismiss a case for failure show good cause for such continuance) in individual criminal cases, or to alter the well-established procedural and substantive rules governing such motions." (*Id.*, at p. 1236.) As a result, *Ford* was no bar to the plaintiffs' claims.

So too here. Plaintiffs expressly disclaim any challenge to individual bail decisions or the timing of individual arraignments. Their challenges are directed to alleged courtwide decisions and policies. At the demurrer stage, *Ford* does not bar their claims.

B. No Writ Relief Against RSC

Citing the well-established rule that mandamus will not lie to control an exercise of discretion (see, e.g., *Mooney v. Garcia* (2012) 207 Cal.App.4th 229), RSC argues the Court cannot issue writ relief in this matter. RSC recognizes a problem with

this argument: Plaintiffs have not sought writ relief against RSC. The writ claims are directed only at the County Defendants.

Anticipating this argument, RSC argues that when an injunction would be the functional equivalent of a writ of mandate, a claim for injunctive relief should be treated as a claim for writ relief. RSC cites *Association of Deputy District Attorneys for Los Angeles County v. Gascón* (Cal.Ct.App. 2022) 295 Cal.Rptr. 3d 1 in support of this proposition. RSC's argument is flawed for two reasons. First, the California Supreme Court ordered *Gascón* "not citable and nonprecedential." (*Association of Deputy District Attorneys for Los Angeles County v. Hochman* (Cal. 2025) 335 Cal.Rptr.3d 454 (Mem.).)

Second, even if *Gascón* were citable, RSC misreads it. In *Gascón*, the line prosecutors' union filed a petition for writ of mandate and complaint for declaratory and injunctive relief challenging District Attorney Gascón's new three strikes policy. The union sought, and was granted, a preliminary injunction. Gascón appealed. Discussing the standard of review, the appellate court explained: "Where the ultimate relief sought includes an injunction and a writ of mandate to compel an official to perform a legal duty, injunctive relief is 'identical in purpose and function to a writ of mandate.' . . . Therefore, as [the union] concedes is appropriate, we evaluate the trial court's order granting the preliminary injunction in light of the legal principles governing mandamus actions." (*Gascón*, *supra*, 295 Cal.Rptr.3d at p. 17.)

Gascón simply holds that when a complaint seeks both an injunction and mandamus, and a preliminary injunction is entered, an appellate court reviews the preliminary injunction in light of the principles governing mandamus review. It does not hold that when an injunction would be the equivalent of a writ of mandate, it should be treated as a writ of mandate. Furthermore, unlike *Gascón*, there are no mandamus claims against RSC in this action.

At the hearing on this motion, RSC argued that because the requested injunctive relief is functionally the equivalent of a writ of mandate, it should be treated similarly. While that argument has some appeal, there is no cited case law that precludes issuing an injunction against a superior court. Moreover, that is precisely the type of relief that was sought and deemed to be available in *Raju*.

That said, the Court has concerns as to the propriety/practicality of a judge of a superior court (even one, such as is the case here, sitting pursuant to a reciprocal agreement order) enjoining his/her own court. Assuming such an injunction is warranted, can the court order itself to do something? Can the trial judge hold his/her fellow judges in contempt if they fail to adhere to the injunction? Assuming the injunction requires RSC to come up with a revised bail schedule, does this Court have the authority to oversee the appropriateness of the schedule as to each listed Penal Code, etc. violation? If so, how is that accomplished? Because these issues are not addressed in the present motion, they need not be resolved now. However, they should be addressed in connection with the pending motion for a preliminary injunction. (See below.)

C. No Taxpayer Standing

RSC argues the Clergy Plaintiffs cannot bring taxpayer suits against a court because courts are not identified as a covered entity in CCP § 526a. "This argument is, frankly, specious. Although the statute 'on its face, only applies to towns, cities, counties, and cities and counties of the state,' our courts have 'consistently held that the statute is to be liberally construed' to also apply to state officials and agencies." (*Raju*, *supra*, 92 Cal.App.5th at p. 1237.) "That proposition, settled decades ago, remains true today." (*Ibid.*)

With respect to the argument that there is no specific authority allowing a taxpayer claim against a court or judge, the *Raju* opinion stated: "However, they have not pointed to any policy of Code of Civil Procedure section 526a, or

precedent construing it, that would warrant a judicially created exception to the well-established rule discussed above, simply because the case involves allegations of unlawful activity by a court or judicial officer." (*Ibid*.)

RSC objects that *Raju* is non-binding and wrongly decided. However, it may be cited for its persuasive value, and the Court finds its analysis persuasive. Furthermore, as the California Supreme Court has noted in dicta, "it has been held that state officers too may be sued under section 526a." (*Serrano v. Priest* (1971) 5 Cal.3d 584, 618 fn. 38.) RSC contends in reply that *Serrano*'s statement is mere dicta. "Even if properly characterized as dictum, statements of the Supreme Court should be considered persuasive." (*United Steelworkers of America v. Board of Education* (1984) 162 Cal.App.3d 823, 835.)

In short, taxpayer claims may be brought against RSC.

D. Jailed Plaintiff Standing

It appears the Jailed Plaintiffs have all been released from custody. RSC argues this deprives them of standing to sue. The Court disagrees for two reasons.

First, courts "'have discretion to decide otherwise moot cases presenting important issues that are capable of repetition yet tend to evade review. [Citation.] Questions involving release on bail especially tend to evade review." (*In re Webb* (2019) 7 Cal.5th 270, 273-274.) *Webb*'s analysis is equally persuasive as to the Jailed Plaintiffs' prolonged detention claims, as the delays at issue are only a few days long. Following *Webb*, the Court believes the questions presented in this case are proper for review even if technically moot as to the Jailed Plaintiffs.

Second, "[o]ne who invokes the judicial process does not have 'standing' if he, *or those whom he properly represents*, does not have a real interest in the ultimate adjudication because the actor *has neither suffered nor is about to suffer* any injury of sufficient magnitude reasonably to assure that all of the relevant facts and issues will be adequately presented." (*California Water & Tel. Co. v. Los Angeles County* (1967) 253 Ca.App.2d 16, 22-23 (emphasis added).) The Jailed Plaintiffs purport to represent classes of persons who are or will become subject to the policies and practices complained of. Thus, even if the Jailed Plaintiffs themselves are out of the woods, the classes they purport to represent are not. Furthermore, even if the Jailed Plaintiffs are not "about to suffer" the injuries complained of, they allegedly have "suffered" them. Together, these suffice to confer standing.

IV. BAIL-SPECIFIC ARGUMENTS

A. Inapplicability of *In re Humphrey*

RSC argues Plaintiffs' money bail claims are founded on *In re Humphrey* (2021) 11 Cal.5th 135, which arose in the post-arraignment setting. It argues *Humphrey* has no application to pre-arraignment bail schedules like the ones at issue here. As Plaintiffs point out, their claims are founded not simply on *Humphrey* itself, but on a long line of precedent considering whether a person can be jailed solely because of their inability to pay a fee (a fine, bail, etc.). *Humphrey* discusses that precedent in considerable detail. (See *id.*, at pp. 149-152.) Just as *Humphrey* applied that precedent in the post-arraignment setting, Plaintiffs contend that precedent should apply in the pre-arraignment setting.

Moreover, nothing in *Humphrey* suggests it is limited to the post-arraignment setting. The California Supreme Court wrote, "The common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional." (*Id.*, at p. 143.) Furthermore: "What we hold is that where a

financial condition is nonetheless necessary, the court must consider the arrestee's ability to pay the stated amount of bail — and may not effectively detain the arrestee 'solely because' the arrestee 'lacked the resources' to post bail." (*Ibid.*) Put more succinctly, arrestees have "crucial state and federal equal protection rights against wealth-based detention." (*Id.*, at p. 151.) Nowhere in *Humphrey* did the Supreme Court suggest pre-arraignment detention was exempt from these rules.

B. Attorney General as Necessary Party

RSC contends the Attorney General is a necessary party because Plaintiffs' money bail claims are challenges to the constitutionality of Penal Code §§ 1269b and 1270.1. Plaintiffs expressly disclaim any such challenges. The Court agrees they haven't brought one. While the bail schedules may have been adopted pursuant to § 1269b, a challenge to the schedules isn't a challenge to the statute itself. Rather, Plaintiffs allege that the manner in which RSC has chosen to comply with its duties under § 1269b violates arrestees' rights.

Shifting gears, RSC contends the statutes *require* money bail, so Plaintiffs' claims necessarily challenge their constitutionality. Such a construction violates the well-settled rule that courts "construe statutes when reasonable to avoid difficult constitutional issues." (*People v. McKee* (2010) 47 Cal.4th 1172, 1193.) For example, RSC argues § 1269b(g) requires secured money bail. This statute simply says: "Upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted." It says nothing about the amount of bail required. Indeed, as noted above, another portion of § 1269b expressly sets "zero-dollars ($0) bail" for certain abortion-related offenses. (Penal Code § 1269b(f)(2).)

Similarly, § 1270.1(a) provides in relevant part, "[B]efore a person who is arrested for any of the following crimes may be released on bail in an amount that is either

more or less than the amount contained in the schedule of bail for the offense, or may be released on the person's own recognizance, a hearing shall be held in open court before the magistrate or judge . . . .” RSC argues “an amount that is either more or less” forecloses the possibility of a schedule with zero bail, since it is impossible to set bail at less than zero. RSC also argues zero bail is the equivalent of OR release, which requires a hearing, meaning the schedule cannot impose zero bail as a default.

This construction is strained. If the schedule set bail at zero for certain offenses, a hearing would still be required for bail to be set higher, as the statute provides. Nor is zero bail necessarily the same as straight OR release. Any number of supervised conditions could be imposed together with zero bail. The California Supreme Court has recognized as much: “Other conditions of release — such as electronic monitoring, regular check-ins with a pretrial case manager, community housing or shelter, and drug and alcohol treatment — can in many cases protect public and victim safety as well as assure the arrestee's appearance at trial.” (*Humphrey*, *supra*, 11 Cal.5th at p. 143.)

RSC’s constructions of these statutes creates a constitutional issue where none would otherwise exist. Such constructions are to be avoided, and the Court will avoid them here.

Moreover, even if Plaintiffs had brought a constitutional challenge, the Attorney General wouldn’t be a necessary party. “[I]t is the general and long-established rule that in actions for declaratory and injunctive relief challenging the constitutionality of state statutes, state officers with statewide administrative functions under the challenged statute are the proper parties defendant.” (*Serrano v. Priest* (1976) 18 Cal.3d 728, 752 (rejecting argument that Governor and Legislature were necessary parties in challenge to constitutionality of school financing system).) The Attorney General is not charged with administering RSC’s bail schedules. RSC is. As a result, RSC is the proper party defendant.

V. PROLONGED DETENTION-SPECIFIC ARGUMENTS

Plaintiffs raise two sets of allegations relating to prolonged detention. First, they contend RSC holds arrestees longer than reasonably necessary before arraignment. It allegedly does so through a systematic practice of arraigning arrestees on the last statutorily permissible day, even though arraignments could reasonably be heard earlier. Second, they contend RSC unreasonably delays (and in effect often outright denies) bail adjustment hearings that would allow arrestees to seek lower bail than the scheduled amount.

As to arraignments, RSC argues that criminal proceedings cannot begin until the District Attorney files a complaint, and that by local court rule, arraignments are conducted at 1:30 p.m. the same court day the complaint is filed (assuming the complaint is filed by 11:00 a.m.). (See Super. Ct. Riverside County, Local Rules, rule 4030.) RSC points out that it has no control over when the District Attorney decides to file a complaint, and thus has no control over when arraignments occur. As a result, it argues it cannot be liable for claims arising from prolonged pre-arraignment detention.

This argument ignores the allegations of the complaint, which must be accepted as true on demurrer. As Plaintiffs point out in opposition, arraignments must be conducted before a magistrate (Cal. Const., art. I, § 14), and at least one magistrate must be on call "at all times when a court is not in session." (Penal Code § 810(a).) Despite the requirements for a magistrate to conduct arraignments and a magistrate to be on call outside of regular court hours, Plaintiffs allege RSC conducts no arraignments outside of regular court hours, specifically including the weekends. Furthermore, these delays are alleged to be a matter of standard practice, not any individualized facts. (See, e.g., FAC ¶ 144.)

In essence, Plaintiffs contend as follows: Suppose a case is ready for arraignment on Saturday. A magistrate must be available on Saturday by statute, but RSC

refuses to conduct arraignments on Saturday, instead holding the arrestee until Monday. On Plaintiffs' theory of the case, this is unconstitutional. Furthermore, RSC's refusal is independent of the District Attorney's timing. A complaint filed at 10:00 a.m. Friday will result in a Friday hearing, but a complaint filed at 3:00 p.m. Friday will result in a Monday hearing—and the choice not to conduct hearings on Saturday is RSC's alone. At the demurrer stage, this suffices to make out a cause of action.

As to unreasonably delayed bail hearings, Plaintiffs point out that the District Attorney has no role in their scheduling, unlike how arraignments are tied to the filing of a complaint. RSC offers no argument on this point, so it has either waived or forfeited any contention that the scheduling of bail hearings is beyond its control such that it cannot be liable for delays.

VI. CONCLUSION

For all of the foregoing reasons, RSC's demurrer to the FAC is overruled.

SCHEDULING OF PLAINTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION

Upon the filing of the initial Complaint in this matter, Plaintiffs also submitted an application for an Order to Show Cause for Preliminary Injunction. (ROA 3) Presumably, that application was submitted pursuant to CRC 3.1150(a) since the Defendants had not yet appeared. Now with Defendants having appeared, the Court will treat the Preliminary Injunction request as it would a noticed motion. The hearing on the motion will take place on December 19, 2025 at 10:00 a.m. If Plaintiffs wish to file any additional papers in support of this motion (including a formal notice of motion), they must do so by October 15, 2025. Among other things, Plaintiffs will need to file and serve a proposed preliminary injunction order. Any opposition to the preliminary injunction motion must be filed by

November 17, 2025. Any reply to the opposition must be filed by December 5, 2025.

REQUEST FOR A STAY AND LIMITS ON DISCOVERY

At the hearing, counsel for RSC orally requested that the Court stay the case against it in light of the Supreme Court's pending review of the *Raju* decision. Inasmuch as oral argument in that case has not yet been scheduled, the Court declines the request to stay this matter. In terms of discovery, Defendants requested a stay pending the preliminary injunction hearing. Since that motion pertains only to the causes of action regarding cash-based pre-arraignment jailing, the Court stays discovery related to the prolonged detention claims (COAs 5-11) through November 17, 2025 (the due date of Defendants' opposition to the preliminary injunction motion). There is no stay on discovery pertaining to the claims of cash-based pre-arraignment jailing (COAs 1-4).