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PREPARED BY COUNSEL  
FOR RESPONDENTS

**FILED**  
San Francisco County Superior Court  
**FEB 17 2026**  
CLERK OF THE COURT  
BY: [Signature]  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

**CALIFORNIA HOSPITAL  
ASSOCIATION,**

Petitioner,

v.

**OFFICE OF HEALTH CARE  
AFFORDABILITY, et al.**

Respondents.

Case No. CPF-25-519370

**[PROPOSED] ORDER SUSTAINING  
RESPONDENTS' DEMURRER TO  
PETITION FOR WRIT OF MANDATE;  
COMPLAINT FOR DECLARATORY  
RELIEF**

Date: February 13, 2026  
Time: 9:00 a.m.  
Dept: 302  
Judge: The Honorable Joseph M. Quinn  
Trial Date: Not Set  
Action Filed: October 15, 2025

1 Respondents Office of Health Care Affordability, Department of Health Access and  
2 Information, Health Care Accessibility Board and Elizabeth Landsberg's (collectively, "OHCA")  
3 demurrer to Petitioner California Hospital Association's petition for writ of mandate is  
4 SUSTAINED with leave to amend. .

5 Petitioner alleges two causes of action for writ of traditional mandamus and declaratory  
6 relief, alleging that Respondents failed to perform its obligations under the California Health Care  
7 Quality and Affordability Act (Health & Saf. Code <sup>§</sup> 127500 et seq.) <sup>Respondents demur</sup> ~~Respondent demurs~~ on the  
8 grounds that (1) Petitioner has no standing, and (2) Petitioner fails to allege abuse of discretion. ' <sup>JHA</sup>

9 The court takes judicial notice of Respondents' Exhibits A1-A5 (Regulations) under  
10 Evidence Code section 451, subdivision (b). The court takes judicial notice of Respondents'  
11 Exhibits B1-B5 and C1-C66 (Records of the Affordability Board of the Office of Health Care  
12 Affordability and Office of Healthcare Affordability) under Evidence Code section 452,  
13 subdivision (c). "Although the existence of a document may be judicially noticeable, the truth of  
14 statements contained in the document and its proper interpretation are not subject to judicial  
15 notice if those matters are reasonably disputable." (Fremont Indem. Co. v. Fremont Gen. Corp.  
16 (2007) 148 Cal.App.4th 97, 114.) . .

17 "A respondent may test the legal sufficiency of a petition for writ of mandate by demurrer."  
18 (Committee for Sound Water & Land Development v. City of Seaside (2022) 79 Cal.App.5th  
19 389, 399 ["City of Seaside"].) A demurrer does not admit or accept allegations in a complaint that  
20 are "contrary to law, or to facts of which a court may take judicial notice." (City of Atascadero v.  
21 Merrill Lynch, et al. (1998) 68 Cal.App.4th 445, 459.) While the Court must assume that all well  
22 pled facts in the complaint are true at this stage, it does not "assume the truth of contentions,  
23 deductions, or conclusions of fact or law." (City of Seaside, supra, 79 Cal.App.5th at p. 399.) ~

24 "A writ of mandate under Code of Civil Procedure section 1085 is a legal tool to compel a  
25 public agency to perform a legal, typically ministerial, duty." (California Privacy Protection  
26 Agency v. Superior Court (2024) 99 Cal.App.5th 705, 721, fn. omitted.) "A cause of action for  
27 traditional mandamus has two essential elements: (1) A clear, present and usually ministerial duty  
28 on the part of the respondent ...; and (2) a clear, present and beneficial right in the petitioner to the

1 performance of that duty.... These elements imply a third requirement, which is the respondent's  
2 ability to perform the duty... In addition, the petitioner must ordinarily show there is not a plain,  
3 speedy, and adequate remedy, in the ordinary course of law.” (Water Audit California v. Merced  
4 Irrigation Dist. (2025) 111 Cal.App.5th 1147, 1180 [citation simplified].) Courts review quasi-  
5 legislative actions to “determine whether the agency acted within the scope of its delegated  
6 authority, whether it employed fair procedures, and whether its action is arbitrary, capricious, or  
7 lacking in evidentiary support.” (State Water Resources Control Bd. v. Superior Court (2025) 115  
8 Cal.App.5th 734, 767.) .

9 For a writ of traditional mandate, a writ “must be issued upon the verified petition of the  
10 party beneficially interested.” (Code of Civil Procedure section 1086.) This means a petitioner  
11 must “have some special interest to be served or some particular right to be preserved or protected  
12 over and above the interest held in common with the public at large.” (California Dept of  
13 Consumer Affairs v. Super Ct. (2016) 245 Cal.App.4th 256, 262.) Finding a beneficial interest “is  
14 equivalent to the federal ‘injury in fact’ test” and accordingly, the petitioner must show “an  
15 invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or  
16 imminent.” (Limon v. Circle K Stores Inc. (2022) 84 Cal.App.5th 671, 696.) Thus, “beneficial  
17 interest” incorporates both conventional justiciability concepts of standing and ripeness. The  
18 standard is the same for an action seeking declaratory relief. (California Dept of Consumer  
19 Affairs, supra, at 261-262.) Public interest standing exists as an exception to the beneficial  
20 interest requirement when public policy supports a petitioner bringing an action to ensure the  
21 government complies with the law. (Ibid; Green v. Obledo (1981) 29 Cal.3d 126, 144.) Public  
22 interest standing applies when the agency’s duties are “sharp” (i.e., clear and well-defined) and  
23 the public need for enforcement is “weighty.” (Citizens for Amending Proposition L v. City of  
24 Pomona (2018) 28 Cal.App.5th 1159, 1174.)

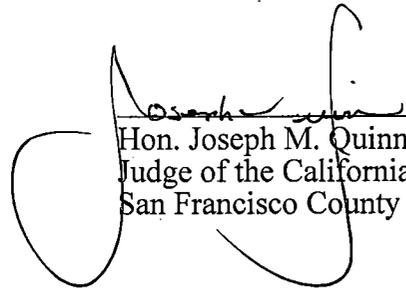
25 Here, Petitioner has not adequately pled a beneficial interest. Petitioner does not identify an  
26 injury in fact but instead merely identifies potential future injuries, admitting that “OHCA has not  
27 yet begun to enforce the cost targets.” (Petition <sup>RP</sup> 82.) Petitioner has not pled the invasion of a  
28 legally protected interest that is either concrete and particularized or actual or imminent. The

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1 court finds that all injury pled by Petitioner is hypothetical <sup>and conjectured</sup> at this point in time and therefore finds  
2 ~~has not alleged a beneficial interest justifying traditional mandamus,~~ that Petitioner ~~is not beneficially interested.~~ The court also declines to invoke public interest  
3 standing. Petitioner ~~does not plead facts~~ <sup>has pled demonstrating sharp duties and weighty public policy considerations</sup> ~~indicating that the public policy underlying this action,~~  
4 <sup>Supporting</sup> ~~supports~~ public interest standing. As such, the court sustains the demurrer on these grounds and  
5 grants Petitioner <sup>30</sup> ~~10~~ days' leave to amend to establish standing, 10 days running from notice of  
6 this order.

7 Given this finding, the court need not—and does not—reach the remainder of Respondents'  
8 challenges to the petition.

9 February 17, 2026

  
Hon. Joseph M. Quinn  
Judge of the California Superior Court  
San Francisco County

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