

DEPARTMENT 56 LAW AND MOTION RULINGS

DEPARTMENT 56 JUDGE HOLLY J. FUJIE, LAW AND MOTION RULINGS. The court makes every effort to post tentative rulings by 5.00 pm of the court day before the hearing. The tentative ruling will not become the final ruling until the hearing [see CRC 3.1308(a)(2)], and are also available in the courtroom on the day of the hearing [see CRC 3.1308(b)]. If the parties wish to submit on the tentative ruling and avoid a court appearance, all counsel must agree and choose which counsel will give notice. That counsel must 1) call Dept 56 by 8:30 a.m. on the day of the hearing (213/633-0656) and state that all parties will submit on the tentative ruling, and 2) serve notice of the ruling on all parties. If any party declines to submit on the tentative ruling, then no telephone call is necessary and all parties should appear at the hearing in person or by Court Call. Court reporters are not provided, and parties who want a record of motions and other proceedings must hire a privately retained certified court reporter.

Case Number: 25STCV07287 **Hearing Date:** January 22, 2026 **Dept:** 56

Gutierrez v. California Department of Justice

25STCV07287

Respondent's Motion to Reclassify Civil Case as Petition for Writ of Mandate

Tentative

The motion is granted.

Background

On March 14, 2025, Arturo Gutierrez (“Petitioner”) initiated this action by filing a document entitled, “Petition for Writ of Mandamus and Statutory Mandate.” The respondent identified on this document is the California Department of Justice (“Respondent”). On the Civil Case Cover Sheet (Form CM-010), Petitioner identified this case as a Writ of mandate.

On April 11, 2025, Respondent filed an answer.

On July 8, 2025, Respondent filed this motion to reclassify this matter from unlimited civil to a petition for writ of mandate. Petitioner filed an opposition on January 8, and Respondent filed a reply on January 14.

Discussion

Under the Local Rules of the Superior Court for the County of Los Angeles (“Local Rules”), rule 2.8, subject to certain exceptions that do not apply here, petitions for writs of mandate filed in the Central District are to be assigned to Department 82, 85, or 86, sometimes referred to as the “writs and receivers departments.”

This is a petition for a writ of mandate. Petitioner labelled it as such when he filed the petition. On the merits, the relief that Petitioner seeks – an order compelling Respondent to comply with its obligations under the California Public Records Act – is available through mandamus. Both parties agree that this action is a petition for a writ of mandate. (Mem., at p. 3; Opp. at p. 1.)

There has been no undue delay by Respondent. Respondent sought a stipulation from Petitioner in June 2025, but Petitioner did not agree. (Kook Decl., ¶¶ 4-9.) Respondent filed an ex parte application, but the application was denied on procedural grounds. (Kook Decl., ¶¶ 10-11.) Respondent then promptly filed this motion and reserved the second earliest hearing date (the earliest hearing date was December 23, when counsel was scheduled to be on vacation). (Kook Reply Decl., ¶¶ 3-5.)

The motion is granted.

Conclusion

The Court GRANTS the motion of Respondent California Department of Justice to reclassify this matter from unlimited civil to petition for writ of mandate.

The Court REFERS the matter to Department 1 for reassignment to one of the writs and receivers departments.

Moving party is ordered to give notice.
