

**SUPERIOR COURT OF CALIFORNIA,**

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - August 20, 2020

EVENT DATE: 08/21/2020

EVENT TIME: 09:00:00 AM

DEPT.: C-75

JUDICIAL OFFICER: Richard E. L. Strauss

CASE NO.: 37-2020-00027307-CU-WM-CTL

CASE TITLE: LEVENTHAL VS MALAND [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Writ of Mandate

EVENT TYPE: Hearing on Petition

CAUSAL DOCUMENT/DATE FILED: Petition - Subsequent Other, 08/13/2020

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Petitioner Joseph Leventhal's Petition for Writ of Mandate is granted.

Here, the court finds that Ms. Von Wilpert's use of term "prosecutor" is false and misleading. Ms. Von Wilpert is employed by the San Diego City Attorney's Office as a Deputy City Attorney. (Von Wilpert Dec. ¶3.) She has worked in the General Litigation Unit where she defended the City and the Affirmative Civil Litigation Unit where she prosecutes civil actions. (Von Wilpert Dec. ¶ 3, Ankcorn Dec. ¶5.) It is undisputed that Ms. Von Wilpert represents the City in civil litigation. While Ms. Von Wilpert's current position is prosecutorial in nature, the term "prosecutor" colloquially means criminal prosecutions. Defining her occupation as "prosecutor" is misleading because it implies criminal experience that Ms. Von Wilpert does not have. The fact that the term could be applied to plaintiff's counsel in civil litigation does not negate its common interpretation. Therefore, the petition for writ of mandate is granted.

The court will hear from Ms. Von Wilpert on an alternative designation.

All courtesy copies and lodgments of exhibits shall contain exhibit tabs. (Cal. Rules of Court, rule 3.1110(f).)