

**ENDORSED**

DEC 19 2018

Clerk of the Napa Superior Court  
By: Y. O'DONNELL  
Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA,  
COUNTY OF NAPA

SODA CANYON GROUP,

Petitioner,

vs.

COUNTY OF NAPA, et al.,

Respondents.

Case No.: 17CV001063

ORDER RE: THE JANUARY 11, 2019  
HEARING ON THE PETITION FOR WRIT  
OF MANDATE; MOTION TO AUGMENT  
THE ADMINISTRATIVE RECORD; AND  
MOTION FOR PEREMPTORY  
DISQUALIFICATION

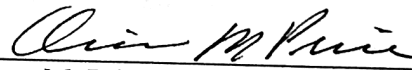
On September 20, 2017, petitioner Soda Canyon Group filed its verified petition for writ of mandate, which is set for hearing on January 11, 2019. On the same day, the Court also is set to hear petitioner's motion to augment the administrative record and its motion for peremptory disqualification of Judge Diane Price. As to these three matters, the Court orders as follows:

1. The hearing on the petition for writ of mandate is continued to March 1, 2019, at 2:00 p.m. in Dept. A with Judge Victoria Wood. The parties shall include hyperlinks to the administrative record in their briefs and tables. The parties also shall file a hard copy of any pages cited in the briefs. The parties shall file these materials on or before February 1, 2019. The Court notes petitioner already has complied with the latter requirement by filing a binder containing excerpts from the administrative record as cited in its briefs.
2. The motion to augment the administrative record shall remain on calendar for January 11, 2019, but will be heard by Judge Victoria Wood at 8:30 a.m. in Dept. A. A tentative ruling will be posted to the court's website.
3. The motion for peremptory disqualification of Judge Diane Price is improper and the hearing is vacated. On September 17, 2018, petitioner filed a motion for peremptory

disqualification of Judge Rodney G. Stone. On October 22, 2018, petitioner filed a withdrawal of its motion because Judge Stone was set to retire before the hearing on the merits in this case. Petitioner thereafter filed a second motion for peremptory challenge directed at Judge Diane Price. However, once made, a peremptory challenge may not be withdrawn. (*Stebbins v. White* (1987) 190 Cal.App.3d 769, 781; see *Louisiana-Pacific Corp. v. Philo Lumber Co.* (1985) 163 Cal.App.3d 1212, 1219, 1221 [stating the challenge “takes effect instantaneously and irrevocably” and that “once exercised, a peremptory challenge cannot be rescinded”].) Later events, such as a judge’s retirement, do not cause a rescission of the challenge.

Dated:

12/19/18



Diane M. Price, Judge