

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

DAVID FISHMAN,

Petitioner,

v.

SUPERIOR COURT FOR THE CITY AND

COUNTY OF SAN FRANCISCO,

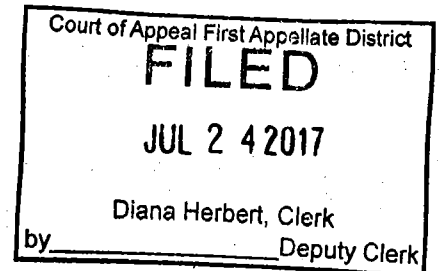
Respondent;

SUSAN FISHMAN,

Real Party in Interest.

A151684

San Francisco County No. FDI16785240



ALTERNATIVE WRIT OF MANDATE

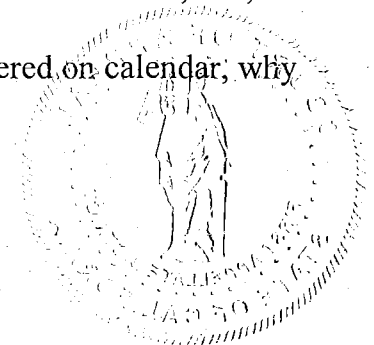
To the Superior Court of the State of California, in and for the City and County of San Francisco, Greetings:

The petition for writ of mandate on file herein having been considered and good cause appearing for the issuance of this alternative writ of mandate,

WE COMMAND YOU, forthwith upon receipt of this writ to either:

(a) Set aside and vacate your order of June 15, 2017 (filed June 16, 2017) denying petitioner's Code of Civil Procedure section 170.6 challenge of the Honorable Gail Dekreon, and enter a new and different order granting that challenge, in *Fishman v. Fishman*, San Francisco City and County Superior Court Case No. FDI16785240, OR;

(b) In the alternative, show cause before this court, when ordered on calendar, why a peremptory writ of mandate should not issue.



Respondent court shall make a decision whether to comply with the directive of paragraph (a) on or before August 15, 2017. If respondent court chooses to comply, the alternative writ will be discharged and the petition will be dismissed as moot. If respondent court instead elects to show cause, the matter will be heard when ordered on calendar. Petitioner shall inform this court by letter of respondent court's decision as soon as possible.

Witness the Honorable Barbara J. R. Jones, Presiding Justice of the Court of Appeal of the State of California, First Appellate District, Division Five.

Attest my hand and the Seal of this Court this 24th day of July, 2017.

DIANA HERBERT
Clerk of the Court

By: **A. Reasoner**
Annie Reasoner
Deputy Clerk

I, DIANA HERBERT, CLERK OF THE COURT OF APPEALS STATE OF CALIFORNIA, FIRST APPELLATE DISTRICT, DO HEREBY CERTIFY THAT THIS PRECEDING AND ANNEXED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

2.

WITNESS MY HAND AND THE SEAL OF THE COURT
THIS 24th DAY OF July 2017

DIANA HERBERT CLERK
BY Annie Reasoner DEPUTY