

Case #

IN THE SUPREME COURT OF
THE UNITED STATES

APPENDIX

PETITION FOR A WRIT OF
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FROM THE SUPREME COURT, CA

JULIA POWELL KELLER-MCINTYRE,
Appellant and Petitioner,

v.

STATE OF CALIFORNIA (Governor's
Office),
Defendant and Respondent

PETITION TO REVIEW
CA: Sup #598183, App #A166472, #S277638

SUPREME COURT
FILED

Court of Appeal, First Appellate District, Division Four - No. A166472 FEB 15 2023

Jorge Navarrete Clerk

S277638

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

JULIA POWELL KELLER-MCINTYRE, Plaintiff and Appellant,

v.

STATE OF CALIFORNIA, Defendant and Respondent.

The petition for review is denied.

GUERRERO

Chief Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

JULIA POWELL McINTYRE,

Plaintiff and Appellant,

v.

STATE OF CALIFORNIA,

Defendant and
Respondent.

A166472

(San Francisco County
Super. Ct. No.
CGC22598183)

Julia Powell McIntyre purports to appeal from an October 20, 2022, tentative decision that sustained with leave to amend a demurrer that respondent State of California had filed.

A fundamental principle of appellate practice is that only final judgments or orders are appealable, (*Mercury Interactive Corp. v. Klein* (2007) 158 Cal.App.4th 60, 75,) and a judgment or order is final when it terminates litigation between parties on the merits and leaves nothing to do but to enforce by execution what has been determined. (*Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 304.)

Applying that standard, it is clear the October 20, 2022, order is not a final determination of the underlying litigation. The order was a tentative decision, and even if a final order was filed subsequently, the order sustained respondent's demurrer with leave to amend. Since the order at issue did not terminate

the underling litigation it is not final. And because it is not final,
it is not appealable.

The appeal is dismissed.

Dated: 12/05/2022

Pollak, P.J. P.J.

1 state: its number, its nature and the party or parties to whom it is directed. (California Rule of
2 Court 2.112.) The complaint here does not meet even these most basic requirements.

3 Plaintiff is to file her amended complaint within the statutory period setforth in California
4 Rules of Court Rule 3.1320(g). *re on*

5 IT IS SO ORDERED.

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7 Dated: 11/18/22

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JUDGE OF THE SUPERIOR COURT
RICHARD ULMER

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12 SEE EXHIBIT "A" RE
13 COMPLIANCE WITH CRC 3.1312
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**Additional material
from this filing is
available in the
Clerk's Office.**