

SUPREME COURT
FILED

NOV 15 2023

Court of Appeal, First Appellate District, Division One - No. A168881

Jorge Navarrete Clerk

S282443

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

SUSMITA NAYAK, Petitioner,

v.

SUPERIOR COURT OF CONTRA COSTA COUNTY, Respondent;

RESOURCE PARTNERS, LLC, Real Party in Interest.

The petition for review and application for stay are denied.

GUERRERO

Chief Justice

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

RESOURCE PARTNERS, LLC,

Plaintiff and Respondent,
v.

SUSMITA NAYAK,
Defendant and Appellant.

A168825

(Contra Costa County
Super. Ct. No. MSC230019)

SUSMITA NAYAK,

Petitioner,
v.

THE SUPERIOR COURT OF
CONTRA COSTA COUNTY,

Respondent;

RESOURCE PARTNERS, LLC,
Real Party in Interest.

A168881

(Contra Costa County
Super. Ct. No. MSC230019)

In case No. A168825, appellant Susmita Nayak filed a notice of appeal from a trial court order issued in a limited civil case.¹ “Appeals in limited civil cases . . . are heard by the appellate division of the superior court. . . . Litigants in limited civil cases cannot appeal as a matter of right to the court of appeal.” (Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2023) ¶ 16:1, p 16-1.) Accordingly, the clerk of this court is directed to transfer the file in this matter to the clerk of the Appellate

¹ On our own motion, we take judicial notice of the trial court’s case summary classifying the matter as a “Limited Commercial Unlawful Detainer” and of the trial court’s September 6, 2023 notification of filing a notice of appeal stating the “case is classified as limited civil.” (Capitalization and italics omitted; see Evid. Code, §§ 452, subd. (d)(1), 459, subd. (a).)

Division of the Contra Costa County Superior Court for processing in that court. (Gov. Code, § 68915; *People v. Nickerson* (2005) 128 Cal.App.4th 33, 38.)

In case No. A168881, Nayak filed a petition for extraordinary writ of mandate and prohibition challenging the same order that is the subject of the appeal in case No. A168825. For the reasons stated above, the petition is ordered transferred to the Appellate Division of the Contra Costa County Superior Court.

Dated: 10/19/2023

Humes, A.P.J.

A. P. J.