## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## FIRST APPELLATE DISTRICT

## **DIVISION ONE**

PLIVA INC.,

Petitioner,

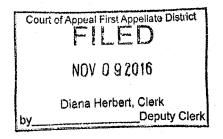
v.

THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN FRANCISCO,

Respondent;

JERRYANN MILLER,

Real Party in Interest.



A149468

(San Francisco County Super. Ct. Nos. JCCP4631 and CGC12525630 )

## BY THE COURT:

The petition for writ of mandate and/or prohibition or other appropriate relief is denied. Petitioner fails to show that the superior court erred in concluding petitioner waived any objection to service of process by making a general appearance. (Code Civ. Proc., § 410.50, subd. (a) ["A general appearance by a party is equivalent to personal service of summons on such party."].)

Petitioner filed demurrers challenging the superior court's subject matter jurisdiction and filed a motion to strike. (Code Civ. Proc., §§ 418.10, subd. (e)(3), 1014; Roy v. Superior Court (2005) 127 Cal.App.4th 337, 344; Janzen v. Workers' Comp. Appeals Bd. (1997) 61 Cal.App.4th 109, 116; accord, Raps v. Raps (1942) 20 Cal.2d 382, 384; Smith v. Smith (1950) 120 Cal.App.2d 474, 482-483.) Petitioner also agreed to the jurisdictional provision of Case Management Order No. 1, participated in drafting case management orders, and benefitted from the fact sheet process. (Factor Health Management v. Superior Court (2005) 132 Cal.App.4th 246, 251; Mansour v. Superior Court (1995) 38 Cal.App.4th 1750, 1757.) Furthermore, petitioner sought writ review of

the denial of its *Mensing* demurrer. (Case No. A135804; see *Leone v. Medical Board* (2000) 22 Cal.4th 660, 666; *Powers v. City of Richmond* (1995) 10 Cal.4th 85, 92; *Taylor v. Superior Court* (1928) 93 Cal.App. 445, 447.)

Petitioner also fails to show that the superior court violated its due process rights. (Fireman's Fund Ins. Co. v. Sparks Construction, Inc. (2004) 114 Cal.App.4th 1135, 1147-1148.) Petitioner's equitable estoppel argument was not preserved for writ review. (Palmer v. Superior Court (2014) 231 Cal.App.4th 1214, 1236-1237; Medical Bd. of California v. Superior Court (1991) 227 Cal.App.3d 1458, 1462.)

The court notes the current petition raises many of the same arguments petitioner advanced in case Nos. A145555 and A145560. For that additional reason, the petition is denied. (See *Hagan v. Superior Court* (1962) 57 Cal.2d 767, 770-771 ["in the orderly administration of justice, and in support of a sound judicial policy, a court, in the absence of unusual or changed circumstances, neither of which is here present, is justified, in its discretion, in refusing to consider repetitive applications of the same petition"], disapproved on other grounds, *Kowis v. Howard* (1992) 3 Cal.4th 888, 895-901.)

|       | A1601 6 11 3015 | HUMES, P.J. |
|-------|-----------------|-------------|
| Date: | NOV 0 9 2016    | P.J         |

Before: Humes, P.J., Margulies, J., and Banke, J.