

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SARA SANCHEZ,

Petitioner,

v.

THE SUPERIOR COURT OF ORANGE
COUNTY,

Respondent;

TERRY IRVING et al.,

Real Parties in Interest.

G061382

(Super. Ct. No. 30-2018-01031017)

O R D E R

THE COURT:*

Petitioner filed a petition for writ of mandate and/or prohibition, or other appropriate relief, and a request for an immediate stay, on May 12, 2022. The petition challenged respondent court's March 23, 2022, order granting real party in interest's motion to compel a mental examination of petitioner. This court stayed all trial court proceedings on May 16, 2022. Real party in interest Terry Irving filed preliminary opposition on May 31, 2022. Petitioner filed a reply brief on June 10, 2022.

GOOD CAUSE APPEARING, respondent court is hereby ordered to:

(1) set aside and vacate the challenged order, and enter a new order denying the motion to compel a mental examination of petitioner;

Or, in the alternative,

(2) SHOW CAUSE before this court why a peremptory writ of mandate should not issue.

If respondent court is considering compliance with alternative (1) above, it should provide notice and an opportunity to be heard to the parties before changing its order. (See *Brown, Winfield & Canzoneri, Inc. v. Superior Court* (2010) 47 Cal.4th 1233.) Any hearing held pursuant to alternative (1) should offer the parties the opportunity to file additional declarations or other evidentiary submissions to address the arguments raised in these writ proceedings. If respondent court chooses to comply with alternative (1) above, it shall notify this court within 60 days of the date of this order and provide a copy of its order complying with the directives in alternative (1).

If respondent court chooses not to comply with alternative (1), real parties in interest may file a return within 90 days of this order. Petitioner may file a formal reply within 30 days of the filing of the return. Upon completion of briefing, the clerk of this court is DIRECTED to transmit an argument request letter to the parties. If argument is requested or otherwise ordered by this court, the clerk of this court is DIRECTED to place the matter on the first available calendar.

O'LEARY, P. J.

* Before O'Leary, P.J., Bedsworth, J., and Marks, J.**

**Judge of the Orange County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.