

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

COURT OF APPEAL – SECOND DIST.

DIVISION ONE

FILED

Jul 08, 2021

DANIEL P. POTTER, Clerk

Jose Zelaya Deputy Clerk

MICHAEL ABE,

B311606

Petitioner,

(Super. Ct. L.A. County  
No. 19STCV33114)

v.

(STEVEN J. KLEIFIELD, Judge)

THE SUPERIOR COURT OF THE  
COUNTY OF LOS ANGELES,

ALTERNATIVE WRIT  
OF MANDATE

Respondent;

AFCH, INC., et al.,

Real Parties in Interest.

TO THE SUPERIOR COURT:

Good cause appearing therefor, you are hereby required either to:

(a) Vacate that part of the February 11, 2021 order denying petitioner leave to amend the claims in petitioner's cross-complaint and issue a new and different order granting leave to amend the fifth cause of action for promissory fraud and sixth cause of action for common law fraud in petitioner's cross-complaint, or

(b) In the alternative,

SHOW CAUSE before this court in its courtroom at 300 South Spring Street, Third Floor, Los Angeles, California, at a time and date to be determined, why a peremptory writ of mandate ordering you to do so should not issue.

If respondent court complies with alternative (a), then a copy of the minute order showing compliance shall be filed with this court on or before August 4, 2021.

This alternative writ of mandate applies solely to petitioner's request for leave to amend his cross-complaint to attempt to cure the defects in the specified fraud-related causes of action. In all other respects, the petition for writ of mandate is denied.

By order of this Court.

WITNESS THE HONORABLE HELEN I. BENDIX,  
Acting Presiding Justice of Division One of the Court of Appeal  
of the State of California, Second Appellate District.



ATTEST my hand and the seal of this court this 8th day of July 2021.

DANIEL P. POTTER, Clerk

By \_\_\_\_\_  
Deputy Clerk